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The evidential weight of considered moral judgments

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THE EVIDENTIAL WEIGHT OF CONSIDERED MORAL JUDGMENTS

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Christopher Michael Cloos

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THE EVIDENTIAL WEIGHT OF CONSIDERED MORAL JUDGMENTS

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ABSTRACT

THE EVIDENTIAL WEIGHT OF CONSIDERED MORAL JUDGMENTS

by Christopher Michael Cloos

The input objection to reflective equilibrium (RE) claims that the method fails as a

method of moral justification. According to the objection, considered moral judgments

(CMJs) are not truth-conducive. Because the method uses inputs that are not credible, the

method does not generate justified moral beliefs. The objection is solved by

reinterpreting RE using contemporary developments in ethical intuitionism. The first half

of the thesis sets up the input objection, explores potential responses to the objection, and

uncovers the best way to solve the objection. The second half of the thesis solves the

input objection by defining key terms, detailing the revised RE procedure, reinserting the

notion of a competent moral judge into the method, using intuitionist criteria for

identifying genuine moral intuitions, creating three filters capable of sorting good from

bad CMJs, and showing how it is possible to assign evidential weight to CMJs so that

they can be used as standards against which moral principles can be measured and a

justified moral theory realized.

ACKNOWLEDGEMENTS

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1. INTRODUCTION

1.1 BACKGROUND AND BIG PICTURE

Reflective equilibrium (RE) remains a prominent way of thinking about moral

justification. However, many moral theorists mention RE in their work without actually

analyzing the method itself. Many theorists are not aware of the current state of the

literature. RE has been shown to be defective. To cite one example, Daniel Bonevac

(2004) has shown that as a decision procedure RE fails to reach a final equilibrium state

where beliefs are fully justified. As a consequence of Bonevac's paper RE must be

revised if it is to remain viable. Bonevac somewhat develops a pragmatic/intuitionist

version of RE, yet he never fully develops such a version of the method.[1]

Historically, RE has been tweaked in response to a fundamental objection to the

method known as the *no credibility objection* or the *input objection*.[2] According to this

objection the inputs of the process must be initially credible if the outputs of the process

are to consist of justified beliefs. Norman Daniels extended RE from its pure-Rawlsian

interpretation in order to answer Richard Brandt's formulation of the input objection.

Brandt (1979) became an RE-eliminativist by opting for a rational, desire-based moral

epistemology. Brandt did this in response to his own criticism of the Rawlsian version of

RE. Brandt's accusation amounted to pointing out that Rawls' method had intuitionism

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[1] Cf. Brink 1989: 103. In fairness, it could be argued against Bonevac that he has misunderstood the
notion of coherence and justification in RE. That RE fails as a decision procedure comes as no surprise
because there is no decision procedure for determining the explanatory power of beliefs. Such a move,
however, makes RE succeed or fail in relation to the notion of coherence. There is reason to move away
from a pure coherentist interpretation of RE, as I will shown later.
[2] I cast the input objection in terms of the search for credible inputs. Though there are many input
problems one could raise against RE I take the search for credibility to be the preeminent input problem.
As a result, I use *the input objection* and *the no-credibility objection* interchangeably.

in its starting points. Daniels addressed this concern by elaborating the notion of *wide-*RE, which posited foundations without foundationalism. Daniels' wide-RE reinforced the traditional interpretation of RE as a method consisting of coherentism, constructivism, and conservatism (CCC). Another theorist who provided a well-developed interpretation of RE was Michael DePaul (1993). He created *radical*-RE in response to problems he perceived with Daniels' embrace of conservatism. It is interesting to note that none of these responses to the input objection met the objection head-on. These responses side-stepped the problem and introduced a host of new problems into the method. The important point is this: how one responds to the input objection determines the type of interpretation of RE one formulates and advocates.

In this thesis, I will formulate a post-Rawlsian version of RE that embraces the input objection and answers it head-on. Instead of clinging to a (CCC) interpretation of RE I will revise RE in the direction of foundationalism and moral realism by using moderate ethical intuitionism to establish the credibility of the inputs.[3] Recent developments in the literature on intuitionism make this a viable move. Many RE-proponents have rejected positing special foundations. This is because such foundations were equated with *strong* foundations. In contrast, moderate intuitionism employs fallible foundations. Rawls himself was not against positing special foundations. In certain places in *A Theory of Justice* he refers to the starting points of RE as epistemically privileged. There are further motivations for moving away from a coherentist interpretation of RE.

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[3] Minimally, ethical intuitionism holds that some moral truths can be known without inference. According to this view there are basic (non-inferential) moral beliefs. Such a view is committed to cognitivism (i.e., that there are moral propositions), and typically, though not exclusively, the view is combined with moral realism and ethical non-naturalism.

Two reasons to move away from coherentism are that it is no longer the dominant theory of justification and truth in epistemology, and technical results in formal epistemology have shown that pure coherentism is not truth-conducive. Regarding the former, Rawls was writing at a time when Goodman and Quine made holistic epistemology fashionable. Rawls himself seemed under the sway of holistic methodology as he moved from a more foundationalist approach to moral epistemology (in 1951) to a more coherentist approach (in 1971).[4] Even Laurence BonJour who was once a leading proponent of coherentism has now embraced foundationalism.[5] Yet, a shifting of the proverbial winds is not a sufficient reason for moving away from a coherentist picture. There are also technical results that show that coherentism is not truth-conducive. Most of my discussion of RE will not focus on the structural aspects of the method (e.g., the basing relation), though architectural questions will surface throughout the thesis. I will largely embrace foundationalism without providing a detailed defense of foundationalism per se.[6] That being said, I recognize that there is more work to be done after this project in defending RE from common objections to moderate foundationalism. There is, however, an immediate objection to my approach that arises.

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[4] See Pust 2000: 14-22.
[5] For evidence of this shift compare BonJour 1976 with BonJour 1999.
[6] I will also largely assume that foundationalism is committed to some form of moral realism and coherentism is committed to some form of constructivism. Though this may be the standard case, it is not without exception (e.g., see Brink 1989 for a defense of coherentism and moral realism). The version of intuitionism I endorse escapes many of Brink's objections because Brink construes intuitionism as a traditional foundationalist version of moral realism. I, however, adopt a contemporary version of foundationalism that is modest about the strength of the foundations.

One might wonder whether my solution to the input objection is too obvious. If the input objection to RE questions the initial credibility of the inputs, and I simply posit special foundations, which are by definition initially credible, then it seems my solution to the input objection is not a substantive solution. Surely not all theorists before me could have missed such an obvious solution. More specifically, Brandt's objection accused coherentism of intuitionism. An objector might balk: all you are claiming is that intuitionism rather than coherentism is true, so saying that intuitionism is true does not establish why coherentism cannot be accused of intuitionism. It appears that I am positing too easy of a solution and missing answering Brandt's objection directly.

Looking closer at Brandt's objection, it is not an argument against Rawls' coherentism that accuses Rawls of adopting intuitionist-style foundations. If this were the case, this objection would be problematic because RE's input data (i.e., considered judgments), as understood by Rawls, are not compatible with intuitionism's starting points, which according to Brandt requires indefeasible foundations. The input data on any viable interpretation of RE is revisable and not strongly foundational. Instead, Brandt was requesting that the input data, *however that data is conceived*, be of the sort that could support the weight of justification. Brandt was requesting better epistemic foundations for an ethical theory than the kind Rawls had posited. Brandt's objection could be seen either as requesting something more foundational, though not indefeasible, or requesting a refinement of the coherentist picture; otherwise, the output of the process would not achieve the objective of the method—justifying a moral theory.

Most theorists have either misinterpreted the input objection and simply reinforced the point that considered judgments are not strongly foundational (i.e., fixed data points), or they have sought to bolster the starting points under a coherentist scheme by re-interpreting RE so that considered judgments have some *prima facie* (i.e., initial) credibility and further worries about the judgments' credibility vanish due to the vast revision pressure brought to bear against them. It is telling that no one has opted to directly answer the objection by establishing considered judgments as proper foundations for justifying a moral theory. This move has not been attempted because it is only within the last decade that the theoretical apparatus needed for such a move has been credibly established.

My solution to the input objection may seem obvious, but it is far from easy. It may seem obvious that if considered moral judgments (CMJs) are special foundations then they are credible and the input objection does not hold water. The difficulty, then, is formulating the story of their reliability. Even Daniels recognized the need for such a project, "To be sure, it would be good if we could supply a philosophically satisfactory set of credentials for the reliability of considered judgments."[7] Instead of directly addressing why CMJs can be assigned justificatory weight (i.e., granted epistemic status) Daniels opted to use the judgments in a beneficial way. His solution to the objection is methodological. It does not establish the credibility of the CMJs themselves. It is my contention that assuming that appeal to CMJs is unavoidable and that they can be used constructively does not go far enough to explain why they are best suited to be starting

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[7] Daniels 1996: 6.

points and something against which we should test other aspects of our belief system. Given this consideration, solving the input objection involves formulating an analysis of the reliability of CMJs. What is the story we can tell about why these judgments are reliable or worthy elements in a theory of moral justification? One has to tell how these foundations get their unique epistemic value and how they avoid common traps to good reasoning, such as social bias, personal prejudice and wishful thinking.

1.2 OVERVIEW OF THE METHOD

In this section, I will situate RE within theoretical rationality, outline the typical formulation of RE, and highlight how the method gives rise to the input objection.

Reflective equilibrium is a method of moral justification. The focus of RE is theoretical rationality. That is, RE seeks to justify moral theories—comprised of moral beliefs and principles—to gain a more accurate picture of right and wrong. This endeavor can be contrasted with practical rationality, whereby the focus is on actions that one might undertake to satisfy desires. Though RE might be concerned with moral actions it is not used to determine what it is right to do in a given case. It need not be the case that one actually does RE. What matters is that RE can be done throughout deep historical time, not that it can be done in a particular case. One might wonder, "Why attempt to justify a moral theory thorough a process that no one actually does?"[8] The importance of studying RE is that it is a theory that has been used to justify certain moves in moral and political philosophy. Whether RE is *in principle* possible (or theoretically viable) sheds light on the use of the method to justify conceptions of justice and moral

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[8] I thank Anand Vaidya for pressing me on this point.

issues (e.g., perspectives on euthanasia and biotechnology).[9] RE is also important

because it involves an attempt to manage and discover new moral principles. Though

one might not be able to carry out RE pragmatically, something like the RE process does

describe a great deal of moral theorizing. Gilbert Harman has regarded RE as one of the

top three trends in moral and political philosophy because trying to find moral principles

to account for moral intuitions can lead to new discoveries.[10] Analyzing whether RE is a

theoretically rational method for justifying moral theories calls into question a great deal

of philosophical practice. Now I will explain the method.

The RE process begins with a set of initial judgments. These judgments seem

correct upon reflection. They include judgments made at all levels of generality—from

judgments about particular cases to judgments about abstract general principles. These

judgments are filtered to eliminate judgments made under conditions unfavorable to the

exercise of undistorted cognitive functioning. This eliminates judgments made in a state

of emotional duress, incomplete knowledge of relevant facts, or excessive concern with

one's own self-interest. Judgments that survive this filtering process are termed

considered moral judgments (CMJs). In the next stage, moral principles are formulated

that systematize (i.e., account for) the CMJs. The goal is to achieve a coherent package

of beliefs.[11] Where there is inconsistency between principles and CMJs one works from

both ends, as needed, revising judgments and principles until one achieves a state of

narrow-RE whereby judgments and principles are consistent. Progressing from narrow to

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[9] Rawls 1971, Daniels 1996, St. John 2007.
[10] Harman 2003.
[11] I often use the term 'belief' as a general term that covers the three types of beliefs in one's belief-set
(i.e., CMJs, principles, and background theories). Nothing important hinges on this convention. When I
use 'belief' as technical term I will notify the reader of this more precise locution.

wide-RE one considers background theories. Background theories are comprised of

moral and nonmoral judgments about the nature of persons, the role of morality in

society, and so on. Background theories place the judgments and principles in one's

belief-set under different moral conceptions, which serve as arguments for or against

one's working moral theory. One continues ironing out inconsistencies and revising the

CMJs, principles and background theories until a maximally coherent belief-set is

achieved. This set consists of an ordered triple of CMJs, moral principles, and

background theories. When one arrives at this state one has reached wide-RE. Beliefs

that reach wide-RE are fully justified in light of being members of the maximally

coherent belief-set.

RE gives rise to the input objection because CMJs are used as data points against

which other beliefs are tested and revised throughout the procedure. Fit with CMJs is

considered a good thing. It seems reasonable to think that moral theories are better when

they accord with credible moral judgments.[12] RE is a method of moral epistemology that

exploits this intuition. Moral theories, which are comprised of moral principles, are

brought into a state of mutual support with CMJs (or moral intuitions).[13] However, many

critics of RE have argued that moral intuitions are not fit to serve as evidence for or

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[12] This point is made by Hooker 2002. There are a couple of ways to understand why the fittingness relation between theories and credible judgments benefits theories. If the judgments are credible, then fit with those judgments corroborates or confirms the theories to a certain degree. Fit with credible data points increases the justification (i.e., grounds or support) for the theories. Another way to understand this point is in terms of data coverage. In general, if theory A better accounts for the data when compared to theory B, then A is to be preferred over B. Fittingness delivers justificatory goodness because fit with credible data increases the likelihood of the correctness of the theory.

[13] I will follow precedence set within the literature and use 'considered moral judgments' and 'moral intuitions' interchangeably (Lemos 1986: 504; Lenman 2007: 63-64). However, CMJs are rightly understood to be a species of moral intuitions, as considered judgments are intuitions that have survived a filtering process.

against moral principles.[14] It is argued that testing moral principles against CMJs will never lead to justification because CMJs possess no evidential weight.[15] This is a problem for normative ethics because, "Reflective equilibrium remains the usual way that philosophers think about the vexed status of intuition in normative ethics."[16] A potential response to this problem is to be an eliminativist and exclude from RE any special class of CMJs. However, RE is incompatible with this move.[17] Instead, I will argue that moral intuitions derived from certain ideal conditions and cognitive competences can justify moral principles. In arguing for this conclusion I will consider objections against CMJs and refine and develop the requisite conditions and competences.

1.3 WHY BOTHER WITH REFLECTIVE EQUILIBRIUM?

Reflective equilibrium is often regarded as a natural way to think about justification in moral theorizing.[18] Despite the initial attractiveness of RE the method is riddled with problems. These issues include, but are not limited to, those identified in the table on the next page.

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[14] See, e.g., Hare 1973; Singer 1974: 494, 516; 2005: 344-346; Lyons 1989: 146-147; Brandt 1979: 16-23; Brandt 1990; Copp 1984: 160-161; Little 1984: 384-385; Sencerz 1986; Timmons 1990: 107.

[15] Commonly called the *no credibility objection* (see Daniels 2003) various critics have used a variety of terms for what considered judgments lack: probative force, evidential value, and evidential force. I adopt 'evidential weight' to cover all such references out of conceptual simplicity and technical feasibility. That is, 'weight' readily lends itself to technical (i.e., probabilistic) conceptualization.

[16] Appiah 2008: 78. This topic is also of relevance to epistemology, as experimental philosophers claim it is illegitimate to appeal to intuitions as evidence (e.g., Swain, et al. 2008).

[17] Scanlon 2003: 151. Scanlon's example is that RE is incompatible with the idea, "that 'intuitions' about what is just or unjust in particular cases should not be given any weight in justifying general principles but must be derived from them."

[18] RE is "natural" because it formalizes the common sense notion that one's belief system is in flux, consistency between beliefs is a good thing, and that beliefs must be revised in light of new beliefs.

Table 1: Problematic Components of Reflective Equilibrium

Problematic Component	Problematic Domain
Considered Moral Judgments	No Credibility (evidential value), Justificatory Role (pragmatic vs. epistemic), Underdetermination of Principles and Theory, Indexing Confidence, Specification of Filtering Conditions, Calibration.
Revision Procedure	Path Dependence (order of addressing discrepancies), Intuitive Judgment, Open Problems in Belief Revision, Degrees of Justification (vulnerability to revision), Nonmonotonicity.
Final (Resultant) Equilibrium State	Inexhaustibility (beliefs outstrip representation in final form or theory), Indeterminacy, Undecidability (halting problem).
Versions of the Method	Narrow vs. Wide, Conservative vs. Radical, Domain-dependent Appropriations (bioethics, epistemology, morality, mathematics, etc.).
Method in General	Disagreement, Conservatism, Emptiness, Architecture (coherentism), Classification of Elements (judgments, principles, background theories, and constraints), Competent Judge (characteristics required for a viable inquirer), Begging the Question Against the Moral Skeptic.

Given the problems associated with reflective equilibrium the question becomes, as

Michael DePaul tersely wonders, "Why bother with reflective equilibrium?"[19] DePaul's

answer to this question is that other methods of philosophical inquiry are irrational

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[19] DePaul 1998.

because they involve either abandoning reflection, leaving out of reflection certain beliefs

or not allowing the results of inquiry to inform what one believes. DePaul provides a

negative argument in support of RE because he does not think RE can be positively

defended as a method that will act as a reliable guide to truth or produce justified beliefs.

Instead, he imposes a rationality criterion and holds that all other approaches are

irrational. This move requires DePaul to defend RE by arguing that rationality is the

primary value that ought to guide moral inquiry and that all other approaches to moral

epistemology are irrational.[20] Until DePaul defends rationality as the primary value of

inquiry, which is a huge undertaking, it is reasonable to assume that inquiry should be

structured around the traditional goals of aiming at truth and achieving justification.[21]

For now I will set aside the question of truth and focus on justification. What is

justification?

In its epistemic form justification seeks to answer the question, "Under what

conditions is a subject *S* epistemically justified in believing a proposition that *p*?"

Generally speaking, epistemologists answer this question in one of two ways: the

conditions are internal or external to the subject. As an example of internalism, Earl

Conee and Richard Feldman argue that one is justified only if one's doxastic attitude (i.e.,

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[20] Ibid: 307. About the primacy of rationality to inquiry DePaul confesses, "the truth is that I am not at all sure what to say."

[21] To be sure, the rationality of RE and irrationality of alternatives is an attractive feature of RE, but it is not likely to convince an RE-skeptic who wants to know whether a positive account of RE can be formulated to defend its use in pursuing the epistemic goals of forming beliefs that are true and justified. Granted, the epistemic value of truth and justification are contested. However, if moral inquiry does not in some minimal sense involve truth and justification, then one has already assumed a particular version of inquiry (e.g., moral skepticism) which is incompatible with RE. Thus, one has begged the question against RE as a valid method of inquiry.

attitude of belief), which meets certain conditions, fits a body of evidence.[22] As an example of externalism, Alvin Goldman holds a belief is justified if and only if it is the product of a reliable belief forming mechanism.[23] What unites these epistemologists is that they are seeking to explain justification in relation to knowledge. Traditionally, justification is what gets added to true belief to yield knowledge.[24] Epistemic justification is connected with the goal of truth. Believing true beliefs and not believing false beliefs can be viewed as the primary epistemic goal in the pursuit of knowledge.[25] Epistemic justification is crucial to achieving this goal because it involves providing reasons for our beliefs in relation to what is true.

Moral justification can also be understood in relation to truth.[26] In fact, the input objection is centered around a truth claim: without CMJs being credible (i.e., true to some degree) one may only end up with a coherent package of false beliefs. A belief is reliable if it is truth-conducive or able to evidence truth. Solving the input objection involves showing that CMJs are reliable. If CMJs are reliable indicators of the truth of their contents, then they will be good inputs and tend to generate justified outputs. The difference between epistemic and moral justification is in the content of the beliefs. Moral beliefs evidence truth in relation to moral factors (e.g., justice, care, moral sentiments, promise keeping, and the good and the right). This makes moral justification related to epistemic justification, but moral justification cannot be completely subsumed

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[22] Conee and Feldman 2004.
[23] Goldman 2008.
[24] Cf. Williamson 2000.
[25] It is an open debate whether truth is the primary epistemic goal (e.g., Steup and Sosa 2005: Ch. 10). I only claim that it is possible to view it as such.
[26] Cf. Freeman 2007: 31.

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under epistemic justification because the propositions will evidence different content and different truths. With these considerations in place it is natural to ask, "In what way is RE a method of moral justification?"

T.M. Scanlon claims that justification can be understood with regard to beliefs or with regard to persons. In the first sense, principles or judgments can be justified by being supported by sufficient reasons. In the second sense, a person can be justified in holding the beliefs within her belief system, but it may remain an open question whether the beliefs within her system are justified. As Scanlon explains:

> A person may be justified in accepting a principle if it accounts for his or her considered judgments in reflective equilibrium and the person has no reason to modify or abandon these judgments. But it does not follow that this *principle* is justified. Whether it is or not will depend on the status of these considered judgments.[27]

A person can be justified in accepting a principle into her belief-set without the principle itself being justified. A principle's justification stems from the status of the CMJs it is connected to.[28] This highlights the importance of the current project of establishing the evidential weight of CMJs. If a principle is tested against a CMJ that possess no *prima facie* credibility, then the principle is not necessarily justified even though the person may be justified in holding the principle. To circumvent this problem one must either (i) establish that the justification of beliefs and persons change in concert, or (ii) establish the initial credibility of CMJs. The better option is (ii) because it is

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[27] Scanlon 2003: 140.
[28] One may also wonder at what time a belief becomes justified. Are beliefs only justified once they are in the final state of equilibrium? Or, does justification come in degrees? These are important questions but a bit premature and would take us too far afield at this point. I will argue in a later section that my reformulation of RE allows for degrees of justification, which circumvents criticisms that tie justification to the achievement of a final equilibrium state (e.g., Bonevac 2004).

possible for beliefs and persons to come apart when it comes to justification (e.g., a person might be justified in holding her beliefs but her beliefs might not be justified). Thus, without establishing (ii) RE is not a method capable of justifying moral beliefs.

A generous skeptic could grant that RE *might* be a method of moral justification, yet she could rightly press, "What's the upshot of this undertaking? Why bother finding a method to justify moral beliefs?" To reply to such a skeptic I turn to Rawls.

There are three assumptions that underlie taking a broadly Rawlsian approach to the justification of moral beliefs.[29] The *fallibility assumption* holds that moral theories are not perfect or infallible. There is no assurance that a presently accepted moral theory will not, at some point, be supplanted by another theory that better explains the relevant data. The best a moral theorist can do is to search for the theory that best explains the moral data (i.e., the CMJs) at hand. In this way, moral theory is akin to science in terms of theory change. The *practicality assumption* eschews any attempt to restrict moral justification to the meta-domain. Moral theories are not solely accountable to higher order meta-beliefs concerning the nature of justification but must also be made consistent with first-order claims about justice, civil disobedience, discrimination, fairness, and so on. Moral theory must deal with substantive moral issues and cannot retreat to the meta-domain or ignore practical interests. The *applicability assumption* claims that despite the reality that most people do not have a formal system of moral beliefs, but rather a group of beliefs loosely held together with logical relationships, there is great value in attempting to formalize moral beliefs. Making CMJs consistent with basic regulative

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[29] Harris 1974: 137-138.

principles can lead to the solution of new moral dilemmas. As one tries to formulate

principles, the application of which would lead to the considered judgments at hand, one

is equipped with regulative principles that can be applied to further moral problems. I

endorse all three assumptions as reasons to "bother" with RE, although I do not defend

the assumptions here.[30]

1.4 WHAT TYPE OF JUSTIFICATION DOES RE OFFER?

As previously mentioned, option (i) for establishing the evidential weight of CMJs

holds that the justification of beliefs and persons changes in concert (i.e., when a belief is

justified a person is justified in holding the belief, and vice versa). By contrast, the input

objection is an example of how beliefs and persons can come apart in justification. The

input objection plays on the difference between a *person* being justified in holding a

belief and a *belief* being justified. This can be illustrated by way of an argument:

1. Subject *S* can be justified in accepting principle *q* as long as *q* accords with *S's*
   CMJs in reflective equilibrium. (premise)
2. The justification of *q* depends on the *prima facie* credibility (not the mere
   believability) of the CMJs that support *q*. (premise)
3. When *S* is justified in accepting *q* it does not necessarily follow that *q* is
   justified.[31] (1, 2 Conj)
4. CMJs cannot be established to be *prima facie* credible. (input objection)
5. Thus, *q* cannot be justified. (2, 4 MT)

The outcome of the argument above is that RE cannot justify principles and theories.

My thesis can be viewed as a denial of premise 4 so that RE can justify beliefs. The

argument above claims RE cannot justify beliefs when beliefs and persons come apart in

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[30] I do not, however, endorse the specifics of the moral commitments that Rawls thinks we have. For example, Rawls' commitment to the substantive principle that, "it is fair to submit people to principles they themselves would have chosen" (Little 1984: 374).
[31] The justification of principles is something extra that must be established in relation to CMJs.

justification. When proponents of RE respond to the input objection by focusing on how

people can justify CMJs—without the proponents establishing the *prima facie* credibility

of CMJs—they fail to directly respond to the input objection. This position is commonly

put forward as person-centered credibility (PCC):

> (PCC) Considered judgments are initially credible because they are the judgments
> that *persons* affirm upon reflection under ideal conditions.[32]

PCC implies that *we* establish the initial credibility of CMJs by making the

judgments under ideal conditions (i.e., that *we* hold the beliefs with confidence gives

them credibility). Such a move is often made to resist CMJs being foundations of some

stripe yet to affirm CMJs being initially credible. An assumption underlying (PCC) is

that credible persons will tend to select credible beliefs. However, the process through

which credibility is passed from persons to beliefs must be explained and defended. In

defending this claim one will need to argue that persons and beliefs do not come apart in

justification. This requires arguing against premise 3 by negating either premise 1 or

premise 2. Negating premise 1 requires claiming a belief can be accepted for some

reason other than whether it fits with other beliefs (i.e., CMJs). Taking this approach

moves the theorist in a foundationalist direction, which moves the theorist away from RE

as traditionally formulated. Negating premise 2 requires claiming that the justification of

beliefs does not depend on credibility being injected into the process from the start. I will

argue against this "wait and see" approach to justification later. For now I will mention

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[32] As typically understood on an RE model, these conditions could be physically instantiated by one being
in a situation of emotional equanimity, sobriety, full knowledge of relevant facts, and possessing sufficient
intelligence to be able to understand the concepts and issues about which one is making a judgment. The
upshot of ideal conditions is that they are conditions conducive to good judgment making and by inference
conditions conducive to capturing the moral facts.

that the justification of a principle does depend on whether or not the standard against which it is assessed is *to some degree* credible. Claiming that a CMJ is *prima facie* credible is claiming that it is credible to some degree and that the CMJ is capable of serving as a standard against which principles can be justified. In the end, negating premise 2 is merely affirming premise 4—claiming that CMJs are not *prima facie* credible. So, this response is not a response to the input objection but an affirmation of it. Finally, directly negating premise 3 begs the question against the argument by holding that beliefs and persons cannot come apart during justification when it is often the case that they do come apart and the argument is merely playing on this fact. It is possible that *we* can be justified in accepting a principle even though the *principle* is not justified.[33] Similarly, we can be justified in accepting a CMJ even though the CMJ is not credible because, for instance, other factors undercut the justificatory force of the judgment. Such factors we might not be, nor could we be expected to be, aware of no matter how reasonable and impartial we are.[34]

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[33] This distinction could be upheld by borrowing a distinction from epistemic justification: deontological justification versus perspectival internalism (Pappas 2005). If justification is a deontological concept, then it is a matter of fulfilling one's intellectual duties. A scientist, for example, has a duty to follow the evidence where it leads and not cling to propositions incompatible with a hypothesis due to emotional, political or religious attachments. The scientist would be justified in holding the belief if she lived up to her intellectual duties. However, whether or not the belief in question is a justifier or is itself justified is a separate, though perhaps interrelated, issue. One could fulfill one's intellectual duties but fail to possess a justified belief as a result. The deontological concept of justification is a thesis about the term "justified" and this may not have an impact on what the justifiers turn out to be. In contrast, perspectival internalism is a thesis about what type of beliefs count as justifiers for other beliefs; namely, only justified beliefs can justify beliefs. This is a thesis concerning beliefs, not a thesis concerning whether the person has conducted herself in such a way that she is "justified" in the beliefs she possesses. Similarly, a person could be justified in accepting a principle without the principle thereby being justified.

[34] One could stipulate omniscience or perfect impartiality to the notion of ideal inquirers, but it is not clear these provisions would apply to persons as such.

Two considerations emerge from this discussion: (1) if one wants to rest the credibility of CMJs on persons one must argue that persons and beliefs do not come apart during justification (i.e., where you have a person justified in holding a belief you also have a justified belief), or (2) one must argue directly for the credibility of beliefs (i.e., even if persons and beliefs come apart during justification you can still have justified principles because the judgments on which they are ground are credible). Consideration (2) is the only viable way to directly respond to the input objection. It can be accomplished by negating premise 4 by showing that CMJs can be established as *prima facie* credible.[35] An upshot of arguing for consideration (2) is that I will be able to make sense of RE being a *deliberative* method of moral justification.

There is a difference between a *descriptive* versus a *deliberative* interpretation of RE.[36] This distinction concerns what the method is aimed at regarding justification. On a *descriptive* interpretation RE aims at capturing the moral beliefs of a person or group of people. On a *deliberative* interpretation RE aims at deciding what is correct to believe about moral matters. The former interpretation is descriptive and the latter interpretation is prescriptive or normative.

Each interpretation lends itself to a different interpretation of how ideal conditions are functioning during the filtration of initial judgments to make up the set of CMJs. For the descriptive interpretation judgments one is confident in under ideal conditions best

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[35] Though the history of the debate over the credibility of CMJs has centered around *prima facie* credibility (i.e., credibility on a first pass), my solution to the input objection will be stronger—something in the neighborhood of *secunda facie* credibility (i.e., credibility after a thoroughgoing process of reflection and filtration). As an upshot, establishing *secunda facie* credibility allows me to capture *prima facie* credibility as a consequence. For most of this thesis, however, I will keep with standard convention and only discuss *prima facie* credibility.
[36] Scanlon 2003: 142-148.

express one's ability to make moral judgments. The conditions accept judgments that represent this capacity well and reject judgments that tend not to represent this faculty well. For the deliberative interpretation the ideal conditions function to get at what is correct and avoid what is unreliable. Judgments made while ill-informed of the facts or under emotional duress will tend not to correctly reflect moral matters because they will tend to reflect performance errors, personal biases and cultural conditioning; whereas, judgments made under ideal conditions will tend to, "state those things that seem to us most clearly to be true about moral matters if anything is, and that unless there is some ground for doubting them it is reasonable to grant them initial credibility (leaving open the possibility that they may be revised or rejected later in the process)."[37] I agree with Scanlon that the deliberative interpretation of RE is the primary interpretation of the method. Under the deliberative interpretation CMJs evidence what seems true about moral matters and because of this they are initially credible. In seeking to establish CMJs as *prima facie* credible one is seeking to establish the primary goal of RE as a method of justification. Seeking the truth and evidential weight of CMJs allows one to answer the input objection, which requires that the CMJs are, "initially credible—and not merely initially believed—for some reason other than their coherence, say, because they state facts of observation."[38] Thus, answering the input objection directly aligns with the correct interpretation of RE's ability to produce justified beliefs.

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[37] Ibid: 145.
[38] Brandt 1979: 20.

2. THE INPUT OBJECTION

2.1 CMJs POSSESS NO EVIDENTIAL WEIGHT

In this section I will briefly explain the input objection, present different ways of responding to the objection, and showcase some of the dialectic on the objection in an attempt to gain clarity about what is at stake in the debate.

Broadly speaking, the input objection can be captured by the following claim: CMJs possess no evidential weight because of reason R. The main placeholder for R is the charge that CMJs are purely subjective. That is, CMJs do not possess sufficient distance from an inquirer's other beliefs or the beliefs of the inquirer's culture. This subjectivity charge is a request for greater objectivity, and it can be understood in terms of theory-ladenness. CMJs are subjective because they are determined by one's educational training, childhood development and cultural norms. Instead of being responsive to the moral facts in a given case, it is alleged that CMJs are inappropriately responsive to contingent factors. Because CMJs do not possess sufficient objectivity they are not fit to serve as evidence for or against moral principles or theories. Now I will make sense of the claim that CMJs possess no *evidential weight*.

Evidence is a standard against which claims can be measured or justified. Evidence that supports a theory confirms that theory, and evidence that tells against a theory disconfirms that theory. Any piece of evidence can confirm or disconfirm a theory to a greater or lesser degree. Weight, roughly speaking, is the degree to which a piece of evidence can confirm or disconfirm a theory. In RE, the evidence in question is a CMJ. If, for example, CMJ x is weightier than CMJ y, then x has a greater ability than y to serve

as evidence for or against a moral principle, or a set of moral principles, comprising a moral theory. When a claim is made against CMJs that they do not possess evidential weight this means they are not suited to be a standards against which moral theories can be assessed. This claim is typically taken to be totalizing in that CMJs possess *no* evidential weight. Proponents of RE often respond to this claim by showing that CMJs possess *some* evidential weight, even if the precise weight possessed cannot be formulated.[39] David Brink illustrates this tendency:

> All I claim is that considered moral beliefs have initial credibility. I do not claim they enjoy maximum initial credibility; such a claim is not necessary in order to claim that coherence with considered moral beliefs is evidential. If we can show that moral beliefs with some initial credibility cohere with other beliefs, including beliefs of still greater initial credibility, we have reason to accept those moral beliefs and others that they support.[40]

To adequately respond to the input objection it is important to show how CMJs possess enough evidential weight to be used as justifiers in the RE process. Showing that CMJs possess *some* evidential weight is not an adequate response to the subjectivity charge because merely consistent CMJs could possess *prima facie* evidential value yet fail to be objective or responsive to the moral facts. If the source of those CMJs is distorted, then the CMJs will not possess enough evidential weight to produce adequate justification.[41] This means that answering the subjectivity charge must screen CMJs for not only consistency but also for judgments that stem from corrupt sources. Such a move

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[39] Because 'weight' is used metaphorically a further problem is determining how much weight a CMJ must possess to serve as evidence for or against a theory. Is there a minimum threshold or are all RE-proponents committed to an "anything above zero" understanding of weight? There is a further problem with 'weight' used as metaphor: does weight reside in the belief or in the inquirer? Does a belief possess weight or is weight an attraction to a belief that resides in the propositional attitude of the inquirer?

[40] Brink 1989: 139.

[41] I owe this point to feedback I received from Anand Vaidya.

not only captures *prima facie* evidential weight but also moves CMJs into the arena of *secunda facie* evidential weight (i.e., evidential value resulting from surviving a thoroughgoing process of reflection and filtration).

2.2 WAYS TO ESTABLISH THE CREDIBILITY OF CMJS

There are three general ways one could try to establish the credibility of CMJs. The first move is to show that CMJs are non-inferential foundations. The second move is to establish an analogy with observation reports. The third move is to use CMJs in a useful way without telling the story of the credibility of moral intuitions *per se*, instead just showing how CMJs play a vital role in RE methodology. I will focus on the last move in a forthcoming section entitled "the methodological response." In the rest of this section I will look at the non-inferential foundation move and the observation report move. Looking at the dialectic on these moves it becomes clearer what is at stake and what option remains viable for establishing the evidential weight of CMJs.

Establishing CMJs as non-inferential foundations is one way to solve the input objection. The requirement that CMJs be credible might be the requirement that at least some CMJs be non-inferentially justified. This response to the input objection stems from viewing the objection as positing that intuitionism, as a version of foundationalism, is true rather than coherentism. Brink considers this response and claims that it makes RE take-on all objections to foundationalism as a general theory of the structure of justification.[42] Brink argues foundationalism is untenable in all its versions, so establishing CMJs as non-inferential foundations is not a viable option. Brink saddles

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[42] Brink 1989.

intuitionism with *strong* foundationalism and concludes non-inferential foundations are incompatible with RE, which is a method that allows for the revisability of beliefs in an effort to generate coherence. In contrast, contemporary intuitionists need not be strong foundationalists. Weak or modest foundations can be used within a framework that also employs coherentism to increase the justification of the belief-set. Brink's response to the charge of intuitionism involves reinforcing RE's coherentism. For Brink, if CMJs were intuitionistic moral judgments they would be self-justifying, but CMJs are ultimately justified through coherence with other beliefs, so they are not self-justifying or a product of intuitionism. Brink's move does not work because a contemporary intuitionist like Robert Audi allows intuitionistic moral judgments to have evidential grounds of justification. Audi clarifies this by saying:

> I have already explained how intuitive moral judgments may have evidential grounds and, even though non-inferential, may be defended by inferences in many cases where a need for justification arises.[43]

So, it is not the case that intuitionism means moral judgments are purely self-justifying. Although *at some time* non-inferential moral judgments must have been justified without being inferred from premises, *at a later time*, and as part of a body of beliefs, they can receive support from other propositions. Thus, establishing CMJs as non-inferential foundations is still a viable move for solving the input objection because such foundations can be incorporated into a belief system in a way that allows them to

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[43] Audi 2008: 490.

serve as foundational justifiers *and* receive support from inferential connections with other beliefs.[44]

Another way to solve the input objection is to consider an analogy between moral intuitions and observation reports. Daniels notices that Brandt's version of the input objection gains greatest plausibility when CMJs are compared with observation reports in empirical science.[45] This is because putting these entities side-by-side it becomes apparent that there is a causal story to tell about the reliability of observations, but there is not an analogous story to tell about the reliability of moral judgments. Due to this contrast in reliability, initial credibility can be assigned to observation reports but not to moral judgments. To combat this reading of the input objection Daniels claims that the analogy between moral intuitions and observation reports generates only a pseudo-objection. Moral concepts, like rightness and wrongness, are not basic properties of moral states of affairs, whereas observational properties are basic properties of causal states of affairs. So, observation statements play a different role in the story we tell about causal reliability than moral judgments do in the story we tell about moral reliability. Daniels concludes that moral judgments *do* function differently than observation reports, so an objection that points out that they *do* function differently is not a genuine objection against moral judgments. In effect, Daniels explains away the input objection without

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[44] I understand 'non-inferential' to mean judgments that are not ultimately justified by inference from other beliefs. Though non-inferential judgments can be strengthened by receiving support from other beliefs their justification is independent from the support they receive from other beliefs (Cf. Streumer 2007). If non-inferential judgments are regarded as strongly foundational, then such judgments cannot have their degree of justification increased by their connection with other beliefs. The justification of strongly foundational judgments is solely determined by non-doxastic sources. Such beliefs would be incompatible with RE because *mutual support* is a key feature of RE.
[45] Daniels 1979: 269-273.

directly arguing against the disanalogy between observation reports and moral intuitions. Claiming that the analogy generates a pseudo-objection leaves open a move in the dialectic whereby a theorist can argue directly for the disanalogy as a way to sustain the input objection. Such an approach is taken by Daniel Little.

Little argues for the disanalogy between observation reports and CMJs, and he concludes that this disanalogy is a bad thing.[46] Little does this by providing three reasons why the disanalogy generates an asymmetry in the credibility of observation reports and CMJs. First, according to Little, the causal basis of perception allows us to think that observations are largely correct.[47] The origins of moral judgments are, by contrast, not as likely to be correct because, "accidents of familial, religious, and educational experience seem to have a major influence on the particular constellation of beliefs which eventually express our moral competence."[48] Second, considered moral judgments involve greater reflection and are more likely than observation reports to be theory-laden. Considered judgments are arrived at by weighing relevant facts and principles, so the judgments are more likely to reflect the background theories of the inquirer. Third, "Whereas observation reports serve to validate or refute empirical theories, concrete moral judgments are themselves often validated or refuted by appeal to more general moral theories."[49] Moral judgments require justification from moral theories more frequently than they justify moral theories, whereas observation reports frequently serve to justify

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[46] Little 1984: 377-379.
[47] A counter-example to this point was raised by Anand Vaidya. Speaking literally, all observation reports are false because they report on space as if it is Euclidean, yet we live in a non-Euclidean space. This is one way to press Little's unexamined faith in the veridicality of observation reports.
[48] Little 1984: 378-379.
[49] Ibid: 379.

empirical theories. Little's reasons in support of the disanalogy drives home the input objection more forcefully.[50]

Even though Little has provided reasons to think that the disanalogy between observation reports and CMJs is problematic for RE, it is informative to return to why Daniels thought the disanalogy was unproblematic for RE. Looking at a response to Daniels sets-up the move I am going to endorse for establishing the credibility of CMJs.

Daniels attempts to turn a liability into an asset. That is, Daniels tries to turn a reason RE lacks objectivity (i.e., theory-ladenness) into a source of credibility for the method. Background theories might prove an independent check on the acceptance of moral principles and judgments. The theory-ladenness of CMJs results from being unaware how background theories, largely shaped by cultural indoctrination, control the judgments that are formed. Daniels requires the inquirer to not only reflect on her favored background theories but also to reflect on competing background theories. By doing this Daniels introduces some degree of independent support for principles and judgments and requires the inquirer to be more aware of how theories are controlling her reasoning. Considering a wide range of competing theories is thought to provide a justificatory gain over a more narrow approach that only systematizes the beliefs the inquirer already subscribes to. Such inter-theoretical support is thought to provide traction in cases of moral disagreement. Inquirers can point to an independent theory and

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[50] These points reinforce the importance of my thesis to normative theory. If CMJs are epistemically inferior to observation reports because they lack the reliability of perceptual reports, then there is not much reason to place credibility in CMJs because it cannot be shown by analogy that they are largely correct. Observation reports can serve as a credible empirical check against physical theories, but moral judgments cannot serve as a credible check against moral theories. Moral judgments, at most, can describe our moral competency, but they cannot prescribe what is morally correct. As a result, moral inquiry that relies on CMJs falls into the realm of anthropological moral psychology, but it does not fall under the realm of normative moral theory.

debate the theory instead of going in circles about moral disputes, which to cite one

example—the abortion debate—often endlessly cycle without achieving consensus.

Little raises a problem with Daniels' approach: it merely shifts the problem of credibility

to the background theories. What constitutes the independent grounds on which the

background theories can be established as credible? Little makes this problem clear using

the case of Smith and Jones:

> **Smith and Jones**. Consider discussants Smith and Jones who disagree over moral theories T and T'. Suppose T and T' are equally consistent with all considered judgments shared by Smith and Jones, so both discussants may continue to hold their distinct views without inconsistency. But when we introduce philosophical theory P which Smith and Jones both accept, it may emerge that P supports T and is inconsistent with T'. In this case Smith and Jones must come to agree on the correctness of T on pain of inconsistency. Thus appeal to background philosophical theories may permit us to achieve consensus over a moral theory; but (unless we have independent reasons for believing these theories to be correct) such an appeal does not increase the rational warrant we may attach to the moral theory.[51]

The Smith and Jones case implies that consensus is purchased without a gain in the

warrant of moral theories. It simply shifts the credibility question to the philosophical

background theories. However, the history of philosophy shows that establishing the

credibility of a philosophical theory is far from a conclusive matter or a matter that lends

itself to conclusive independent credibility.[52] Philosophical theories frequently reflect

theoretical commitments instead of objective facts. It seems that *wide*-RE only justifies

moral theories to the degree that inquirers share the philosophical theories appealed to in

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[51] Little 1984: 382.
[52] Some philosophical theories can be checked against the results of scientific experiments. Psychological experiments can inform philosophical theories, but I agree with Timothy Williamson that the best way to formulate philosophical theories is from the armchair. This does not mean, however, that all philosophy must be done from the armchair (see Williamson 2007: 6-8).

the argument. This is at best a lateral move in terms of justificatory strength. Little

completes his analysis by deepening the distinction between ethics and science when it

comes to coherentist epistemology.

For Little the objectivity of theory is determined, in part, by the independence of the

evidence supporting the theory. Observation reports are more objective than moral

judgments because perception is independent from background theory. CMJs and

philosophical theories are not independent controls on moral theory. CMJs emanate from

one's background theory and philosophical theories only increase rational warrant to the

degree that there are independent reasons to think the theories are correct. This means

that moral theory and science are not equally objective; thus, they have different

epistemic standing. Little summarizes his findings by restating the input objection and

drawing out the relativistic implications of his conclusion:

> There is thus a crucial disanalogy between the two areas: empirical theory is
> constrained by evidence which is in a rough and ready sense independent of the
> theoretical conclusions we eventually arrive at, whereas moral deliberation is not.
> But if there is no class of beliefs which have an antecedent credibility independent
> of their relations to other statements, then how does *any* epistemic warrant enter
> the system of moral deliberation? We must conclude that the method of reflective
> deliberation provides only a very weak scheme of justification; it depends heavily
> and unavoidably on the particular considered judgments and background beliefs
> with which we begin, and these are themselves unjustified. The most this process
> can do is to bring to the surface the principles which underlie the moral practices
> of the existing community, and subject those practices to a limited form of
> rational criticism.[53]

The dialectic between Daniels and Little reinforces the move I am going to make in

arguing for the credibility of CMJs: establishing them as non-inferential foundations. No

matter how sophisticated the RE procedure becomes by incorporating in background

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[53] Little 1984: 384-385.

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theories one cannot escape the input objection if the starting points are not credible. In the preceding quote Little requests a set of beliefs that possess "an antecedent credibility independent of their relations to other statements" so that justification enters the belief system. Though it is possible to argue against the input objection by establishing symmetry between observation reports and CMJs the best option for solving the objection is to establish CMJs as non-inferential foundations. This is the option I endorse. Before providing a positive account of this solution I will look at the third option for solving the input objection: holding that CMJs are credible because they play a vital methodological role.

3.   THE METHODOLOGICAL RESPONSE

3.1 KEY DISTINCTIONS

In this section I will draw a distinction between the *methodological role* versus the *epistemic status* of moral intuitions or CMJs. I also will frame the input objection more succinctly. First, let me reframe the input objection using a different distinction.

Mark Nelson draws a distinction between a strong and weak version of the input objection.[54] The *strong version* holds that one has a positive reason to think moral intuitions are false. This version of the objection falls under the category of a *tainted well argument*. If you place a well on a nuclear waste dumping site it will tend to yield water contaminated with radionuclindes or other elements of radioactive waste. A defect in the origin of the water will tend to yield bad water. The same might be said of moral

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[54] Nelson 1999: 70-72.

intuitions: if there is a defect in the origin of moral intuitions, then they will tend to be false.[55] Peter Singer puts forward a strong version of the input objection when he considers that many moral convictions derive from, "discarded religious systems, from warped views of sex and bodily functions, or from customs necessary for survival of the group in social and economic circumstances that now lie in the distant past."[56] Holding that intuitions are tainted sources of justification—likely to be false—yields a strong conclusion. According to Singer, "it would be best to forget all about our particular moral judgments."[57] There is reason to avoid such a strong statement.

Nelson mentions four points a *tainted well argument* must establish.[58] First, such an argument must explain why CMJs are likely to be false because of their nature and origin. Second, the explanation of the falsity of CMJs must be the best explanation of this phenomenon, not simply a possible explanation of why CMJs are false. Third, the explanation needs to apply to all CMJs, not just certain types of CMJs. Fourth, tainted well arguments must show that the defects in the nature and origin of CMJs systematically resists correction; otherwise, recognizing that some concepts, theories and cognitive faculties can taint CMJs is compatible with designing a filter to only allow good CMJs to pass through to the next stage. This does not make arguing for a strong interpretation of the input objection impossible, but it does make it a less attractive

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[55] This interpretation of the input objection captures the intuitive idea of 'garbage in, garbage out'. If the CMJs that start the process and hold the process in-check are not credible, then the output will tend to be non-credible or tainted.

[56] Singer 1974: 516.

[57] Ibid. This conclusion could be seen to motivate Singer's utilitarianism, as he holds it is better to search for self-evident moral axioms instead of mucking around with considered judgments. It is interesting to note, however, that CMJs contain judgments at all levels of generality. So, the highly general principle of utility (i.e., one big intuition) might be a CMJ that is fed into the RE process. Singer seems to dismiss this possibility without argument.

[58] Nelson 1999: 70-71.

mountain to scale. It is possible, however, to use the strong version to motivate the weak version of the objection.

The *weak version* of the input objection holds that there is no reason to think CMJs are true, regardless of whether there is reason to think of them as false. This form of the objection holds that CMJs possess no evidential weight. To respond to this version Nelson proposes an argument from practice. He reminds us that there are not non-circular reasons to regard perceptual observations as true, but we still regard them as credible and use them in scientific reasoning. So, even if CMJs are not true, it is permissible to regard them as credible and use them in moral reasoning. This is a less-articulated version of the analogy between observation reports and moral intuitions. As previously explained, such a move does not address whether CMJs *are* credible. It simply reminds us that we can use them *as if* they are credible. A better response involves showing CMJs are credible or capable of serving as evidence for the truth of moral theories. In addition, solving the weak version of the objection takes care of the strong version of the objection. If there are reasons to think that CMJs are true, then those reasons can be used to rebut reasons to think that CMJs are false.

A successful defense of RE against the input objection must rebut the weak version of the objection by establishing CMJs in relation to moral truth. It must do this in a way that makes CMJs suitable as evidence for or against theories. This can be done by showing that CMJs possess epistemic weight. By being evidence of the truth of moral theories, and true themselves, CMJs can provide rational grounds for preferring one theory over another theory. CMJs gain positive epistemic status by being true in virtue of

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possessing positive epistemic status, and, as a result, being fit to provide rational grounds for moral theories.

The next distinction I want to explore is between *methodological role* and *epistemic status*.[59] Some theorists hold that only if a CMJ possesses positive epistemic status should it be used in a justificatory capacity. Proponents of RE like Norman Daniels and Michael DePaul take a different approach. They argue that even if CMJs do not possess positive epistemic status they can still serve an important methodological role that, in the end, leads to justification. This is done by allowing CMJs to serve a role in RE methodology (e.g., acting as fire-starters or sustainers of reflection) regardless of their epistemic status. After CMJs play this role it is possible to see what survives the reflection process and claim that what survives is what is justified (i.e., what remains when a point of reflective equilibrium is reached is justified). On such a reading it is possible to hold the view that CMJs possess no positive epistemic status (i.e., they merely reflect one's prejudices) yet to affirm that the best way to justify a moral theory is by using CMJs. Further motivating the methodological response to the input objection is the idea that possessing positive epistemic status does not provide a guide to moral inquiry.[60] The result is that one can have CMJs with a positive epistemic status that do not play a methodological role, and vice versa. It is possible to argue for one without arguing for the other.

I agree that the epistemic status and the methodological role of CMJs are two different avenues of justification CMJs can be used to pursue. However, I hold that any

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[59] DePaul 2006: 598-599.
[60] Ibid: 598.

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successful response to the input objection is going to have to establish CMJs within both avenues of justification. One must have reliable or truth-apt CMJs and properly use the CMJs in a methodological role that exploits their truth-aptness to increase the justification of the belief system. This provides a full response to the input objection. The need for both avenues of justification can be elaborated by returning to the distinction between epistemic status and methodological role.

A truth-apt CMJ corresponds to taking justification as aiming at truth or reliability. A CMJ that is well-utilized by having a clearly identified methodological role corresponds to taking justification as providing rational grounds for or against moral theories. The problem with the history of RE is that theorists have focused on either an epistemic or a methodological response to the input objection and never fully answered the objection. In the next section I want to provide two examples of how theorists have avoided the epistemic status of CMJs and focused solely on methodological solutions. These theorists tried to remain agnostic about meta-ethical questions and strictly assigned a methodological role to CMJs to show that CMJs can serve as rational grounds for theory choice. As is now apparent from the distinction between strong and weak versions of the input objection such positions do not claim CMJs are true, they simply try to use CMJs in a useful (i.e., pragmatic) way. Omitting the positive epistemic status of CMJs results in a failure to address the weak version of the input objection and provide a rebuttal against the strong version of the objection.

3.2 Positions Emphasizing a Methodological Response

The two theorists I will use as examples of taking a methodological approach are William Shaw and Norman Daniels. These theorists remain agnostic about the truth-aptness of CMJs. Failure to establish the positive epistemic status of CMJs results in an inability to solve the input objection. In this section I will establish that the theorists avoid meta-ethical issues and argue against such an approach.

For Shaw reliance on intuition in moral philosophy is unavoidable.[61] Shaw understands moral intuitions not in the Moorean sense as being self-evident but in the Rawlsian sense as being firmly-held moral judgments. The epistemic status of moral intuitions is left an open question, as firmly-held moral judgments do not necessarily signify the apprehension of objective moral properties. Shaw agrees with Rawls that there are only two alternatives to reliance on moral intuitions: positing self-evident first principles or taking a naturalistic approach by defining moral concepts in terms of non-moral concepts. The other alternative is to start from our firmly-held moral convictions and try to bring all of our beliefs into one coherent view. Using intuitions as unavoidable starting points is acceptable for Shaw because these intuitions are not gut-reactions. Such moral intuitions are, "delivered after calm consideration and reflection, undisturbed by personal interest or emotion."[62] Considered moral judgments are not making contact with objectively true moral facts, instead they are emanating from experience and our reflective capacities.

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[61] Shaw 1980. Shaw is clearly thinking of intuitions along the lines of Bealer 1996. That is, intuitions are the result of conscious reflection or they are things that survive reflection in good cognitive conditions. Cf. Haidt 2001.
[62] Shaw 1980: 131.

The slogan of Shaw's perspective is: if the conditions are right, the intuitions are credible. Ideal conditions of reflection guard against judgments simply reflecting gut-reactions based on cultural indoctrination. It is possible, however, to generate a problem for Shaw's slogan.

Though an inquirer is reflecting under ideal conditions one problem is that the mechanism doing the reflecting (i.e., the mind) has not been shown to be reliable or to yield judgments with positive epistemic status. Telling a story about the reliability of CMJs involves telling a plausible story about the reliability of the psychology behind moral judgments. Placing reflection in an ideal context does not tell the story of the reliability of the psychological mechanism producing the judgments. Even in ideal conditions one may be systematically wrong in determining which judgments are credible, not because the conditions are not ideal, but because our minds are hard-wired for certain biases.[63] If this could be the case even in ideal situations, the only way to form a reliable judgment is to not use the mechanism that is systematically unreliable. However, because one must use the mind to form judgments the only other option is to tell the story of the reliability of the judgments themselves. That is, despite intuitions stemming from an unreliable source the intuitions are still credible in virtue of exhibiting certain characteristics that are truth-conducive. Shaw avoids the hard problem of establishing that CMJs are truth-conducive by avoiding taking a meta-ethical stand on the

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[63] Systematic biases are illustrated in the work on moral psychology (e.g., work by Jonathan Haidt and Joshua Greene). This, however, is an empirically-based rendering of intuitions. Intuitions on this model are regarded as pre-conscious gut-reactions. So, the debate becomes whether intuitions are rational or pre-rational, whether they stem from conscious control or automatic processes. RE methodology regards intuitions as the result of conscious processes, so the material from moral psychology is only relevant if one denies intuitions are of the rational variety. If this is not established, the dispute is merely verbal because the two sides are talking about different terms.

epistemic status of CMJs. This is demonstrated by Shaw's response to Brandt's claim

that firmly holding a judgment gives the judgment a status no better than a fiction. As

Shaw wonders:

> [B]ut do not any normative judgments—like our shared conviction that the torture
> of innocent children for fun is immoral—rightly enjoy *prima facie* credence? The
> view that such considered judgments, even when they are widespread, lack any
> initial credibility is hard to swallow. If, rather, as I think, judgments generated
> under such [ideal] circumstances do emerge for that reason with some plausibility,
> then the problem which Brandt poses for the intuitionist's coherence theory of
> justification disappears.[64]

A quick response to Shaw's statement is that credence is not equal to credibility:

possessing *prima facie* credence is not equal to possessing *prima facie* credibility (i.e.,

truth-aptness). This is exactly Brandt's point: credence does not correspond to

credibility.[65] Instead of viewing Shaw as having misunderstood Brandt's objection I will

posit a more charitable reading and hold that Shaw misspoke when he said that

"normative judgments...rightly enjoy *prima facie* credence." Let me now look at a more

charitable response.

According to Shaw the input objection disappears under the influence of ideal

conditions. Against this I argue that the problem does not disappear, it simply reappears

in a different place as the status of CMJs is outsourced to the project of defending the

ideal conditions under which CMJs are made. However, such conditions have been

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[64] Shaw 1980: 131-132.

[65] As brought to my attention by Anand Vaidya credibility might be a threshold concept. It may be that a certain level of credence is required for a source to be credible. On such a reading, the only qualification needed is that minimal credence or credence simpliciter is not sufficient to correspond to credibility. Instead, credence must meet a certain threshold to correspond to credibility. I take, however, *prima facie* credence as understood by Brandt to be below such a threshold value.

systematically analyzed and have been found incapable of generating credibility.[66] The

methodological response makes the input objection take on greater force. As the rug is

pulled out from under ideal conditions all that is left is a direct response to the epistemic

status of CMJs, but a methodological response is unable to directly address the epistemic

status of CMJs. Without showing that CMJs possess independent *prima facie* credibility

the problem is not solved. This means that the methodological solution is not sufficient

to establish CMJs as credible. Shaw does, however, acknowledge that there is an

alternative to the methodological response when he mentions, "Earlier intuitionists met

this problem head-on by arguing that our faculty of intuition yields knowledge of

objective, non-natural moral properties."[67] Despite seeing this option there is good

reason why Shaw and Rawls did not think an epistemic response was a viable option.

Equating an intuitionist model with positing strong foundations prevented theorists

from embracing an epistemic response to the input objection. Because Shaw equated the

intuitionist model with boldly asserting strongly axiomatic foundations (i.e., self-evident

Moorean intuitions) neither he nor Rawls saw this as a viable alternative. The literature

on intuitionism has recently progressed to open-up a third alternative to axiomatic self-

evidence or reductive naturalism. This option is moderate intuitionism. I embrace

moderate intuitionism as a way to directly address the input objection by positing modest,

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[66] Sencerz 1986. For Sencerz confidence in CMJs does not justify the credibility of CMJs. The credibility of CMJs is justified on epistemic grounds. Typical filter criteria (calmness, fully informed about facts, and so on) do not provide adequate epistemic grounds. So, CMJs are not credible, and moral principles cannot be tested against CMJs with the result leading to justification.

[67] Shaw 1980: 132. Margaret Holmgren corroborates Shaw's comment when she says, "In the end, I think we have to address the issue of the credibility of our considered moral judgments head on. I believe that these judgments are credible. We actually do have moral obligations, and certain actions actually are wrong. Further, we have an overriding reason not to perform these actions even when it is in our own interest to do so. In order to fully account for the truth of these statements, I believe we must adopt a nonnaturalistic version of moral realism" (Holmgren 1990: 135).

non-inferential foundations. Such an alternative will be explored in relation to Robert

Audi's work during the positive account I formulate of the credibility of CMJs. Now, to

show that the narrow rendering of only two alternatives to the use of intuitions, as

understood by Shaw and Rawls, does not establish the positive epistemic status of CMJs I

will turn to Noah Lemos. As Lemos says of the argument that there are only two

alternatives to relying on moral intuitions:

> Neither of these alternatives, it is argued, hold out much hope for fundamental
> ethical principles, and since there are no other alternatives we must rely on our
> considered moral judgments. This argument, however, does not show that any of
> our considered moral judgments have any positive epistemic status. At best it
> shows that if fundamental moral principles are to be justified, then considered
> moral judgments must play some sort of justificatory role. But the argument does
> not show that some fundamental moral principles can be justified or that
> considered moral judgments can play an epistemically justificatory role.[68]

Lemos' statement is a good summary of how Shaw and Rawls fail to establish the

positive epistemic status of CMJs and, hence, their fitness to serve as evidence for or

against moral principles.[69] Now I will consider Daniels attempt to establish the initial

credibility of CMJs by providing a methodological solution.

To analyze Daniels' approach I will take a meta-ethical vantage point. I will largely

follow Mark Timmons' treatment of Daniels.[70] Timmons' approach is useful because he

raises two objections to RE that illuminate the importance of providing an epistemic

solution to the general input objection (i.e., credences do not correspond to credibilities).

The first objection Timmons raises is the *moral input objection*. It is a version of the

general input objection that focuses on meta-ethical issues, as it is an attempt to force the

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[68] Lemos 1986: 507.
[69] For another discussion of Shaw's ideas see Holmgren 1987: 119-120.
[70] Timmons 1990.

RE-realist to become a constructivist concerning moral facts. The objection states that CMJs are not likely to correspond to inquiry-independent moral truths. Under an RE-realist interpretation, CMJs provide evidence of inquiry-independent moral truths; CMJs point at truth or correspond to an inquiry-independent realm of moral facts. The RE-realist must hold that CMJs are reliable, as evidence, in corresponding to such moral facts. For the RE-constructivist, CMJs do not correspond to moral facts beyond inquiry; instead, moral facts are a construction of inquiry. On the RE-constructivist model there is no need to tell the story of how CMJs reliably point at an inquiry-independent realm of moral facts. If the *moral input objection* can box-in a theorist to RE-constructivism then the methodological response gains traction because it aligns with constructivism. By contrast, the epistemic response aligns with realism because it holds that CMJs are truth-conducive whereas the methodological response does not assume nor does it take a stand on the truth-aptness of CMJs. One way to circumvent the *moral input objection* is to establish that CMJs reliably correspond to an inquiry-independent realm of moral properties and facts. This can only be accomplished by abandoning a pure coherentist interpretation of RE.

The *moral input objection* works because it assumes RE is a coherentist model of justification. The objection works as follows. It requires an *adequate* theory of justification to be truth-conducive to some degree. This will work for RE as a coherentist model only if one embraces a constructivist, not a realist, conception of moral truth. RE cannot guarantee truth in the realist sense; it can only set up conditions under which CMJs are likely to be true. CMJs will not necessarily correspond to an external (non-

conceptual) reality. So, coherentist moral epistemology must adopt a constructivist account of moral truth. This is because coherence is a matter of beliefs mutually supporting one another. Maximizing coherence does not necessitate input from a realm external to the belief-set because it is a standard internal to the belief-set—it is a matter of how the beliefs fit together and mutual support one another. Without external input the beliefs will not necessarily correspond to what is true in terms of non-conceptual reality. Thus, according to the objection, for a theorist to get an adequate theory of justification using RE the theorist must be a constructivist about truth.

This is a problem for responding to the general input objection because constructivism is aligned with the methodological response, and the methodological response is inadequate for solving the input objection. One way of circumventing this problem is not to assume that RE is a pure coherentist methodology. I will argue for this position and cast RE as a foundationalist method with coherentist elements, which opens-up a realist interpretation of CMJs whereby they correspond to inquiry-independent moral facts and truths.

The *many alternative systems objection*, like the *moral input objection*, forces the coherentist to be a constructivist about moral truth. To meet the criterion of truth-conduciveness the coherentist needs to be a constructivist about truth in the face of many alternative coherent moral systems.[71] To understand this objection it is important to note that a normative theory consists of a consistent set of moral principles. Using different sets of moral judgments it is possible to generate different sets of consistent moral

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[71] Ibid: 103.

principles. Seeking coherence will not necessarily facilitate a clear choice between different moral theories. This makes it difficult to achieve intersubjective agreement on a pure coherentist rendering of RE. The method takes-on relativism and suffers from an inability to establish on an independent basis the warrant of the whole belief system. If interpersonal disagreement persists and RE-truth is construed in a realist sense, then coherentist epistemology will not necessarily be truth-conducive. That is, unless truth is construed relative to a given system, unless one becomes an RE-constructivist.

Two observations come out of the forgoing discussion. First, solving the *many alternative systems objection* it is not enough to provide a methodological solution. Even if interpersonal agreement could be generated, a methodological solution would not show which of the alternative coherent moral systems is to be preferred. This is because truth is relative to each system and choice between equally coherent systems is bound to be arbitrary to some degree. To overcome this one could argue that the coherent system to be preferred is the system that contains CMJs that possess positive epistemic status because they are credible or truth-apt in the realist sense. A second observation is that remaining a constructivist is not a plausible option for solving the general input objection. A constructivist provides a methodological solution by not taking a stand on the existence of inquiry-independent moral truths. The input objection is solved only if CMJs are in fact true. A methodological solution is not able to establish that CMJs are guaranteed to be true or sufficient to provide evidence of truth; they are only likely to be true if conditions are ideal. However, even ideal conditions are not enough to secure the probative value of CMJs. On the other hand, an RE-realist can resist the *moral input*

objection and the *many alternative systems objection* by adopting a foundationalist

architecture and providing an epistemic solution that establishes the *prima facie*

credibility of CMJs. This also results in a solution to the general input objection. I now

turn to the work of Daniels to show that being a constructivist and providing a

methodological solution does not establish the credibility of CMJs.

Daniels adopts a *don't worry strategy* upon confronting the input objection. This

strategy says: don't worry about the epistemic status of CMJs or trying to solve the *moral*

input objection; instead, focus on the *many alternative systems objection* by providing a

methodological solution, then see if this solution provides a story about the credibility of

CMJs. Daniels seeks to show that coherentist methodology can lead to interpersonal

convergence, and then he will deal with the input objection after convergence is

established. As Daniels says:

> It is plausible to think that only the development of acceptable moral theory in
> wide reflective equilibrium will enable us to determine what kind of "fact," if any,
> is involved in a considered moral judgment. In the context of such a theory, and
> with an answer to our puzzlement about the kind of fact (if any) a moral fact is,
> we might be able to provide a story about the reliability of initial considered
> judgments. Indeed, it seems reasonable to impose this burden on the theory that
> emerges in wide reflective equilibrium.[72]

Only after reaching wide-RE can a theorist, looking backwards, establish whether

CMJs constitute moral facts. Daniels' solution is initially attractive because in getting to

wide-RE one must bring CMJs and principles in-line with background theories. These

theories are largely nonmoral. So, disputes over nonmoral theories may prove more

tractable than disputes over CMJs and moral principles. It looks plausible that greater

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[72] Daniels 1979: 271.

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consensus could result from moral inquiry on such an account. There are three problems

Timmons identifies with this strategy.

First, there is the problem of ever achieving convergence. Without an account of the

initial credibility of CMJs there is reason to doubt whether reaching convergence is

possible. Turning to background theories to try to reach convergence and solve the *many*

alternative systems objection does not eliminate the fact that background theories rely on

CMJs for their justification. The filter that is imposed on initial moral judgments screens

for general sources of error in judgment making. These general conditions involve

freedom from bias, emotional duress, ignorance of facts and so on. Judgments that

surviving this general filtering process and become CMJs are reliable in some sense, but

there are many incompatible sets of CMJs that meet the general filtering conditions. So

searching for convergence using background theories without selecting in advance the set

of moral facts represented by CMJs is not likely to result in moral convergence. The

second worry Timmons has about Daniels' *don't worry strategy* is that it reverses the

order of addressing the two objections necessary to secure a solution to the input

problem. Ultimately, a solution to the input objection must establish CMJs as true from a

realist perspective. Daniels' methodological strategy is unable to do this because:

> Unless we have some reason to suppose *in advance*, and *independently* of the
> results of wide RE that this sort of methodology has *all along* been guided by
> inquiry-independent moral properties and facts that serve to constrain the inquiry,
> I see no reason to construe CMJs realistically—as by and large representing
> reliable input from an objective reality.[73]

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[73] Timmons 1990: 107.

Even if the methodological approach is cashed out in coherentist/realist terms there is a problem with *epistemic potency*.[74] Coherentists generally hold that RE possesses some epistemic credentials. If an integral part of RE's ability to have epistemic potency is in question until the end-point of the method, then there is no reason to accept the *epistemic potency* thesis until the end-point of the method. Without establishing the positive epistemic status of CMJs prior to the end-point of the method the epistemic potency of RE must be taken on blind faith. It is like saying: there is not currently reason to believe RE is epistemically credulous, but wait until the end of the process and your faith in RE will be vindicated. This means a coherentist/realist must make a weaker claim about the power of coherence methodology in ethics, namely *if* CMJs are currently reliable, then the end-point of RE will vindicate the reliability of CMJs.

The final concern of Timmons about the *don't worry strategy* involves the idea of theory-ladenness. If an observation is theory-laden, then being able to make the observation depends on having made some theoretical assumptions. Instead of observations purely reflecting sense experience they are mediated by theories. This does not destroy the ability to make scientific observations as long as the observations are independent of the theories they are being used to test. If the observations are not neutral evaluations of the theory, then they cannot be reliable guides to the truth of the theory. A similar thing can be said about moral theories. CMJs should not be weighted in favor of one of the competing theories they are used to evaluate. Otherwise, CMJs are biased and not reliable evidence of moral truths. The *don't worry strategy* involves waiting until one

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[74] Ibid: 109.

has a moral theory in reflective equilibrium and then using that theory to explain the

reliability of the CMJs that were used to select the theory. A casualty of this approach is

the type of objectivity the realist wants to capture. The CMJs do not stand at a proper

distance from the theories, as the theories are used to explain the reliability of the CMJs

that are used to justify the theories.[75] In contrast, a reliability story can be told about

scientific observations in advance of scientific inquiry, and this story is properly

independent of the results of such inquiry. This means that Daniels must abandon the

don't worry strategy and start the process with a group of CMJs and a story about their

reliability. Both the story and the CMJs will be subject to revision, but because the

epistemic status of the CMJs is established independently from the results of the inquiry

the theory will be tested against inquiry-independent facts.[76]

In conclusion, looking at Shaw and Daniels produced the following results. A viable

approach to addressing the input objection is to posit modest, non-inferential foundations

by adopting some form of moderate intuitionism. Such an approach exploits a realist

interpretation of CMJs whereby they correspond to an inquiry-independent moral realm.

Taking a "wait and see" methodological approach to solving the input objection will not

result in converge between inquirers on moral theory selection. To solve the input

objection one must attack the *moral input objection* first. The *don't worry strategy* must

be abandoned because it first attacks the *many alternative systems objection*. Ignoring

the epistemic status of CMJs in an effort to focus on their methodological role will

undermine one's efforts in the end. It is not enough to take CMJs as an unavoidable

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[75] There appears to be a vicious form of justification circularity at play here.
[76] Timmons 1990: 109-110.

alternative in starting moral inquiry, as Shaw does, and it is not enough to ignore the

epistemic status of CMJs, as Daniels does, until the method itself has been revised and an

instance of employing the method has reached its conclusion. The status of CMJs must

be established first, then the justificatory role CMJs play within the method of RE can be

solidified.[77]

4.   ARCHITECTURE AND TRUTH

4.1 VARIOUS COMBINATIONS

The previous section touched on architecture (i.e., the structure of justification) and

truth. This section will elaborate on those themes by answering the following question,

"What combination of architecture and truth is best suited to solving the input

objection?" The two options I will consider are: coherentism or foundationalism, and

realism or constructivism. After exploring various combinations of truth and architecture

I will defend the combination of realism and foundationalism as the best combination to

solve the input objection.

Toward the end of the last section it was concluded that a coherentist/realist must

address the *moral input objection* before tackling the *many alternative systems objection*.

What are the prospects for such an approach?

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[77] This also corroborates Brink's point that, "the demand that some moral beliefs be initially credible may
be the demand that some moral beliefs be initially credible before RE, that is, before the end point of
coherentism" (Brink 1989: 135).

A representative of a coherentist/realist approach is David Brink.[78] Brink tries to establish the credibility of CMJs contextually prior to reaching the end-point of RE. There are three problems with his approach. The first problem is that the entire RE process is ridden with intuitive judgments. Unless the capacity to make intuitive judgments is defended as reliable it is not clear that an inquirer can establish the credibility of CMJs within a context in an objective fashion. Second, Brink's analogy of CMJs with observation reports is inadequate. It is not obvious that using CMJs as auxiliary hypotheses to test a moral theory establishes that moral beliefs are credible along realist lines. This may only show that CMJs can be used methodologically in such a capacity, but whether using them in such a capacity provides a credible check against the truth of moral theories is another story. This relates to the notion of objectivity as independence from the theory being tested. Observation reports can be established as credible independent of inquiry to a degree that CMJs cannot. Third, if CMJs are ultimately credible in virtue of being ground in empirical properties and facts (or being evidence of such facts), then it may turn out that the system ultimately embodies a foundationalist architecture. If there is no external input into the system of beliefs, then the system may not make contact with non-conceptual reality. These considerations point the coherentist/realist in the direction of either foundationalist architecture or constructivist truth. What are the merits of being a coherentist/constructivist and can such a position solve the input objection?

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[78] Ibid.

Under a coherentist interpretation a CMJ is justified if it is part of a coherent system of beliefs. These beliefs include CMJs at all levels of generality. For a constructivist moral facts are constituted by the beliefs held in reflective equilibrium. A constructivist holds that the truth of CMJs is explained by reference to the process by which they are constructed, which includes human stances (e.g., attitudes and conventions) specific to RE methodology.[79] A constructivist wants a well-justified system and may remain agnostic about the ultimate truth-value of the components of the system. In solving the input objection, however, a constructivist cannot remain silent on meta-ethical issues. Because constructivism equates the moral facts with coherent beliefs held in reflective equilibrium the best fit for a theory of truth is a coherence theory.[80] The truth of beliefs is determined by coherence with other beliefs, not correspondence to a realm outside the beliefs. This makes the coherentist/constructivist establish the truth of CMJs in relation to a coherence theory of truth. The problem with this move is that recent technical results tell against the notion of coherence being truth-conducive.

Recent developments in formal epistemology show that coherence alone is not truth-conducive.[81] I will mention a couple results from this area of research. Erik Olsson has argued that any theories that depend on the truth-conduciveness of coherence must put forward a doxastic, or testimonial, truth connection instead of a propositional one. Even then, there is only a very weak connection between an increase in coherence and an

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[79] For explanation about the notion of a stance see Timmons 2003: 394.
[80] Brink 1989: 17.
[81] For a good overview of these results see Olsson 2007.

increase in the likelihood of truth.[82] Tomoji Shogenji has argued against justification by

coherence from scratch. Shogenji considers individual pieces of evidence that possess no

individual credibility and wonders if making them coherent makes the evidence credible.

Most theorists agree that independent evidence that possesses individual credibility when

brought together in coherence can make the evidence more credible. But Shogenji argues

that independent evidence that does not possess individual credibility when brought

together in coherence does not generate credible evidence. Justification by coherence

from scratch is impossible.[83] This is a problem for pure coherence theory because it

assumes no credibility of the initial data. The coherentist/constructivist must explain how

beliefs that have no independent credibility can become truth-conducive by being brought

into coherence with one another.

The probability calculus results just mentioned tell against the

coherentist/constructivist picture. The coherentist/constructivist takes on a theory of truth

that is not truth-conducive and takes on a theory of justification that cannot generate

justification. This reinforces the importance of establishing the initial credibility of

CMJs. Typical RE theorists do not posit the independent credibility of CMJs but only a

weaker version of credibility that is uniquely tuned to ideal conditions. Assigning weak

credibility to CMJs is problematic: general filter conditions are not selective enough to

screen amongst many incompatible sets of CMJs that satisfy the conditions, and

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[82] Olsson 2002. Also, reference Olsson 2005b for an impossibility proof that the constraints normally placed on coherence are jointly incompatible. This powerful result implies that there is no phenomenon that can play the role typically assigned to coherence. The role itself is incoherent. A further Olsson reference is his book *Against Coherence: Truth, Probability and Justification*. See Shogenji 2008 for a good critique of Olsson's *Against Coherence*.
[83] Shogenji 2005. Shogenji's news isn't all bad. He does show that coherence per se does not make justification from scratch possible, but recurrent coherence can make such justification possible.

confidence alone in judgments that survive filtration is not enough to make CMJs initially credible. This seems to push the RE theorist in the foundationalist/realist direction.[84]

A moral realist believes moral claims can be taken literally. This means that there are moral facts and true moral propositions. CMJs try to instantiate moral facts and assert moral propositions. There are two senses of objectivity involved in moral realism. The first kind involves realism about moral facts and the truth (or falsity) of moral propositions. The second kind of objectivity holds that moral facts exist irrespective of persons believing things about right and wrong. This last sense of objectivity distinguishes moral realism from moral constructivism. Constructivism makes truth both belief and evidence-dependent. Realism holds that the truth of moral propositions exists independently from anyone's beliefs and evidence. An inquirer can, on the realist model, discover the truth of moral propositions, but the truth of those propositions is not constructed relative to the inquirer's beliefs and evidence.

There is a natural link between realism and foundationalism. Foundational non-inferential beliefs are justified irrespective of their evidential relations to other beliefs. Non-inferential beliefs can provide evidence of moral facts. These moral facts are inquiry-independent, yet CMJs used within inquiry can provide evidence for the truth of those moral facts. On the foundationalist/realist model, the truth of moral facts can be

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[84] This move seems vindicated by another consideration: the probability theory results are aimed at Laurence BonJour's defense of coherentism in 1985 (see Olsson 2005a, ch. 4), and such results support BonJour's move away from coherentism and toward foundationalism in 1999. As BonJour states, "having labored long in the intriguing but ultimately barren labyrinths of coherentism, I have come to the conviction that the recent anti-foundationalist trend is a serious mistake, one that is taking epistemological inquiry in largely the wrong direction" (BonJour 1999: 229-230).

directly apprehended through intuition.[85] These truths are discovered through a process of understanding and reflection, not inference. On this account, RE is a method for achieving a better understanding of moral facts and the truth of moral propositions, yet the truths that are discovered are inquiry-independent moral facts.[86] Endorsing this perspective moves my approach away from the coherentist/constructivist picture whereby moral facts are constituted by an inquirer's propositional attitude at the end-point of reflective equilibrium—when a set of beliefs are held to mutually support one another in maximal coherence. Now I must explain how RE is possible within the foundationalist framework and how such a post-Rawlsian interpretation of RE still captures some of Rawls' intuitions.

4.2 RE IS COMPATIBLE WITH FOUNDATIONALISM

Foundationalism is the thesis that justification is asymmetrical. A distinction is made between basic and non-basic beliefs. Basic beliefs are epistemically privileged. This means that their positive epistemic status does not come from their inferential or evidential relations with other beliefs. A non-basic belief is justified by bearing an appropriate relation (evidential or inferential) to a basic belief. What is important for the foundationalist is that there are non-inferentially justified beliefs that provide the

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[85] Aligning the foundationalist/realist position with intuitionism in ethics is consistent with the history of intuitionism, which unites a foundationalist epistemology with a realist metaethics. Such a view holds that one can have knowledge of evidence-independent moral facts and there are foundational moral beliefs. For a recent defense of ethical intuitionism see Huemer 2005.

[86] I realize that I am taking on many theoretical quarrels that I will not have space to defend. But in order to completely establish the epistemic credibility of CMJs I cannot remain neutral on meta-ethical issues. Without taking a stand on metaethics the entire RE method and CMJs in particular are exposed to blatant objections, such as the moral input objection. I am willing to defend the realist position at length in another paper, but for now I will focus on the foundationalist element. For a detailed defense of non-naturalist moral realism see Shafer-Landau 2003.

justification of other beliefs. Inference *to* basic beliefs can provide justification for non-basic beliefs, but inference *from* non-basic beliefs to basic beliefs is not required for the justification of basic beliefs.

Different types of foundationalism emerge depending on the strength of the foundations. Strong foundationalists of the Cartesian variety hold that basic beliefs must be certainties that cannot be doubted and that deductive validity is required to transmit justification upward from the basic beliefs. By contrast, Audi has created a doubly moderate version of foundationalism: the foundations possess some credibility but not absolute certainty, and justification can be transmitted upward by inference, not deduction alone.[87] If RE is to accommodate some form of foundationalism it cannot be the strong variety. RE is not compatible with positing CMJs as indefeasible foundations. CMJs must be revisable. They must possess some epistemic privilege in the form of credibility but be capable of being revised in the face of new beliefs and experiences. Regarding moderate foundationalism, basic beliefs are nonderivatively yet defeasibly justified. As Audi says about moderate foundations, "the relevant beliefs may apparently have a far wider range of types of content, and certainly they need not be infallible, indubitable, or immune from revision in the light of new beliefs."[88] One advantage modest foundationalism has over its strong counterpart is that it has a wider range of grounds at its disposal. This facilitates a larger tool-set for providing justification. Despite linking RE with foundationalism being both possible and desirable it is important to consider an objection to the idea of uniting RE with foundationalism.

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[87] McGrew 1998.
[88] Audi 1993: 107.

It is possible to argue that RE and foundationalism are not "positions on the same topic."[89] This idea can be defended based on the distinction between the methodological status and the epistemic status of CMJs. RE is properly conceived as a method for organizing our beliefs, and foundationalism concerns the epistemic status of our beliefs. Though the topics of status and method are related, the connection between the two is not simple. Distinguishing between different types of foundationalism DePaul concludes that narrow-RE is not committed to foundationalism, as it is often assumed, and wide-RE is compatible with foundationalism. This flips the standard conception on its head because it is typically assumed that narrow-RE is committed to foundationalism and wide-RE coherentism. First, I will outline DePaul's argument, and then I will use my own considerations and some considerations from Roger Ebertz to undercut DePaul's argument. Next I will claim Ebertz' argument must be sharpened if a necessary connection between RE and foundationalism is to be drawn.

The argument that narrow-RE is not necessarily connected to foundationalism rests on showing there is equivocation in the use of the term "considered moral judgment." To assume that a person's beliefs in narrow-RE exhibit a foundational architecture two claims are made (i) CMJs are not formed based on the relation they have to other beliefs a person holds (ii) other moral beliefs are formed in relation to foundational CMJs, and such beliefs (i.e., principles) are held because they best account for foundational CMJs. The first claim is accurate in relation to the initial set of CMJs (CMJ_1) the person holds because set CMJ_1 is formed through a filtering process and not in relation to other beliefs

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[89] DePaul 1986.

the person holds. The second claim is accurate in relation to the final set of CMJs (CMJ_n)

the person holds because set CMJ_n is formed through a process of revision in relation to

other beliefs (i.e., principles). To achieve a coherent set of moral beliefs it is possible

that CMJ_1 and CMJ_n are not going to be the same. Through radical revisions it may turn

out that none of the beliefs in CMJ_1 are in CMJ_n. So, it is argued, CMJ_1 cannot serve as

the foundation for other beliefs because once one has arrived at the final set of moral

principles (MP_n) that would best systematize CMJ_1 it is unlikely that one will still hold all

or any of the beliefs in CMJ_1. Also, CMJ_n cannot serve as the foundation because this set

of beliefs is likely to have been constructed in relation to other beliefs, and the beliefs in

MP_n might have been formed for reasons aside from their relation to CMJ_n. This puts a

person wanting to maintain narrow-RE is connected to foundationalism in a bind. The

only way out that allows one to hold onto claims (i) and (ii) is to equivocate between

CMJ_1 and CMJ_n. The two claims will only be satisfied if one does not draw a distinction

between initial judgments and final judgments. If one equivocates one can hold that

CMJs in general are capable of being foundations and MPs can be justified in relation to

those foundations. If one draws a distinction between varieties of CMJs one cannot

satisfy the two claims of foundationalism.[90]

    The best way to undercut DePaul's argument is to make more accurate claims on

behalf of foundationalism. A more accurate specification of the two claims is that (i')

CMJs are not formed by using other beliefs as premises (ii') other beliefs are formed as

inferences from foundational CMJs. DePaul's two claims on behalf of foundationalism

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[90] DePaul 1986: 64-65.

are too general. It is not simply *that* a belief is related to another belief that makes it non-

basic; rather, *how* the belief is related to the other belief must be part of the distinction

between basic and non-basic. As long as the beliefs in the set of CMJ_n are non-

inferential, then they can be used as foundations for the principles that systematize them

throughout the process. So, the key is not whether CMJs are ever revised in relation to

other beliefs, but that when they are revised they are not revised through explicit

inference.

  For Ebertz, RE is best interpreted as a form of modest foundationalism.[91] The prima

facie credibility of CMJs derives not from their relation to other beliefs but by indicating

the way beliefs seem to the person morally. The beliefs that survive the filtering process

can serve as standards against which principles can be tested. These beliefs have *prima*

facie direct justification, but they can be undercut during the reflection process. If beliefs

survive to the end of the process they are *ultima facie* justified, and there is no reason to

think that they lose their direct justification.[92] Relating this point back to DePaul's

argument, just because the final set of principles in narrow-RE (MP_n) are pointing at a

different set of beliefs (i.e., CMJ_n instead of CMJ_1) this does not mean that MP_n is

pointing at beliefs that are not directly justified. The radical interpretation of RE

challenges this point.

  The radical interpretation of RE challenges the idea that the final set of principles is

pointing at a justified set of CMJs. Given that CMJ_1 and CMJ_n might be completely

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[91] Ebertz 1993.
[92] For more on the prima facie/ultima facie distinction see Senor 1996.

different, yet CMJ_n might be nevertheless justified, this means it is wrong to say that the justification is coming from the *prima facie* justification of the initial CMJs. Instead, it seems correct to hold that the notion of coherence is driving the justification, not the beliefs that are posited to be foundations. Initial CMJs survive the process based on coherence considerations, not based on possessing positive epistemic status. Thus, it seems that coherence and not foundationalism is generating justification.

Ebertz argues against the previous challenge by focusing on the inescapable role CMJs play. CMJs are necessary components in RE, and principles must cohere with CMJs if they are to be justified. Rawls himself even claimed, "There is a definite if limited class of facts against with conjecture principles can be checked, namely, our considered judgments in reflective equilibrium."[93] Having considered judgments about moral situations is more direct than applying a general principle to a situation. These judgments continue to have direct justificatory force because a person can continue to make direct judgments even when the procedure leads to radical shifts in the beliefs. Ebertz lets go of the search for truth and epistemic privilege and holds that it is our ability for moral perception and judgment that gives the CMJs a directness that begets justificatory force. Ebertz takes a turn in the constructivist direction. He finds this approach corroborated in Rawls' Kantian Constructivism. As Ebertz says, "The goal is not to find principles that are true, but to find principles which are reasonable for us to

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[93] Rawls 1971: 51.

live by, given our own common situation and assumptions about persons and society."[94] This leads Ebertz into two problems.

Taking a constructivist turn in defending modest foundationalism exposes one to the problem of social indoctrination and establishing the normativity of modest foundations. The first problem occurs if one embraces RE as seeking practical, not epistemic, justification. The principles accepted are those which match something like an overlapping consensus of core values in a society.[95] The values that a society shares eventually become the principles by which it is reasonable for those in the society to accept and live by. These principles do not derive their force from being in coherence with other beliefs (CMJs). They derive their force from reflecting the reasonable overlapping consensus that makes a well-ordered society possible. One problem with this approach is found in societies where slavery and prostitution are norms. If a shared value in society is that people should be held to do labor against their will based on their race or that it should be legal for persons to sell sex for money, then one has to ask whether such CMJs should play the role of being criteria principles are based on. If this society is not representative of societies around the globe, and it does not seem that prostitution and slavery ought to drive the justification of principles everyone should accept and live by, then a generality problem rears its head. How does one cut the notion of a society to get at the normative values? Are the values all relative to a society? If so, then how does one fight the problem of pernicious prejudice and cultural indoctrination?

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[94] Ebertz 1993: 205.
[95] For more on the overlapping consensus see Rawls 2001: 32-38.

How does one identify the core values that ought to govern a society if one simply takes the deeply engrained values as the ones that drive the formation of moral principles?

The second problem that results in taking a constructivist turn in defending modest foundationalism is that one is led into a *don't worry strategy*. Ebertz' strategy involves restating the inescapable methodological role CMJs play in justification. This, however, avoids addressing the problem of the epistemic status of CMJs. That CMJs can possess direct justification because they are made on the basis of moral perception does not establish the beliefs so formed as credible. It just shows that whatever the beliefs are the beliefs can be reproduced throughout the RE process. That is, as humans we do not lose the ability to replace a revised CMJ with another CMJ, so throughout the process we can always keep in place a thing that plays an important role in justification, namely, a CMJ. Again the question returns, what is it about the nature of a CMJ that gives it the ability to play this role? That CMJs can play a special role does not mean that they should play that role. Applying a *don't worry strategy* only takes-on further difficulties with cultural indoctrination and cutting the societal pie to know where to find the correct moral values, not to mention the specific difficulty of being unable to solve the input objection.

The reason Ebertz shied away from a foundationalist/realist combination of architecture and truth is because he held that intuitionism is committed to infallible foundations. This is the same mistake made by Shaw and Rawls. As Ebertz says about Rawls' quote equating CMJs with moral facts, "Clearly, they should not be understood as

committing Rawls to the existence of self-evident or unchangeable moral truths."[96] In

discussing Rawls' move away from truth and toward a practical conception of

justification Ebertz says, "Although this conception of the justificatory task does take

Rawls further from classical 'intuitionist' foundationalism, it is not at all clear that is

takes him away from foundationalism per se."[97] Realizing RE is compatible with

foundationalism the best way to argue for this is to hold that the foundations are *prima

facie* true pending further reflection. Without embracing foundationalism/realism in the

form of moderate intuitionism the epistemic status of CMJs remains in question. RE is

never placed on solid footing.

I conclude this section by affirming some of Rawls' intuitions. I affirm Rawls'

intuition that CMJs are facts against which principles are to be evaluated.[98] The problem

for affirming this intuition is, at the same time, affirming Rawls' coherentist intuition that

justification is a matter of everything fitting together—it is a matter of mutual support.

This intuition can be accommodated.[99] Moderate (fallibilist) foundationalism is able to,

"account for the main connections between coherence and justification, and it can

provide principles of justification to explain how justification that can be plausibly

attributed to coherence can also be traced—by sufficiently complex and sometimes

inductive paths—to basic sources in experience and reason."[100] Despite the compatibility

of coherentist elements (i.e., mutual support) along with foundationalism I argued in this

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[96] Ebertz 1993: 203.
[97] Ibid: 205.
[98] This avoids being embarrassed by Rawls' comment that CMJs are moral facts; there is no need to explain away the comment.
[99] It is interesting to note that even within strong (traditional) foundationalism it is possible to account for synchronic evidential lines of mutual support, see McGrew and McGrew 2008.
[100] Audi 1993: 164.

section that, "reflective equilibrium is a model not of coherentism but of modest foundationalism combined with the claim that coherence between beliefs is an additional necessary condition for justification."[101] This sets-up a question that needs to be answered. What version of RE best fits with moderate foundationalism?

4.3 AGAINST WIDE ETHICAL FOUNDATIONALISM

There are two main versions of RE: narrow and wide. Given that the most plausible way of solving the input objection involves taking a realist/foundationalist stance it is possible to wonder whether narrow or wide-RE better accommodates this stance. Narrow-RE better accommodates this stance because narrow-RE is typically cast in intuitionist terms whereas wide-RE is typically cast in non-intuitionist terms. Narrow-RE looks at CMJs as non-inferential sources of justification whereas wide-RE looks at nonmoral background theories as sources of justification. For a wide-RE foundationalist model the background theories constitute foundations proper. Though narrow-RE is a better fit for a combination of architecture and truth capable of solving the input objection wide-RE poses a problem for my approach.

A challenge to my view that an intuitionist version of foundationalism is best suited for RE is that a non-intuitionist version of wide-RE is able to be foundational without positing non-inferentially justified beliefs. This does not give CMJs full-fledged epistemic standing independent of other beliefs, but it does challenge whether there is a way around the input objection—a way of introducing credibility into the system without

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[101] Ebertz 1993: 206.

telling a "realist" story. What Timmons calls *wide ethical foundationalism* is such an attempt.[102]

Non-intuitionist *wide ethical foundationalism* posits nonmoral background theories as foundations in the architecture of justification. It holds that certain moral principles or judgments are privileged relative to other moral beliefs because they depend on nonmoral background theories to receive their justification. This makes it possible to justify moral beliefs independent from reliance on other moral beliefs. It positions nonmoral background theories as the standard for choice between moral theories. I will argue against wide ethical foundationalism.

For Timmons a foundationalist about ethical justification adopts what is called the independence thesis (IT), which can be elaborated as follows:

(IT)   Relevant background theories, sufficient for constraining a choice among competing moral systems, can be developed independently of moral considerations.[103]

According to Timmons, accepting or rejecting (IT) determines whether one is foundationalist or non-foundationalist concerning the architecture of justification. For a coherentist like Daniels (IT) is not possible because a nonmoral theory, say of persons, cannot be developed apart from moral considerations. The goal for the foundationalist, according to Timmons, is to develop a theory of persons that satisfies (IT). This would show that *wide ethical foundationalism* is possible because a nonmoral background theory can be formulated without reliance on moral beliefs, and such a theory can serve

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[102] Timmons 1990: 123 n.6.
[103] Timmons 1987: 607.

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as an independent check on moral beliefs. If this can be accomplished then there is no

need to posit CMJs as foundational because CMJs can receive their justification from

such background theories. CMJs need not possess initial credibility. The problem with

Timmons' formulation is that he bases his version of foundationalism on a coarse

distinction between immediately and mediately justified beliefs. His version of ethical

foundationalism runs as follows:

> For any person S at time *t*, if S is justified in believing any moral proposition at *t*,
> then the set A of S's moral beliefs that make up that justified set has the following
> justificatory structure:
>
> i. There is a nonempty subset A* of A such that S's believing each member
>   of A* is immediately justified;
> ii. All other members of A (all non-A*s) are such that in believing each
>   member of that set, S is mediately justified where such justification
>   involves at least one member from A*.[104]

It is possible to draw a distinction between propositions that are *immediately* versus

mediately justified.[105] A foundational belief need not be immediately justified. For

example, a self-evident proposition can be mediately justified. Such a proposition need

not be inferred through the mediation of other beliefs. It can be non-inferentially justified

through the mediation of reflection. An immediately justified proposition does not

require such reflection. Mediately justified beliefs are knowable without relying on

inferences as their grounds, but they may require reflection in order to see their truth or to

see that the proposition is self-evident. Thus, the propositions that serve as foundations

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[104] Ibid: 596.

[105] Audi 2004: 51-53. The context of Audi's discussion is the notion of self-evidence and how it is possible
to "see" the truth of a proposition without having to prove the truth of the proposition. Audi's points also
apply to seeking *prima facie* justification for CMJs. Though the intuitionist thesis directly applies to the
self-evidence of moral principles it also applies to moral intuitions, which can be *prima facie* non-
inferentially justified.

in set A* need not only be immediately justified.[106] It is possible that S's believing each

member of A* is immediately *and* mediately justified.

Using moderate intuitionism as an example of a commitment to foundationalism it

shows that Timmons' construal of foundationalism is not general enough to cover what

all moral theories are committed to when they adopt a foundationalist structure. Bringing

this discussion back to (IT), one could be an intuitionist/foundationalist and reject (IT).

Foundationalists need not accept (IT) or *wide ethical foundationalism*. It is possible for

an intuitionist/foundationalist to reject that nonmoral background theories in RE can be

developed independent from moral considerations. It may be that nonmoral theories can

constrain theory choice based on moral considerations, namely, fit with moral

propositions that are foundational. Timmons use of (IT) to divide foundationalists from

non-foundationalists belies an adoption of a particular structure of ethical justification—

wide ethical foundationalism. However, the problem with *wide ethical foundationalism*

connects to the problem with Timmons' version of foundationalism, even when

formulated in wide foundationalist terms. The subset A* of A need not be formulated so

that each member of A* can be justified independently of any other member of A. It may

be the case that during justification members of A* can be clarified by appealing to

members of A, as in law when one uses a prior case as precedence to see the truth in the

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[106] Audi's distinction avoids Timmons critique of intuitionism, namely that it is committed to a special
faculty capable of immediately "seeing" nonnatural moral properties as they apply to concrete acts. The
special faculty, if it can even be called that, for Audi is the capacity for understanding. Understanding, as it
relates to justification, has been defended in Audi 2008.

case at hand without inferring from precedence to the justification of the case at hand.[107]

So, *wide ethical foundationalism* is not the only type of foundationalism that can be

accommodated by RE. It seems possible to accommodate an intuitionist version as well.

If it is reasonable to opt for positing CMJs as foundations and avoid positing

nonmoral background theories as foundations, it seems one is left with only narrow-RE

as the best version of RE. This might be viewed as a non-progressive step for RE. Much

of the justificatory power of RE is thought to consist in the wide range of considerations

and the detailed revisions it urges. The justificatory gain from this searching and fearless

moral inventory is thought to make RE a defeasible theory of moral justification. Have I

not robbed RE of its justificatory force by claiming that wide-RE is not tenable as a

theory of foundationalism?

4.4 WIDE-RE IS NOT SUPERIOR TO NARROW-RE

The first reason it seems wide-RE (WRE) is preferable to narrow-RE (NRE) is that,

"WRE allows us to make a weaker and more defensible claim about the initial credibility

of our considered moral judgments."[108] As noted throughout this paper many

philosophers have objected that initial CMJs (CMJ_1) have no credibility. Brandt makes

this claim and Daniels takes this objection as a reason to move in the WRE direction.

Instead of granting judgments in CMJ_1 a privileged status (i.e., calling them non-

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[107] It is also possible to use cases of precedence to justify the current case, but precedence usually works as a guide, a guide with a certain weight that is appealed to, but the justification of the case at hand need not strictly be justified by using precedence as an inferential ground, though it may be used that way. Precedence may also be overturned by the independent justification of the case at hand, by seeing the truth of the case at hand in a way not predicated on prior cases.
[108] Holmgren 1989: 45.

inferential intuitions), it is better not to grant these judgments credibility. However, both WRE and NRE require making claims about the credibility of initial CMJs. Some of our judgments (e.g., beliefs about astrology) will have no credibility. NRE does not require our principles and theories to systematize these judgments. It only requires that we systematize judgments with *prima facie* credibility. WRE must also ascribe *prima facie* credibility to initial CMJs if it is capable of justifying moral theories. If the principles in WRE only derive their credibility from nonmoral background theories, then the best way for moral principles to derive credibility would be to deduce the principles from the most plausible current background theories. However, in effect, this would be to abandon WRE.[109]

Proponents of WRE might respond to the argument above in the following way. They might grant that *as a whole* initial CMJs possess initial credibility but argue that many of these judgments are likely to be incorrect. Daniels, for instance, points out that many of these judgments are likely to reflect, "cultural background, self-interest, or historical accident."[110] Because NRE only asks that principles are brought in-line with initial CMJs it requires that most of the initial CMJs are correct. WRE, on the other hand, makes a weaker claim about the correctness of CMJs because it uses background theories as a further mechanism in weeding out incorrect CMJs. So, WRE makes a more plausible claim about how credible initial CMJs are. Responding to this argument one must remember that NRE is not without a filtering mechanism capable of eliminating judgments conducive to error. Both methodologies possess this feature. If the filter can

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[109] Ibid: 45-46.
[110] Daniels 1979: 257.

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be improved it is possible to filter out incorrect CMJs with a high degree of accuracy. It is also possible to use empirical studies to help decide when CMJs are correlated with the factors Daniels mentions (i.e., reflect cultural background, self-interest or historical accident).[111]

There is another reason why NRE and WRE are on equal footing when it comes to being committed to the credibility of CMJs. In either NRE or WRE theories can act as a corrective on CMJs. Sometimes it is difficult to know when to revise a moral principle to accommodate a moral judgment and when to revise a moral judgment in light of a moral principle. One way that it would be preferable to revise a judgment is if a compelling theory is created that accounts for the judgment but the theory requires the inquirer to revise the judgment. Reinterpreting the *data* in this way is typical in science. Similarly in moral theory, "a compelling moral theory may explain why a given intuition seemed correct initially, although from our new theoretical perspective we can see that it should be revised."[112] Given that moral theory is more theory-laden, as Daniels has suggested, then this type of revision may happen more often in moral theory than in science.

If a WRE-proponent continues to press that WRE allows for a more qualified claim about the degree of credibility that CMJs possess, then this requires the proponent to defend the superiority of WRE to NRE using two claims. These claims are the other two reasons why one might hold WRE is superior to NRE. WRE might be shown to eliminate more of the mistaken initial CMJs if it can be proven that (1) moral principles

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[111] Holmgren 1989: 47.
[112] Ibid.

in WRE gain their credibility from nonmoral background theories and these theories are more reliable than moral judgments, and (2) WRE avoids accidental generalization of CMJs as moral theories are formulated.[113] I return to the *don't worry strategy* of Daniels, which holds that a stance on the credibility of CMJs is forthcoming from going through the process of WRE. Once we know "what kind of fact, if any, is involved in a considered moral judgment" we will be able to describe why such a judgment is typically warranted. For Daniels, people might also converge on a specific equilibrium point, and CMJs could be referenced as credible to explain why there is convergence on objective moral truth. I have already discussed the problem with this approach in relation to Timmons' work.[114] Holmgren, however, takes a different approach to rebutting Daniels.

Holmgren brings the discussion of the superiority of WRE over NRE back to the question of why a proponent of NRE could not adopt the same provisional stance toward the credibility of CMJs as the proponent of WRE. The proponent of NRE could discover what kind of fact is involved in a CMJ by reference to a moral theory. Inquirers from diverse background might also converge on a *narrow* equilibrium point. So, a reason for the credibility of CMJs could emerge from NRE in much the same way as WRE. The WRE proponent might respond that looking at background theories increases the possibility of converge because people can debate background theories instead of moral judgments and principles. This argument hinges on the reliability of background theories and their supposed superiority to moral theories. It, again, requires the WRE proponent

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[113] Ibid 48.
[114] A good summary of Timmons' argument against Daniels *don't worry strategy* is found in Timmons 1990: 109.

to establish the truth of claims (1) and (2) mentioned above. However, even if a convergence point is reached, the moral theory at the point of convergence cannot be used to account for the credibility of the CMJs in the way Daniels proposes. If a moral theory establishes the credibility of CMJs it must be sufficiently independent from the CMJs it is used to establish the credibility of. But, if one waits until a theory is selected in WRE to explain the credibility of CMJs, then the credibility of CMJs can only be defended in reference to assumptions that favor the moral theory selected. This means that CMJs cannot play a role in moral theory selection in the way that observation reports in science help select correct scientific theories. If one waits to explain the credibility of CMJs, selects a theory in WRE, then explains the credibility of CMJs using that theory, then the CMJs cannot be used to select a moral theory without undermining the ability to objectively explain their credibility.[115]

Holmgren goes on to argue against claims (1) and (2). Against the idea that background theories are more reliable than moral theories Holmgren argues that both WRE and NRE use nonmoral background theories. Epistemological theories can be used to show that moral principles can derive support from nonmoral background theories. Such an argument might run as follows:

1. There is a truth of the matter about morality.
2. If a moral principle economically systematizes a greater range of our considered moral judgments than competing principles, it constitutes our best available approximation of a true moral principle.
3. That principle P economically systematizes a greater range of these judgments than competing principles, we can conclude that P is our best

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[115] Timmons 1990: 109.

approximation of a true moral principle and ought to guide our actions in cases in which it clearly seems to apply.[116]

This argument derives a moral conclusion from a nonmoral background theory. The epistemological principle supports the use of RE methodology, but it does not do so within the context of WRE. Nor does the principle differentiate between NRE and WRE. Holmgren identifies that, "Moral intuitionists have always drawn on logical and epistemological background theories to justify the methodology they use to justify moral theories."[117] Thus, it seems that moral intuitionists who employ the NRE methodology can still use nonmoral background theories to justify moral theories.

It is possible to produce further arguments that show that WRE and NRE fail to use nonmoral background theories in a way that is structurally different. WRE and NRE might still differ in how much weight they place on CMJs, but this difference can be located within the role *moral* background theories play in WRE. So, it seems both WRE and NRE can accommodate the use of nonmoral background theories, and nonmoral background theories do not enhance the credibility of moral principles by playing a unique role in WRE. Both methods can accommodate claim (1).

Holmgren also argues against claim (2). Claim (2) asserts that WRE is preferable to NRE because it minimizes the problem of moral principles being accidental generalizations of CMJs. The implication is that the CMJs in WRE might be more credible than the CMJs in NRE. The plausibility of this idea derives from Daniels introduction of the independence constraint. This constraint requires that the set of CMJs

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[116] Holmgren 1989: 51-52.
[117] Ibid: 52.

systematized by background theories is disjoint from the set of CMJs systematized by moral principles. This makes moral principles secure from being accidental generalizations from initial CMJs because the moral principles, "have been shown to have some kind of logical connection (entailment or inference to the best explanation) with background theories which systematize another set of considered moral judgments."[118] So, the principles that pass through NRE to WRE are less likely to represent ad hoc generalizations from one's CMJs. Against this claim Holmgren argues it does not establish that WRE is preferable to a sophisticated moral intuitionism. Because Holmgren has shown that WRE does not differ from NRE in its use of moral background theories this means the WRE proponent must hold—along with the intuitionist—that CMJs have prima facie credibility and moral theories gain their credibility due to the fact that they systematize these CMJs. This makes it possible for the intuitionist to adopt WRE as a more advanced moral methodology, but it does not mean that using WRE allows one to avoid moral intuitionism. Thus, Daniels' WRE is not an alternative methodology to NRE that avoids the stance an intuitionist takes on the *prima facie* credibility of CMJs. Holmgren continues to argue against WRE.

NRE is capable of avoiding accidental generalization because principles are accepted based on the epistemic desiderata of explanatory power. The more explanatory power a principle P possesses the less likely it is an accidental generalization of the judgments it describes. The more CMJs a principle P accounts for the greater the explanatory power of P. The goal is to formulate and retain principles with the largest degree of explanatory

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[118] Ibid: 57.

power. WRE even seems to increase the possibility of accidental generalization. In NRE

the goal is to find a moral principle P that accounts for the widest range of the CMJs that

have not been discarded or revised. The goal in WRE is to account for the widest range

of CMJs and to account for a plurality of principles (e.g., Q, R, S and T). A subset of

these principles (Q, R and S) might be used as background theories to support another

moral principle (T). The independence constraint requires Q, R and S to systematize

CMJs that are disjoint from the CMJs systematized by T. Because of this there is no

single principle within the set that Q, R, S and T can be reduced to. Imagine in NRE a

theory N is created that has a single principle P. Imagine in WRE a theory W is created

and it supports the plurality of principles, Q, R, S and T. If the widest range of CMJs is

captured by both N and W, then N has more explanatory power than W because the

principle in W cannot all be reduced to a single principle in W. The explanatory power in

W is more dispersed because it must rely on two sets of disjoint principles to explain the

same wide range of CMJs as N is capable of doing using a single principle. Because of

this P is less likely to be an accidental generalization of our CMJs than either Q, R, S or

T. The credibility of the principles derives from systematizing the judgments and P is

able to systematize the entire range of the CMJs whereas Q, R, S or T are not able to do

so. Thus, there is reason to prefer N over theory W because P is more likely to be a

correct systematization of the CMJs.[119]

    Holmgren has shown that standard reasoning for preferring WRE to NRE is

unfounded. There are certain cases where WRE is preferable to NRE, but these cases are

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[119] Ibid: 58-59.

up to the discretion of the inquirer and the work that has been done in the area of moral

theory one is exploring. The sophisticated moral intuitionist can hold that NRE and

WRE are complimentary methods. They are not to be seen as providing better access to

the *prima facie* credibility of CMJs. Holmgren has shown that WRE affirms the two

basic ideas of a sophisticated moral intuitionism, namely (i) CMJs posses *prima facie*

credibility and (ii) moral theories gain their credibility from systematizing CMJs.

Whether NRE or WRE should be employed in a given circumstance depends on which

theory is better at avoiding accidental generalization in that context. The methodological

principle that links accidental generalization with explanatory power (EP) is as follows:

> (EP)   Search for a principle possessing the greatest possible degree of explanatory
> power in order to minimize the risk of accidental generalization.[120]

Most RE-proponents argue that WRE is preferable to NRE, but Holmgren argues

WRE is not better than moral intuitionism and that NRE is preferable for avoiding

accidental generalization of one's CMJs. For the foregoing reasons I will focus on NRE

as the primary interpretation of RE. I will also use moral intuitionism as a moral theory

guiding the positive reformulation of my version of NRE. This is not because moral

intuitionism is a priori true as a normative theory with methodological implications;

rather, intuitionism seems best suited to inform RE in a direction capable of rebutting the

input objection. There is another reason to focus on NRE as the primary interpretation of

RE.

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[120] Ibid 59.

One reason to favor NRE over WRE is because it makes RE a method that is more than a mere metaphor. Scanlon argues that WRE is open to the charge of emptiness. Because WRE instructs us to conduct such a broad and sweeping moral inventory it seems that, "we should decide what views about justice to adopt by considering the philosophical arguments for all possible views and assessing them on their merits."[121] This seems to broaden RE to the point of emptiness. It demands of the inquirer that he consider all potential conceptions and all the arguments for those conceptions. What counts as considering "all possible views" and the pros and cons of each of those views? Surely this does not mean consider all possible views of justice and consider the pros and cons of each of those views. Aside from concerns of cognitive and temporal limitations there is the question of how to limit one's inquiry to just the relevant views. If one fails to consider a relevant theory T that could alter one's final equilibrium point E, has one truly reached a justified equilibrium point or somehow been deficient in doing one's due diligence? What identifies a view as relevant to moral inquiry? By contrast, NRE does not ask that one brings to bear all possible conceptions and all possible arguments that could potentially disrupt one's equilibrium. The relevant considerations are those that count toward systematizing one's CMJs with the goal of adopting principles that satisfy (EP) and other methodological desiderata.

NRE also returns RE to its foundations in Goodman. Goodman articulated something like NRE when he stated that, "The process of justification is the delicate one of making mutual adjustments between rules and accepted inferences; and in the

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[121] Scanlon 2003: 151.

agreement achieved lies the only justification needed for either."[122] Goodman was

talking about induction: inductive inferences are justified based on fit with general rules

and general rules are justified based on fit with accepted inductive inferences.

Substituting "induction" for "moral theory" it is the mutual support of principles and

considered judgments that generates justification, not the system's fit with something that

gains its support from outside the system. NRE allows for input from outside the system

in the form of experience and new judgments, but it does not require one to go on a

search for all views that might relate to the beliefs within the system, and it does not

require that justification stems from such a search.

4.5 NRE IS COMPATIBLE WITH MODERATE INTUITIONISM

By focusing on NRE it is important to establish that NRE is compatible with

moderate intuitionism. This has been largely assumed in discussion, but it has not been

argued for. Now I turn to that task.

According to Audi, a general form of moderate intuitionism—ethical reflectionism—

is compatible with RE.[123] The compatibility of NRE with moderation intuitionism can be

defended using a distinction between *justification from above* and *justification from*

below.

In *justification from below* one derives intuitive moral principles from supporting

grounds. The principles are not presupposed. They are derived from something deeper.

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[122] Goodman 1983: 64.
[123] This has been argued in several places: Audi 1993, Audi 1997, Audi 2004, Audi 1998b, and Audi 2008.
Intuitionism is a restricted form of reflectionism in the Audi account.

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In *justification from above* one presupposes the principles and sees what consequences one can infer from them. This involves, for instance, seeing what kind of lives we would lead if we were guided by the principles presupposed. From these considerations we notice our intuitions about the possible lives and the principles that guide those lives. If our intuitions are satisfactory, then the principles are confirmed. Justification from above can lead to the revision of principles. As Audi says, "We may find that if, for example, we restrict the cases in which promising yields a prima facie duty—say, to situations in which it is fully voluntary—we get a better principle."[124] Using reflection to generate and test intuitions about cases may result in the revision of one's view or in greater justification of principles. This type of reflection is compatible with RE in the following way:

> One can compare one's intuitions with each other, with those of people one respects, and with the results of applying plausible generalizations to the situations that the moral intuitions are about; and one can strive to get all these items—revising them if necessary—into a stable, coherent whole: this is the equilibrium resulting from one's comparative reflections. The intuitionist might, to be sure, use the procedure more to refine moral principles already accepted than to discover moral principles; but this is a contingent matter that depends on what principles are accepted at the start of the process and on how many new principles or refinements of old ones it produces.[125]

Audi's revised ethical reflectionism is clearly in conflict with RE. It applies to the revision portion of RE, but not to the initial direction RE urges us to pursue. RE asks us to start with CMJs, filter CMJs and find principles to systematize our CMJs. Audi holds that one may begin reflection in any fashion. One may start from principles and consider intuitions about consequences or one may do the reverse. The way ethical reflectionism

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[124] Audi 1997: 50.
[125] Ibid.

mirrors RE is that it requires that everything be made coherent. However, once we have derived principles from CMJs Audi's method is compatible with RE. From the outset, although, RE urges *justification from below* whereby intuitive moral principles are derived from their supporting grounds—*prima facie* justified CMJs. Reflection is used in RE not just to arrive at intuitions about cases and principles but to arrive at initial moral convictions that serve as a basis for the justification of principles. Given this correction to Audi's compatibility with RE by positing an order of initial reflection (e.g., from CMJ to principles) there is reason to think Audi favors NRE as opposed to WRE.

One reason Audi's ethical reflection lends itself to NRE is because when Audi mentions WRE it is in the context of the method of reflection that proceeds without directionality (i.e., whatever the circumstances seem to dictate). But we have shown that there is directionality to RE that proceeds with *justification from below* initially, though it may use *justification from above* once one is trying to achieve mutual support. The goal in NRE is to generate the strongest principles possible that systematize the CMJs. The directionality of the procedure is a primary consideration, whereas the mutual fitting together of judgments and principles is a secondary consideration. The order matters because CMJs as *prima facie* credible foundations act to constrain and guide the formation of principles.

Another reason Audi's method lends itself to NRE is because Audi holds that it is possible to increase the justification of a judgment by systematizing it and extending it. This also might allow a CMJ with some degree of justification to become one that is well

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justified and capable of guiding action or constituting knowledge.[126] Audi also holds that

it is possible for the intuitionist to allow RE to systematize principles into something

more general. It might even be desirable because, "that systematization might provide

reasons for the principles and a possible source of correctives for certain intuitions or

apparently intuitive moral judgments."[127] With slight modifications the union of NRE

with ethical reflectionism seems a natural fit. The goal is to use some of the features of

ethical reflectionism (e.g., the notions of understanding and non-inferential intuitions)

within NRE to fill out the details of NRE and systematize and strengthen the CMJs with

which the process begins. Audi nicely summarizes the synergy between NRE and

moderate intuitionism in the following quote:

> There is much to commend a fallibilist, intuitionistic moral rationalism that uses
> reflection as a justificatory method in the ways described here, encompassing both
> intuitions as *prima facie* justified inputs to ethical theorizing and reflective
> equilibrium as a means of extending and systematizing those inputs.[128]

In summarizing chapter 4, I have argued the best combination of architecture and

truth is realism/foundationalism, RE is compatible with foundationalism, wide ethical

foundationalism is not a viable way to solve the input objection, wide-RE is not superior

to narrow-RE and narrow-RE is compatible with moderate intuitionism. With these

points in mind I turn to providing a positive formulation of a solution to the input

objection.

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[126] Audi 1998b: 42.
[127] Audi 1997: 55.
[128] Audi 1998b: 44.

5. SOLVING THE INPUT OBJECTION

5.1 KEY OBJECTIVES

Providing a solution to the input objection could quickly become unwieldy if I do not focus my solution around some core objectives. I will start by clearing away topics that I will not address but that do need to be addressed at some point to provide a complete solution. Though I will borrow and adapt ideas from moderate intuitionism I will not attempt a defense of moral perception, moral knowledge, moral realism and moral reasons. Though I am adopting moderate foundationalism, I will not defend my solution against general objections to moderate foundationalism. The focus of this section is on defending a solution to the input problem. Here are some of the objectives of my solution:

- **Define and Explain Key Terms**
- **Realize Methodological Objectives**
  - Bring back Rawls' notion of a competent judge to solidify the conditions of inquiry that make it successful.
  - Create an upgraded filter capable of separating good intuitions from intuitions emanating from tainted sources.
    - Use the revised filter to answer Sencerz' objection that filtering does not add to the epistemic status of CMJs.
  - Clearly define the confidence index and the processing of CMJs from the stage of initial judgments to considered judgments.
- **Realize Epistemic Objectives**
  - Utilize intuitionist criteria that facilitate the identification of genuine moral intuitions.
  - Establish that genuine moral intuitions, as moderate foundations, are truth-apt.
  - Explain how positive epistemic value is possessed by CMJs.
  - Connect positive epistemic status with truth.
  - Establish how CMJs with positive epistemic value can be assigned weight in relation to credences.
  - Explain how weight works in the face of expanding experience and revision pressure.

- o Explain how credences correlate to the balance of evidence.
- o Show how CMJs are fit to serve as evidence for or against certain principles.
- **Yield a Correct Prediction**
  - o Explain how the revised RE procedure yields correct predictions for the cases in question.

5.2 SLAVERY AS A CASE STUDY

A case that is often upheld as an example of mistaken moral intuitions is slavery.[129]

Slavery was morally permissible for thousands of years, yet it is a practice that is morally

problematic on many levels. Slavery can be used as a case against the objectivity of

moral facts. If there are objective moral properties, then how come whole people groups

found the practice of slavery morally permissible when it is a practice that violates basic

moral rights? For the sake of argument, a CMJ worth capturing might be, "I judge that

slavery is unjust." In the United States slavery was practice from about 1654 until 1865.

The majority of slavery was practiced in the southern United States where slaves were

cogs in an agricultural machine. The treatment of slaves was harsh and inhumane. How

could someone living in the Deep South during the time of slavery form the correct moral

judgment that "slavery is unjust" even though slavery is morally permissible according to

upbringing and culture?[130] Can my version of RE correctly handle a mistaken moral

judgment, such as, "I judge that slavery is morally permissible," in light of a person's

moral principles and morally-relevant background beliefs? Conversely, could my version

of RE properly justify a correct moral judgment, such as "I judge that slavery is unjust,"

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[129] This example is mentioned by Weatherson 2003: 5.

[130] A contemporary example of slavery is human trafficking in the global sex slave industry. This industry is illegal and operates as an underground operation. The tales of people abducted into sex slavery are horrific, but I am using slavery in the southern US as my case study because the practice was permissible in the culture at large. In that case, slavery in the Deep South is a harder case study in term of how someone would arrive at the correct moral judgment about the practice.

in light of a person's moral principles and background beliefs? Both cases are considered

in relation to explaining how someone in the Deep South during the time of slavery could

use RE, in the face of morally wrong enculturation and personal bias, to justify the moral

truth that slavery is unjust. The upshot of yielding a correct prediction is that engaging in

RE methodology leads to correctly capturing moral truth. Now I will present and explain

the relevance of the two cases.

> **Case 1** Dr. B is an atheist physician in the South during the time of slavery. After careful consideration, which includes reflection on the context in which he was raised and lives, Dr. B forms the following CMJ, "I judge that slavery is morally unjust." Dr. B has not deduced this judgment or formed it on the basis of principle or premise. It just seems correct to him upon due reflection.

> **Case 2** Laura Engels is a Christian homemaker in the South during the time of slavery. After careful consideration, which includes reflection on the context in which she was raised and lives, Laura forms the following CMJ, "I judge that slavery is morally permissible." Laura has not deduced this judgment or formed it on the basis of principle or premise. It just seems correct to her upon due reflection.

Both cases highlight the importance of assigning proper evidential weight to CMJs.

In case 1 the CMJ needs to be weighty enough to survive the RE process when brought

in-line with atheist principles.[131] In case 2 the CMJ needs to be less weighty so that

through the RE process it is revised to become consistent with basic Christian principles.

For the sake of argument, I will assume atheist principles (e.g., survival of the fittest)

tend to be more accommodating of the idea of slavery, and I will assume Christian

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[131] The assumption here is that a case could be made for atheism supporting the morality of slavery. Perhaps slavery is a useful environmental adaptation which produces an efficient use of resources in an effort to allow the strong to thrive and survive. That it is done on the backs of the "weak" is permissible because of the overall moral good that results.

principles (e.g., love your neighbor as yourself) tend to be less accommodating of slavery.[132] In case 1 atheist principles put revisionary pressure on the intuition that slavery is immoral. In case 2 Christian principles put revisionary pressure on the intuition that slavery is morally permissible.[133] A successful RE methodology must preserve and justify the CMJ in case 1, and it must revise the CMJ in case 2. Both Dr. B and Laura are considering the context in making their CMJ. For Laura enculturation is allowing her to have a false intuition. She is attaching too much weight to a false intuition. If she assigns less weight to her intuition it will be revised when it comes into conflict with intuitive Christian principles. Dr. B is not swayed by enculturation, but unless he assigns enough weight to his intuition it will be revised, perhaps reversed, when brought into equilibrium with intuitive atheist principles. These considerations illuminate several important factors required for a reasonable inquirer to properly intuit and handle moral truth.

To establish the evidential weight of CMJs I must clearly explain how weight can be assigned to CMJs. I must show how it is possible to separate genuine from false intuitions. The RE filtering mechanism must be strengthened to bolster RE's ability to

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[132] These two assumptions are made strictly based on theoretical concerns. Failure of practice to reflect principles does not bear on these assumptions. Many Christians probably justified harsh treatment of slaves in the name of God while many atheists probably justified abolition in the name of fairness and equality. It might even be the case that some Christian principles could be used to justify slavery or that some evolutionary principles could be used to justify the moral treatment of slaves. I have made these assumptions out of convention.

[133] The Christian principle to "Love your neighbor as yourself" (Mark 12:31) can be formulated as a golden rule, "Treat others only as you consent to being treated in the same situation" (Gensler 1998: 104). Considering this principle against her intuition slavery is permissible Laura would have to imagine herself in the place of a slave as vividly and accurately as she could. She might even have to get to know a slave to know what they go through. Then, she would have to ask if she was African American would she want to be treated as a piece of property or a mere animal. If not, the acceptability of her Christian principle would place pressure on her to revise her CMJ.

capture CMJs with probative value and eliminate CMJs that lack probative value. The notion of a competent judge also needs to be established. Laura might have formed her moral judgment in ignorance of the specific facts of slavery. Perhaps she views slavery as good for the Southern economy but is unaware of the historical and present-day injustices committed in perpetuating the slave industry. Judging the morality of slavery must be done in light of the specific facts of slavery. It might also be the case that Laura is less open-minded and aware of how prejudice and bias are influencing her judgment that slavery is morally permissible.[134] In addition, it would be worthwhile for a competent judge to possess sympathy and imagination to properly assess the moral worth a particular policy or action has on a person or people group. Before accomplishing these goals it will be important to get clear on some key terms.

5.3 A TAXONOMY OF KEY TERMS

To keep my analysis on-track I will define some key terms: intuitions, beliefs, judgments, considered moral judgments, intuitiveness, intuitive judgment, evidence, credence, balance, weight, specificity, and weight of evidence.

An *intuition* is a non-inferentially believed proposition that asserts an attraction to assent.[135] The intuition is believed on the basis of an adequate understanding of its

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[134] It may be the case the Laura lacks certain epistemic virtues.

[135] This makes my version of an intuition have both a rational and a phenomenal side. The rational side is ground in a proper understanding of the content and the phenomenal side has a seemingish quality that invites one to affirm the proposition. My version of an intuition is a hybrid of a Robert Audi and Michael Huemer model. For a good discussion on these perspectives see Bedke 2008. The problem with this hybrid is the distinction between doxastic (i.e. belief based) intuitions and non-doxastic intuitions. Audi 2004 endorses doxastic intuitions as primary, and allows for nondoxastic varieties. Huemer 2005 holds the non-doxastic "intellectual seeming" version of intuitions is primary and denies intuitions in the doxastic sense. An middle ground account is Sosa 1998 whereby both intellectual seemings and beliefs can be

content.[136] It is not held based on any premises nor is it held as a theoretical hypothesis. Reflecting on the proposition—with adequate understanding—the specific content of the proposition exerts an attraction to assent to the truth of the proposition. Intuitions are not necessary or a priori. Intuitions possess epistemic weight but they are fallible, as reflection can lead them to be corrected, improved or defeated.

A *belief* is a propositional attitude. It comes in degrees of confidence to affirm the truth of the proposition. To believe a proposition one must be sufficiently confident in the proposition. Belief requires a degree of confidence of the truth of the proposition that is above a certain threshold.[137]

A *judgment* is a cognitive act of affirmation. Whether one holds an intuition or a belief depends on whether one is disposed to affirm the proposition intuited or believed.

A *considered moral judgment* is an intuition that one affirms under ideal conditions after having reflected on the proposition with an adequate understanding of the content of the proposition.

Intuitiveness is a property of a proposition that elicits "the sense of non-inferential credibility"[138] under certain conditions. This term marks an important distinction between an intuition and something being intuitive. An intuition may non-inferentially seem true (i.e., seem to have a credibility of its own) and be intuitive, yet one may fail to believe the intuition is true. It can fail to be believed to be true, yet it can seem to be true.

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intuitions. I am most closely aligned with Sosa, though parts of my account of intuitions have an Audi-emphasis.
[136] See Audi 1999 for a good explication of the notion of adequate understanding.
[137] A threshold is a notion that might be contextually established. Though, one must admit that there is not readily a non-arbitrary way of identifying a threshold.
[138] Audi 2008: 477.

An intuition may also non-inferentially be believed and assert an attraction to assent, but it may fail to possess intuitiveness because the intuition is based on a complex proposition that does not readily elicit a sense of non-inferential credibility. In such a case, it can be believed to be true, yet it can fail to seem true.

An *intuitive judgment* is an act of affirmation that is accompanied by a sense of non-inferential credibility.[139] Throughout the RE procedure intuitive judgments are made in the process of filtration, revision and seeking harmony between judgments and principles.

Evidence for a belief is that which can increase the likelihood of the truth of the belief.[140] Evidence can also tell against the truth of a belief. Evidence can come in a range of strengths. Putting together confidence and evidence, it might be rational to proportion one's confidence in a proposition to the strength of one's evidence. An epistemic goal might be to believe all propositions to a degree of confidence that is appropriate, which could mean, "believing everything with the exact degree of confidence that the evidence warrants."[141] Evidence can shape what one is justified in believing or it is reasonable to believe. It can also confirm or disconfirm a theory or hypothesis.[142]

Credence is a subjective estimate of the truth-value of a belief. It is a probabilistic notion that allows for an expression of the level of confidence a person places in the truth of a belief. Credence is a term that covers these confidence levels: degrees of belief,

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[139] Ibid: 476-477.
[140] This general, probabilistic notion of evidence is found in Fantl and McGrath 2002. This account does not commit one to a Bayesian, evidentialist or E = K thesis.
[141] Foley 1987: 126-127.
[142] For an informative treatment of the probabilistic version of "evidence" see Williamson 2000 and Achinstein 2001.

subjective probabilities, and grades of uncertainty. Specifically, "a person's credence in

X is a measure of the extent to which she is disposed to presuppose *X* in her theoretical

and practical reasoning."[143] Beliefs, at a given time, can be represented by a set of credal

functions C_t (i.e., a credal state). To each proposition X and condition Y, for each

element in C_t, there is a credence function that assigns a unique real number $0 \leq c\,(X|Y)$

≤ 1.[144] Credences obey laws of probability. This makes how strongly one believes a

proposition X expressible in real numbers in an interval between 0 and 1. The degree of

truth of a CMJ can vary in concert with its degree of justification. In general, the higher

the credence level, the higher the degree of justification.[145]

  Continuing to explicate these terms along Bayesian lines the next three terms

(balance, weight and specificity) concern how a person's subjective probabilities

(credences) reflect a person's total evidence. In a given credal state a person's

unconditional and conditional probabilities can reflect one's total evidence or what it is

reasonable to believe given one's total evidence. Proposition X increases evidence for

another proposition Y as long as the probability of X conditional on Y surpasses the

unconditional probability of X. *Balance*, *weight*, and *specificity* explain how

probabilities can reflect total evidence.[146]

  Balance is connected with individual probability values. The balance of the

evidence determines how firmly the evidence counts for or against a proposition,

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[143] Joyce 2005: 154.
[144] Ibid: 156.
[145] Keep in mind, that credences equal credibilities (i.e., degrees of warrant or justification) after an external standard has been applied to the credences to identify propositions with subjective credences that are credible. This is how the subjective is identified as objective, as something that corresponds to more than what one is disposed to affirm.
[146] Joyce 2005: 154.

hypothesis or theory. Balance is a valance notion that tells in what direction the evidence points.

Weight indicates how substantial the evidence is. The weight of evidence increases as one's evidence increases. Weight can be thought of as a measure of the sum of evidence on which the probabilities are founded. New evidence increases the weight of evidence, but it may decrease the probability of the proposition being true—it may decrease the balance of evidence. So, if the evidence for a proposition, hypothesis or theory is weighty this does not necessarily mean it is more likely to be true than a proposition, hypothesis or theory that is less weighty.[147]

Distinguishing *weight* from *balance* can be done using an example.[148] The following example is a case where one acquires more evidence, thus more weight of evidence, but it does not change the balance of one's evidence. Imagine one randomly grabs a coin, flips it once and it lands on tails. One flips it again and it lands on heads on the second flip. If the coin is flipped two years from now how much credence should one put in the proposition that the coin will land on tails at that time? Given the current evidence, it is reasonable to assign a credence of .5 to the proposition. If the coin is flipped a thousand more times and one keeps careful records about the outcomes and the evidence is in-line with the coin being fair, then one should still assign .5 to the proposition that the coin will land tails two years from now. The balance of evidence has not changed, but the weight of evidence has substantially increased. A few conclusions can be drawn. *Balance*

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[147] This consideration highlights a problem with using *weight* in the metaphorical sense whereby higher weight equals higher probability. The confusion it creates is in situations whereby the weight of evidence is increased, but the balance of evidence (valence) has not changed.
[148] I borrow this example from Kelly 2008: 2. An early treatment of the difference between weight and balance is found in Keynes 1921: 71-78.

concerns how confident it is reasonable to be that a proposition is true given one's total

evidence. *Weight* is not reflected in the confidence it is reasonable to have toward a

proposition. Weight is what it is reasonable to believe in light of new evidence. The

weight of evidence shows up in the resilience of credences in light of new evidence.[149]

As James Joyce says:

> Increasing the gross amount of relevant evidence for X tends to cause credences
> to concentrate more and more heavily on increasingly smaller subsets of chance
> hypotheses, and this concentration tends to become more resilient. As a result,
> the excepted chance of X comes to depend more and more heavily on the
> distribution of credence over a smaller and smaller set of chance hypothesis.[150]

Weight of evidence for a hypothesis is reflected in the stability of X's credences

across a credal state. The *specificity* of evidence for a hypothesis is reflected in the

spread of credence values across a credal state. Specificity is, "the degree to which the

data discriminated the truth of the proposition from that of alternatives."[151] Ambiguity or

incompleteness in the evidence determines the spread in the credence values. As

evidence accumulates, *weight* and *specificity* tend to increase together, but they can come

apart. It is possible to gain in specificity without gaining in weight.[152]

The *weight of evidence* for a proposition relative to the evidence can be expressed

formally and metaphorically. The formal Bayesian expression of the weight of evidence

is in terms of stabilizing credences on a small set of chance hypotheses. If there is a high

weight of evidence, adding new evidence E it will not tend change a proposition X's

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[149] Skyrms 1980 expanded the idea of weight as not tied to unconditional credence but to resilience of
credence in the face of possible sequences of data.
[150] Joyce 2005: 167.
[151] Ibid: 174.
[152] For a good example of this see Ibid: 174-175.

probability conditional on the chance hypotheses. The difference between the credence

for the proposition conditional on the new evidence $c(X|E)$ and the unconditional

probability of the proposition $c(X)$ will be small. What is stabilized is the distance

between X's credence and X's chance hypotheses. The weight of evidence for X relative

to E can be can be captured by a formula.[153] The formula shows that the overall weight

of the evidence for X relative to E $[w(X,E)]$ will be smaller in relation to how weighty the

evidence for X is. Another important idea the formula captures is that weight has no

evidential valence. This means the weight is the same for X as it is for ~X. Looking

only at the statistical version of *weight of evidence* would make the title of this thesis

moot. On this account, weight is not a concept for or against a proposition. It is a

measure of the stability of the proposition when introduced to evidence. It is not a

measure of the evidential valence of the proposition, which is often presupposed when

weight is used in other contexts.

There are additional ways *weight of evidence* is used. The metaphorical use of the

term *weight of evidence* typically stands for a summary interpretation or synthesis of the

evidence.[154] When weight of evidence is used in this sense or when the term weight (or

weighty) is used in this regard there is no accompanying methodology.[155] The author

could be using the following phrase, "in my all-things-considered estimation the

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[153] The formula is: $w(X,E) = \Sigma_x|c(Ch(X) = x|E) \bullet (x - c(X|E))^2 - c(Ch(X) = x) \bullet (x - c(X))^2$. X is a person's credence of X that is the person's estimate of its objective chance. A fixed partition of chance hypotheses is $[Ch(X) = x]$, and E is a possible item of data. From Ibid: 166.

[154] Weed 2005: 1546.

[155] One example of this is when Tom Kelly is responding to Timothy Williamson's intuition that a person in the bad case is as equally justified as a person in the good case in terms of his evidence or beliefs. As Kelly wonders, "In deciding whether to accept or reject the phenomenal conception of evidence, how much weight should one give to this intuition, relative to considerations which seem to count against the phenomenal conception, e.g., considerations having to do with publicity?" (Kelly 2008: 20).

proposition X is significant relative to E to a certain degree." There is not an explicit

weighing of the evidence but more of a gut-reaction to what seems to be the case given

total considerations. *Weight of evidence* can also be referred to as a methodology. A

contrast can be made between the *strength of evidence*, which covers statistically positive

and significant results from a subset of the evidence, with the *weight of evidence* that

looks at all evidence—positive and negative, significant and insignificant.[156] *Weight of*

evidence can also take-on a theoretical meaning. In legal theory *weight of evidence* can

be given a conceptual framework. Four concepts of this framework include:

1. **Relevance**: the extent to which any single piece of evidence could have the tendency to make a fact more or less probable.
2. **Reliability**: the extent to which the evidence is of a sort reasonably relied upon to form an opinion or inference.
3. **Sufficiency**: the threshold "weight" of the totality of the evidence needed to infer a claim.
4. **Standard of Proof**: levels of proof needed for the sufficiency of different types of legal opinions or inferences, e.g., in civil versus criminal cases.[157]

The four theoretical concepts cover important aspects of *weight of evidence*. They

are qualitative in nature or left up to the intuitive judgment of a competent judge.

Relevance concerns how a single piece of evidence contributes to the probability of a

fact. Like the Bayesian notion of *balance* it is a matter of how the evidence is reflected

in the individual credences. If a single piece of data has a relevant weight of evidence, it

will tend to make a fact more or less probable. The distinction between *relevance* and

balance is that relevance is a notion that is less rigorously statistical and it highlights

whether a bit of data has the *ability* to support or detract from the probability of a fact.

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[156] Weed 2005: 1548.
[157] Ibid: 1552.

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Balance, on the other hand, indicates the direction that the bit of data *actually* points and the degree to which it points in that direction. Relevance indicates the possibility of valence, whereas balance is equal to the valence (credence). *Reliability* is the extent to which it is rational to form an inference based on the evidence or proposition. CMJs are often attacked as not being reliable because they are not stable or truth-conducive. However, if evidence has a dimension of balance then one has a measure of how confident it is reasonable to be that a proposition is true given one's total evidence. The higher the balance of evidence is in favor of a proposition the more reasonable it is to rely on the proposition in situations of inference. *Sufficiency* concerns whether the total evidence passes a threshold whereby the evidence is sufficient for inferring a claim. *Standard of proof* recognizes that different moral claims might require different degrees of sufficiency. The four theoretical concepts just mentioned are more qualitative than quantitative because there is no precise formula that indicates how to calculate each dimension. Weight of evidence in this regard informs an inquirer how she should look at individual and total evidence to estimate the importance of the evidence to the proposition at hand.

I have covered the Bayesian, metaphorical, methodological and theoretical uses of the term *weight of evidence* to arrive at a more precise formulation of the phrase. I will use the phrase *weight of evidence* or *evidential weight* to cover both a qualitative dimension of intuitive judgment on the importance of the evidence and a quantitative dimension that estimates the likelihood of the truth of the evidence and how stable the

evidence is when presented with new information. As a result, the *evidential weight* of a

body of evidence can be defined as follows:

> **Evidential Weight**: Quantitatively, it is a statistical measure that is reflected in
> the concentration of credences around a group of chance hypothesis, and, thus,
> stability in light of new evidence (weight), and the balance of evidence in favor of
> a proposition as represented by the proposition's credence values (balance).
> Qualitatively, it is a method of intuitively weighing individual or total evidence in
> accordance with the degree to which four theoretical concepts are attributable to
> the evidence—relevance, reliability, sufficiency, and standard of proof.

The quantitative and qualitative aspects of *evidential weight* are two modes of

inquiry. One could be rigorous and apply credence values to propositions (CMJs). This

allows for precision when revising beliefs within one's belief-set. If the balance of total

evidence in one's belief-set favors proposition X over proposition Y and one is trying to

decide between the two proposition one rationally ought to favor X over Y. In situations

of conflict one ought to be prone to revise Y before X to resolve the conflict. This means

revising the lower credence values as compared to the higher credence values relative to

the total evidence. Using the quantitative measure also helps an inquirer to know when

the credences are stabilizing. As the weight of evidence mounts the credences tend to

settle around a small group of chance hypotheses. As one exposes one's belief system to

conditions that upset equilibrium one will gain in stability until new evidence no longer

upsets equilibrium because the credences are sufficiently resilient. This helps an inquirer

to know when to stop reflection and when one's evidence has acquired an acceptable

degree of weight. *Evidential weight* can also be evaluated intuitively based on how it

seems the evidence tends to make a fact more or less probable, how reasonable it is to use

the evidence as a premise in inference, the threshold of the weight needed to infer a claim, and the sufficiency of different types of inferences.

5.4 FRAMING THE INPUT OBJECTION IN KEY TERMS

Using the key terms detailed in the last section it is possible to gain clarity on the input objection. The objection finds sharp expression in Brant's *A Theory of the Good and the Right*.[158] Brandt attacks the legitimacy of appeal to ethical intuitions or considered moral judgments (CMJs). According to Brandt moral intuitions are firmly-held moral beliefs. They are indicated by dispositions to affirm specific normative statements. They are non-inferential because they are not held based on logical relations to other beliefs (e.g., holding a belief that a mass killing at a school is wrong because it is an instance of a general principle that one already accepts, such as, murder is wrong). Brandt mentions the other standard features of a CMJ: made in moments of calm, not distorted by self-interest, and includes any level of generality (i.e., from a particular action to a whole class of actions). How committed an inquirer is to a normative statement can be placed on a scale from 0 (no inclination to belief) to 1 (strongest possible belief). A degree of belief in a non-inferential intuition determines the person's initial credence level. Initial credence levels allow one to choose between normative beliefs with the purpose of maximizing initial credence levels. This is where the coherence theory of justification enters Brant's interpretation of Rawls' procedure. Proposed normative principles are tested against intuitions, and specific intuitions are tested whether they can be included in a system that maximizes initial credence levels.

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[158] Brandt 1979: 16-23.

The problem with this requirement is that requiring consistency does not provide much guidance for the process of belief revision. It might turn out that beliefs are true or false and that one could make consistent a set of falsehoods. Revising to preserve initial credence levels does not assure initial credences correspond to credibilities unless there is good reason to think that the initial credences are truth apt.

The quickest way to respond to Brandt is by noticing that I have revised RE to be a foundationalist procedure. The foundations express initial credibility not merely degrees of commitment. Taking this response a step further in light of the taxonomy of terms one can see that credence is an estimate of the truth-value of a belief. Credence is a probabilistic notion that allows for a precise specification of the subjective estimates of the degrees of belief in a proposition. Though, credence is not a purely subjective measure because credences are assigned in relation to relevant evidence. Evidence is that which can increase or decrease the likelihood of the truth of a belief. It is rational to assign credences to beliefs based on the strength of one's evidence. Evidence can be reflected in the credence values along the lines of *weight*, *balance* and *specificity*. Against this idea, it seems that inference could guide the assignment of credence values, which undercuts the non-inferential character of CMJs.

Against the objection above it is possible to argue that evidence does not entail inference. Matthew Bedke argues against the assumption that evidence entails inference and holds that intuitions can have evidential value without being *inferred* from evidence.[159] A direct realist like Huemer can hold that awareness of external objects

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[159] Bedke 2008: 266.

provides evidence for propositions about those objects. The belief about the object must be based on the intuition in order to be justified, but the basing relation does not have to be inferential. It can be a causal chain of a certain type whereby the direct awareness of the object causes the intuition. This also allows one to overcome Brandt's objection that it is not clear what kind of facts normative claims express. A normative fact is not just a disposition to affirm a non-inferential intuition; rather, it is a relation a non-inferential intuition bears to an object of intuition. If Rawls had adopted such a stance on intuitions and avoided a strict coherentist/holist conception of justification his claim that, "[t]here is a definite if limited class of facts against which conjectured principles can be checked"[160] would have been less confusing, and he would have avoided objections like the input objection as raised by Brant.

Brant's objection also includes a concern about cultural indoctrination. Because the beliefs we happen to have, and tend to affirm upon reflection, might be influenced by the culture in which we were raised a procedure that systematizes such beliefs may only be "no more than a reshuffling of moral prejudices." Across cultures there is great moral disagreement. Some cultures embrace child infanticide as a form of spiritual sacrifice. Some cultures embrace the efficient slaughter of cows as a food source. Other cultures view the cow as sacred and prohibit killing of the cow for mere consumption. When different equilibria between contemporary and traditional cultures conflict there is no easy way to choose between the belief systems. The rational or moral action to perform in a given case might be culturally relative. Antecedent moral commitments do not

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[160] Rawls 1971: 51.

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provide a way to resolve moral disagreements unless there is some reason to think that

the subjective probabilities are not biased or that there is a robust way to handle bias

within a system of subjective probability.

On the Bayesian account is it possible to handle bias. Joyce has illustrated this point

as follows:

> Bayesians are often portrayed as radical subjectivists who reject any meaningful
> epistemic distinction between evidence and biases. On a subjectivist picture, a
> person's biases merely reflect her 'prior' judgments of credibility about various
> propositions, while her evidence is the 'posterior' information she gains from
> experience. This suggests a model in which a person starts off with a prior
> probability C_0 that reflects her initial judgments of credibility (sophisticated
> treatments make this a set of priors), and learning proceeds by updating the priors
> in light of data.[161]

This quote makes it seem that there is something right about the input objection. It

seems right to call CMJs biases. Of course, one mitigates bias by forming CMJs under

ideal conditions, but, nevertheless, CMJs are *prior* credibility judgments that may reflect

certain biases. The problem with the input objection is that it is not the whole story. One

is not simply reshuffling priors to maximize initial degrees of commitment. Priors on the

foundationalist model have a greater degree of contact with reality, especially when

direct realism is assumed, and they are subjected to experience so that the posterior

information which is brought into reflective equilibrium has sufficiently weeded out

propositions that seemed credible initially but which turned out to not be credible upon

further reflection and exposure to experience.[162] This is why CMJs possess *prima facie*

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[161] Joyce 2005: 157.

[162] This captures the idea that most people have biases in their belief system because they have not
subjected their beliefs to tests of consistency, systematization and critical scrutiny. Most people's beliefs
are largely unexamined. Such beliefs are more likely to reflect prejudices, which are beliefs accepted

credibility and are not *ultima facie* credible or are not taken to be infallible, incorrigible or indubitable. In this regard, it is reasonable to use CMJs even though it is possible that some CMJs reflect some degree of cultural and familial indoctrination that is non-veridical.

Now I will solve the input objection by going through each component in the RE process that enables CMJs to possess positive epistemic status and to be put to good use in a methodological role of moral justification. These components are as follows: architecture, general procedure, competent moral judge, intuitions, standard filter criteria, upgraded filter criteria, credences, principles, and revision procedures. My new interpretation of RE is called moderate-RE (MRE).

5.5 ARCHITECTURE

MRE possesses an architecture consisting of modest foundationalism and minimal coherentism. On this perspective one starts with beliefs that are non-inferential or credible independently from their fit with other beliefs. Bringing these beliefs into coherence increases the credibility of the beliefs, but coherence is not sufficient for the justification of the beliefs. Instead, modest foundationalism claims that, "a moral belief can be justified independently of its inferential relations with other moral beliefs."[163] Despite this, MRE can accommodate the idea that mutual support between beliefs is a desirable and necessary feature. Mutual support may increase the justification of beliefs, and be necessary for the *ultima facie* justification of beliefs, but coherence is not

without critically examining the reasons for accepting the beliefs. This captures Rawls' intuition that, "reflective equilibrium...is a notion characteristic of the study of principles which govern actions shaped by self-examination. Moral philosophy is Socratic" (Rawls 1971: 48-49).
[163] Hooker 2002: 163.

sufficient for justification because some beliefs can be *prima facie* credible or justified

independent from coherentist requirements.[164] On this account, "a belief is [ultima facie]

justified just when it belongs to that highly coherent belief-system which coheres best, on

the whole, with these modest foundations."[165] MRE is a search for a coherent system that

best accommodates modest foundations. CMJs serve as modest foundations.

There are several motivations behind the modest foundationalist architecture in

MRE. Pure coherentism maintains a counterintuitive proposal on the credibility of

beliefs. It is reasonable for a coherentist to hold that if there are two theories that are

equally good in every regard but one aligns better with independently credible beliefs,

then the one that accords with the independently credible beliefs is a better theory. It is

counterintuitive to hold that fit with independently credible beliefs is a good thing, but

beliefs are only justified in relation to other beliefs. Brad Hooker captures this

awkwardness as follows:

> So, for coherentists, an independently attractive moral belief, although itself
> unjustified unless or until it is connected to other moral beliefs, can play a
> decisive role in an argument for one moral theory against another. This seems to
> me an awkward position to maintain. If some well-informed moral belief seems
> independently attractive to us, and if a moral theory's accordance with this belief
> counts in favour of the moral theory, why hold back from calling the belief [prima
> facie] justified.[166]

Aside from the awkwardness of the pure coherentist rendering of RE there is another

reason to move away from pure coherentism. Thomas Pogge points out that CMJs (i.e.,

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[164] I am operating on the assumption that justification comes in degrees. CMJs can be *prima facie* justified
but not *ultima facie* justified until they are members of a system exhibiting mutual support among beliefs.
For more on the prima facie/ultima facie distinction see Senor 1996.
[165] Miller 2000: 163.
[166] Hooker 2002: 162.

firmly-held convictions) can increase in credibility when they cohere with other firmly-held convictions. An analogy to legal theory can be drawn such that, "If two material witnesses give independent and matching descriptions of events, each of their testimonies becomes more credible than it would have been on its own."[167] The analogy to legal reasoning is telling because a similar analogy is used to argue against coherence theory. As already noted in chapter 4, formal epistemology has produced impossibility results that indicate pure coherence theory is not truth-conducive. If a pure coherentist approach to RE is assumed, coherence must be able to create credibility from scratch. That is, a series of beliefs that are not independently credible when brought into coherence ought to be capable of creating credibility.[168] If one takes the *don't worry strategy* there is no guarantee that beliefs that are not independently credible, and not merely believed, can lead to a credible system of beliefs in the end. If one assumes that beliefs are independently credible, one has assumed those beliefs are foundations of some stripe; so, one has already moved away from pure coherence theory. These technical results corroborate the idea that firmly-held convictions (or the testimony of credible witnesses) can only generate credible conclusions or increase credibility because the convictions are

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[167] Pogge 2007: 163. An important thing to note is that there is a disanalogy between RE and the legal model of justification unless *a fact of the matter* is held to exist. Rawls did not commit himself to the claim that independent of our convictions there exists moral truth. The jury is clearly assuming that there is a fact of the matter about what happened apart from the witnesses' reports. Thus, this analogy attains its greatest force when moral realism is assumed.

[168] An objection might be that coherence is just a property of a coherent system and, as a consequence, there is nothing possessing independent credibility needed to appeal to. The individual beliefs do not need to be credible because truth is a property of a system, not independent beliefs. However, the system-wide property that generates truth is coherence. If individual beliefs cohere (or, because they cohere) a coherentist thinks the beliefs are credible. Yet, if coherence cannot generate credibility, unless credibility pre-existed in the beliefs brought into coherence, then system-wide coherence is not adding to the credibility (truth) of the beliefs. The result is that coherence is not truth-conducive. For a glimpse into this debate see Olsson 2002 and Shogenji 2005. I, of course, endorse Olsson's results. For his detailed treatment see Olsson 2005a.

independently credible.[169] Credibility has to get into the system somehow and pure

coherence theory is unable to account for this fact. Matching testimonies of unreliable

witnesses will not, necessarily, result in information that is credible. Coherence alone of

different testimonies or beliefs is not a sufficient condition for directing a jury or a moral

inquirer toward truth.[170] However, if modest foundations possess independent credibility,

then bringing them together can increase the warrant of the entire system.[171]

    Another motivation for modest foundationalism is that RE assumes a foundationalist

requirement.[172] This is the requirement that the judgments that we actually favor play a

justificatory role in reaching equilibrium. In deciding between two equally coherent, yet

mutually incompatible belief systems, imagine I accept the first system as true and, thus,

believe the second is false. The first system is true because I favor my favored beliefs.

This reason plays a self-justifying or foundationalist role and coherentist requirements

cannot explain my choice because the coherentist chains of justification are contained

within the belief systems. If principles and CMJs are coherent, yet they are not actually

held, then they are not pertinent to the reflective procedure for the person who does not

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[169] One way to understand the connection between firmly held beliefs and the independent things they track is in virtue of fittingness relations. Audi explains such relations as one develops morally from perceiving certain cases, conceptualizing the cases and establishing fittingness relations between the concepts. As Audi says, "The perception of the instances, *given* appropriate discriminative capacities and sufficient conceptual capability, puts us in a position to conceptualize those instances; we can then readily apprehend fittingness relations between them; and on that basis (though perhaps not only on that basis) we can come to believe corresponding general moral propositions and, eventually, to understand those adequately for justified belief and knowledge of them" (Audi 2008: 483). Though I do not endorse Audi's use of self-evidence (i.e., I believe moral propositions need to go through RE to attain justification; they are not justified in virtue of being self-evident), it is possible to see how the process Audi describes could be used to explain the link between firmly held beliefs and perceptions, as understood on a foundationalist model.
[170] See Olsson 2002 for an explanation of the problem of pure coherence theory. This literature vindicates the claim in Lewis 1947 that one cannot generate justification from scratch. This is why C.I. Lewis endorsed a weak foundationalism.
[171] For an argument against a coherentist version of RE in favor of moderate foundationalism see Cleve 2005.
[172] Knight 2006: 218.

hold those beliefs. The foundationalist architecture is the ground-floor in MRE, but coherentist considerations are used, as needed, to revise fallible foundations, increase justification and generate the final state of justification.

The final reason that MRE utilizes modest foundations is that RE is compatible with such foundations. The later Rawls allowed for a moderate interpretation of RE whereby rational intuitionism or other foundationalist perspectives were not excluded from the RE procedure.[173] On such an interpretation, "to show that our moral convictions 'fit together in reflective equilibrium' requires that we demonstrate how our most considered convictions about right and wrong are derivable from a moral conception which itself has a deductive basis in these abstract rational intuitions."[174] MRE is compatible with holding that all-things-considered abstract moral principles are self-evident and can provide a deductive basis for moral convictions.[175] This deductive basis may only be realized after principles are discovered that account for convictions and all elements are brought into agreement, but such a basis is possible nonetheless. One thing that is excluded is simply deducing convictions from principles.[176] This would make seeking

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[173] This moderate perspective is indicated by Rawls statement that CMJs have "a certain initial credibility" (Rawls 1974: 8), and it is further explored in Rawls 1993. Initial credibility is something a weak foundationalist may ascribe to a person's reports about her experience, which would provide evidential support for a moral or scientific theory.

[174] Freeman 2007: 34.

[175] Scanlon corroborates this conclusion when he states, "the possibility that our conception of justice should be founded on self-evident principles is not excluded. All that the method of reflection equilibrium requires is that the self-evidence of these principles be established through the method itself, by their demonstrated ability to carry the day against apparently conflicting judgments and alternative principles. What the method of reflective equilibrium prescribes is, so to speak, a level playing field of intuitive justification on which principles and judgments of all levels of generality must compete for our allegiance. It thus allows all possible sources of justificatory force to be considered" (Scanlon 2003: 151).

[176] Two other things excluded from RE is moral nihilism and moral skepticism (Freeman 2007: 34-35). Since I am not using RE to argue against the moral skeptic I avoid the charge of begging the question against the moral skeptic. I am trying to show how it is possible *within morality*, using elements from

RE akin to taking an abstract principle and applying it to specific cases to reach moral

convictions. Instead, MRE holds that fit with considered judgments that are

independently credible is a desirable element of justification, and that a system of beliefs

can have a deductive basis in moral intuitions while, at the same time, serving as a

deductive basis for the intuitions.[177] Establishing the credibility of the moral convictions

must not have been done as inferences or deductions from other beliefs. Although, it is

possible once the credibility of these judgments is established that one can see how one

could infer from abstract principles to the moral convictions.

5.6 GENERAL PROCEDURES

This section provides an overview of the MRE methodology. There are two specific

objections raised by Tom Regan that MRE must address: prejudice and conservatism.[178]

Prejudice implies that intuitions that are not truth-conducive and they may slip into a

procedure that emphasizes intuitions. Conservatism holds that moral convictions reflect

the status quo, as they merely reflect cultural conditioning. Prejudice will be addressed in

the section on moral intuitions and the reliability filters and conservatism will be

addressed in the section on credences. These objections are addressed as manifestations

of the input objection.

The input objection, as formulated by Brandt, distinguishes subjective credence from

objective credibility and argues that moral judgments do not count as evidence for the

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epistemology, to justify moral beliefs. A separate, worthwhile endeavor involves using MRE to fend off
the moral skeptic. That is not the primary objective of this thesis.
[177] A helpful understanding of RE is that, "we can rely on our capacities for moral reasoning under
appropriate conditions, and that our moral judgments are not always arbitrary but are capable of discerning
and being guided by objective moral principles (Ibid: 35).
[178] Regan 1983.

truth of a theory because they might stem from biases, historical accidents and prejudices.

Because of this MRE must make sure it is not merely reshuffling moral prejudices.

Brandt himself rejected the use of intuitions and argued in favor of rational desires that

survive psychological vetting. His idea is that one must get outside one's system of

beliefs and assess the beliefs in relation to facts of logic and empirical reality. Daniels

argues against Brandt's method at length.[179] But Daniels is unable, as I argued in chapter

3, to address the question of the truth-conduciveness of CMJs. Daniels brought

objectivity into the procedure by subjecting beliefs to the widest possible amount of

critical scrutiny, but he evaded the truth-question by providing a methodological solution

to an epistemic question.[180] To answer Brandt's objection head-on I propose accepting

the charge of intuitionism/foundationalism.[181] Let's briefly consider the intuitionist's

model.

    A contemporary version of moral intuitionism finds expression in the work of Robert

Audi. The key for Audi is the notion of self-evidence. A proposition p is self-evident if,

"an adequate understanding of it is sufficient for being justified in believing it and for

knowing it one believes it on the basis of that understanding."[182] This makes there a

relation between understanding p and believing p, and it posits the adequacy of

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[179] See Daniels 1996.

[180] Regarding Daniels' *don't worry strategy*, Shaw plainly says, "that someday we may understand why we are justified in relying on our intuitions as a starting point for doing moral philosophy. This is pie-in-the-sky unless we can be given some inkling of what that justification might be or some reason to believe that the coherence method, even in its wide reflective equilibrium form, is likely to produce a plausible 'credibility story'. Such a theory will require a convincing meta-ethics" (Shaw 1982: 127). I hold that convincing meta-ethics is not found in coherentism/constructivism, but in foundationalism/realism in the hand of the contemporary ethical intuitionist.

[181] James Blachowicz points out that in answering Brant's objection, "prior credibility might entail an intuitionist or foundationalist conception of justification" (Blachowicz 1997: 455). I accept this burden of proof and formulate how such a conception is possible.

[182] Audi 1999: 206.

understanding as it relates to knowledge. As Audi says about the contrast between self-evidence and truth, "The application of the concept of self-evidence to a proposition explains both how it can be known (roughly, through understanding it) and why its justification requires no premises."[183] One might intuitively know that a proposition is true without knowing why it is true because one lacks an adequate understanding of the proposition. The truth of a proposition is apprehended through intuition. As Audi says, "the primary role of intuition is to give us direct, i.e., non-inferential, knowledge or justified belief of the *truth* of certain moral propositions."[184] So, for ethical intuitionism, intuition provides justified belief of the truth, not the self-evidence, of moral propositions. This distinction is important because the plurality of basic moral principles (i.e. prima facie duties) that intuitionists tend to embrace need not be defended as non-inferentially self-evident. Because the truth of intuitions is known based on complex relations between concepts, yet self-evidence is known through knowledge about these grounds, such knowledge might not be available. One might recognize the truth of a proposition but not recognize the self-evidence of that proposition.[185] Intuitions may or may not have self-evident propositions as their objects. I mention these distinctions because it allows me to borrow the notion of intuition from the ethical intuitionist without thereby being committed to the self-evidence of the propositions intuited. An intuitionist

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[183] Audi 1998b: 18.
[184] Ibid: 19.
[185] This contemporary, moderate twist on intuitionism allows one to hold that one is not necessarily committed to the self-evidence of a proposition. Critics of Ross argued that he was committed to recognizing the self-evidence of the propositions, then it was shown that the propositions are not self-evident. Of primary importance is to defend the truth of the duties, yet establishing the second-order idea that the duties are self-evident is of secondary importance. As a normative theory, moderate intuitionism is committed only to there being non-inferential justified beliefs attained through intuition, but it need not always be committed to the basic duties possessing the epistemic status of self-evidence.

notion of intuition will be used to get at the truth of CMJs—to show how CMJs are genuine or objectively valid despite being fallible. This will provide a direct response to Brant's objection. Why defend CMJs or moral intuitions as truth-conducive?

I must explain how CMJs are truth-conducive because CMJs are the data, the evidence, against which principles are evaluated. Though I provided a specific definition of CMJs, the purpose of CMJs could be understood as, "judgments about what actions are required, permissible, and/or forbidden in a particular set of circumstances, or about the acceptability of a more general moral rule (either absolute or pro tanto) that specifies what is required, permissible, and/or forbidden in a range of similar cases."[186] CMJs are intuitions about the rightness or wrongness of actions. In MRE the accent of justification is on CMJs. We ought to select a moral theory based on the considerations that we place greatest credence in and these are our CMJs.[187] When a group of principles (a theory) best accounts for CMJs, then this match counts as evidence for the principles. Alternative moral principles (or sets of moral principles) are tested by how well they fit with one's reflective intuitions. As Michael Huemer, a contemporary intuitionist, has stated, "ethical intuitions provide prima facie justification for ethical beliefs."[188] Because of the important role CMJs play in justification one must defend their status as truth-conducive otherwise one is open to the objection that intuitions should not play such an important role in the justification of ethical beliefs.

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[186] Miller 2000: 157-158.
[187] Tim Mulgan even claims that, "One primary purpose of a moral theory is to unify and make sense of our considered moral judgments or intuitions...A *decisive* intuition represents a judgment any acceptable moral theory must accommodate" (Mulgan 2006: 2).
[188] Huemer 2009: 232.

Though the accent of justification is on CMJs this account is not committed to the factivity of CMJs. There can be false intuitions. Even in ideal inquiry conditions it is possible to have a false intuition because one's intuition is biased or distorted by factors of enculturation. Ideal inquiry conditions make it more likely that intuitions are correct, but they do not absolutely block against the fact that, "a mere prejudice can masquerade as an intuition."[189] MRE is only committed to the idea that our moral intuitions are not, en masse, unreliable. MRE holds that, "our considered moral convictions are sufficiently reliable to proceed with a moral theory of justice that at least approximates the correct or most reasonable view."[190] This makes CMJs reliable, though not infallible, evidence of moral truth. CMJs posses what Hooker calls *independent credibility*.[191] CMJs are attractive without reference to something beyond themselves, but CMJs might turn out to be wrong. In addition, CMJs can accept support from other beliefs, even as they carry their own justification or are attractive in their own right. Through systematization of CMJs, and potential revision, there exist resources to correct false or merely apparent intuitions. Over time beliefs should come to track the truth to a greater degree as biases and inconsistencies are uncovered and eliminated. This is part of the process of achieving greater moral maturity. One comes to see with greater clarity what is true regarding moral and immoral actions.

This is also how MRE solves the *weak version* of the input objection. The weak version of the input objection holds that there is no reason to think CMJs are true. MRE

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189 Audi 2004: 66.
190 Freeman 2007: 35.
191 Hooker 2002: 165.

shows how CMJs possess evidential weight and this explains why it is reasonable to think

that CMJs are true.[192] Though it is possible that some CMJs are false, as MRE proceeds

the probability of there being false CMJs in one's belief-set continues to diminish.

MRE is a process of deliberately inducing conditions for the moral development of

an individual. Often, one's moral beliefs settle into an unhealthy homeostasis. This

occurs when one's belief-set contains biases, inconsistencies or explanatory inadequacies

that go unchecked. Uncertainty, instability or new experience can upset a homeostasis

and lead to a new equilibrium point. The general flow of MRE is to establish

equilibrium, upset equilibrium, allow beliefs to settle, then self-induce uncertainty

through self-examination or increased experience.[193] This captures the intuition that

people only typically re-examine their moral beliefs when their world is shaken by

personal or social tragedy and suffering. In this regard, MRE aims to be proactive belief-

formation and moral maturity methodology. Now I will review the standard RE

procedure and indicate how MRE differs from this procedure.

In typical RE methodology one begins with a set of moral intuitions. These

intuitions are examined and only intuitions that one can confidently affirm are retained.

Grounds for dismissal include suspicious formative factors or occasional epistemic

distorting factors that generate instability and vagueness in a moral judgment. The

retained intuitions become CMJs because they are judgments one is inclined to adopt

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[192] By way of situating MRE historically it is possible to locate the original expression of this idea in Fries 1937. Fries tried to establish a method of proving moral realism by articulating how moral judgments can be put forward and revised in a way that makes them likely to be true.

[193] As Dan Bonevac has stated, "Judgments at equilibrium are not immune to all revision, they remain stable unless 'expanding experience' alters them" (Bonevac 2004: 363 n.2). New commitments can occur through experience or seeing what is entailed by what one believes.

under conditions conducive to good decision making. From the CMJs, principles are

inferred or conjectured that might account for the CMJs. Working from both ends one

revises principles and CMJs until they are mutually supportive. From narrow-RE one

proceeds to wide-RE whereby different background theories are introduced to test the set

of CMJs and principles under different conceptions. These conceptions are arguments

for and against the current set of beliefs and act as further evidence against which beliefs

are revised. When CMJs, principles and background theories are harmonized one has

achieved wide-RE.[194] As already argued, wide-RE does not constitute a theoretical

advantage or an increase in justificatory force over and above narrow-RE. For this

reason I will continue to focus on narrow-RE and defend it against the charge that it is

fundamentally conservative (i.e., matches principles with relatively fixed CMJs). By

contrast, the MRE method might be outlined in the following steps, which will be

elaborated in forthcoming sections in this chapter:[195]

1. Ensure that one is a competent moral judge.
2. Collect all moral intuitions.
3. Validate the genuineness of each intuition by verifying four requirements are met:
   non-inferentiality (or directness), firmness, comprehension, and pretheoreticality.
4. Discard intuitions that are not genuine.
   a. This includes propositions that are not beliefs but are mere inclinations to
      believe (i.e., held with less than .5 degrees of confidence).[196]
5. Validate that genuine intuitions are genuine CMJs by putting the intuitions
   through three filters: occasional epistemic distorting factors (OEDF), suspicious
   formative factors (SFF), and the mixed error menagerie (MEM).
   a. This is where the data is validated as veridical.

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[194] Implicit in this formulation is Daniels' independence constraint whereby the judgments supporting the
background theories must be disjoint from the CMJs supporting the principles.

[195] The impetus for specifying the MRE process is capturing Bonevac's intuition that, "Without a precise
characterization of the Rawlsian revision process, it is impossible to achieve any results" (Bonevac 2004:
386).

[196] This distinction expresses the idea that confidence is related to degrees of belief, whereas credence is
related to the truth value of the beliefs. *Evidential weight* covers both of these dimensions.

      b. MEM is a mixed filter that includes some elements in previous filters, but it also includes other elements not found in previous filters. Such redundancy generates greater purity of filtration.

6. Disregard CMJs that fail any of the three filter tests.[197]
7. Apply credences to the remaining intuitions (the CMJs) according to the strength with which one is attracted to assent to the truth of the intuitions.[198]
       a. These assertions might have the following form: Moral judge X judges that p is the case to degree of strength c.
       b. This is assigning *evidential weight* to the CMJs.
8. Rank the CMJs according to their credence values.
9. Infer or conjecture from the CMJs to principles that account for the CMJs.
10. Revise the principles in an effort to discover the set of principle that best cohere with the modest foundations (the CMJs).[199]
        a. This is how the accent is placed on CMJs.[200]
        b. To decrease the risk of accidental generalization, favor principles that have the greatest degree of explanatory power.
11. In situations of conflict where principles are recalcitrant to revision (i.e., they resist revision or keep reappearing while seeking inference from CMJs and coherence with them) revise some CMJs so that they are in-line with the resistive principles.
12. When revising CMJs be more willing to revise CMJs with lesser evidential weight and be less willing to revise CMJs with greater evidential weight.[201]
        a. In a case where one holds CMJ_1 with .5 credence and CMJ_2 with equal credence, and there are no CMJs held with lesser credence, then one may

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[197] This step overcomes a doxastic conservative stance whereby anything a subject believes has some merit counting in its favor, which might include products of superstition or wishful thinking. For an example of such a position see Elgin 1996: Ch. 4. The inquirer must not only have a genuine belief or intuition but the belief must also seem to be the case. The filters eliminate things that seem to be the case but really are not the case. Products of superstition and wishful thinking are filtered out. This step aligns MRE with phenomenal conservatism whereby things that seem to be veridical have a presumption in their favor, which includes but is not limited to things that are believed. This is not, however, pure phenomenal conservatism because things seem true in relation to certain filter criteria, not simply by seeming to be the case to the person.

[198] This use of credence, which covers 'degree of belief', is echoed in DePaul 2006: 620 n.13. It corresponds to how likely is seems to the agent that the proposition intuited (believed) is true.

[199] This can be instantiated in terms of explanatory power.

[200] It is interesting to note that the accent on CMJs reverses the consequentialist impulse to put more weight on abstract principles and less weight on intuitions about specific cases. Intuitions can be at any level of generality, but they tend to be about specific cases. The bumper sticker for MRE reads: trust your intuition.

[201] Notice that all judgments with credence values are allowed into consideration. This avoids the problem of *the confidence constraint* whereby one eliminates CMJs that possess lesser evidential weight. Even judgments that one is not fully confident in are considered, but they are considered in accordance with the confidence it is reasonable to put in them in relation to the evidence in their favor. This captures Scanlon's suggestion to consider all judgments with credence values (Scanlon 2003: 144).

resolve the conflict using the criterion of *intuitiveness* for which the CMJ that elicits a greater sense of non-inferential credibility is revised last.

    b. Repeat steps 10-12 until CMJs and principles are brought into a state of mutual support or maximal coherence.

13. Consider other hidden assumptions or background principles that one finds intuitive in relation to the set of CMJs.
14. Apply these background principles to the belief set and revise the CMJs, the principles, or the background principles as needed.[202]
15. When CMJs and principles are maximally coherent one has achieved moderate reflective equilibrium (MRE).
16. As new experience (empirical or informational) is encountered revise current commitments in light of new experience to achieve a belief set that is more comprehensive and fully justified. Also, revise beliefs as one intuits new moral convictions and infers or conjectures principles from these convictions.[203]

    There are several points worth mentioning about the MRE procedure. The MRE procedure invites an inquirer to establish and defend why credences are equal to credibilities. It allows an inquirer to explain and rank what seems true according to degrees of commitment. It then asks the inquirer to apply external filter criteria to credence values that are subjectively weighted. This challenges the inquirer to make the subjective more objective. The external filter criteria are independently credible because they are standards that address typical ways in which intuitions can be mistaken.[204] Credences are validated and one is warranted in putting the credence one does in one's

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[202] These background principles are not the same as the background theories of wide-RE. They are not required to be a systematic conception that is applied to the current set of beliefs. It is assumed that a reasonable conception has already been generated. The background principles may produce slight alteration in one's current moral conception, but these are likely to be refinements instead of radical departures from current commitments.

[203] There is not a mandate that people seek formative experiences, as is mandated by DePaul 1993. It is assumed that one must remain open to experience and seek to revise beliefs in light of experience, which means that the person is a competent judge. Unless one is completely isolated from society one will have ample feedback for the revision of beliefs. If one is in isolation, then imagination can proxy for the role of experience.

[204] The filter criteria come from ethical intuitionism's attempt to explain moral disagreement. If moral beliefs are facts, then how come there is so much disagreement? Intuitionists, like Huemer, explain disagreement by showing how people go wrong in reasoning, how distortions stem from errors common to reasoning in general and morality in particular.

CMJs because the CMJs have survived filtration. In addition, the CMJs themselves are genuine intuitions. They meet four requirements for being properly formed and held by an inquirer. As such, CMJs are likely to be truth-conducive because the conditions *and* constitution of genuine intuitions has been satisfied. This makes it rational for one to put the evidential weight one does in the CMJs. A competent judge who follows MRE will tend to reach justified moral beliefs. Akin to observation reports, the competent judge will tend to veridically apprehend moral matters. For example, one might be able to see that under certain factual circumstances it is very likely one should keep one's promise. This is similar to claiming that a competent perceiver, under conditions favorable to good perception, will see an orange on the kitchen counter when there is in fact an orange on the kitchen counter.[205] This is why the first step in the procedure is important. If one is not a competent moral judge, then one might not be able to apprehend moral truth. A color-blind perceiver may be unable to apprehend the truth of certain color perceptions. Similarly, if one is highly self-interested, closed-minded and unwilling to use the intuition requirements and filter criteria that lead to good moral judgments, then one may not see the true moral propositions. If the agent is defective in terms of moral competence, then moral truth is not likely to be apprehended and false judgments are likely to result. For this reason I will re-introduce the notion of a competent judge back into the RE procedure.

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[205] Relating this example to intuitions, the constitution conditions on the intuitions make sure that what one is receiving through one's epistemic channel is in fact a genuine intuition. It separates, for example, emotional reactions from reflective seemings. The favorable conditions (e.g., good lighting) are akin to the filter criteria that ensure the conditions under which genuine intuitions are formed are conducive to forming veridical judgments.

5.7 Competent Moral Judge

From Rawls' first articulation of a "decision procedure" in ethics (1951) to his embedding of a similar procedure in his theory of justice (1971) the notion of a competent moral judge was dropped. It is possible to speculate why this occurred. One possibility is that Rawls dropped the notion of a competent judge under the sway of Quinean epistemology. Instead of focusing on the agent making the judgments, the focus changed to the beliefs themselves. In *A Theory of Justice* the make-up of the agent bringing the judgments into reflective equilibrium is not central as long as the beliefs themselves are mutually supportive. The shift to focus on beliefs accords with the shift to a holistic, coherentist reading of the procedure. Another possibility is that Rawls' original position is thought to embody many of the characteristics of a competent judge. It is possible to assume that behind the veil of perception one would be a competent judge. Regardless of the possible reasons for dropping the competent judge I will re-insert the competent judge into the procedure to guard against person-centered mistakes in making moral judgments.

Whether or not RE contains a provision on the inquirer being a competent moral judge impacts the justificatory force of a CMJ within RE. When Rawls dropped the competent judge it had the effect of weakening the notion of a CMJ. This exposed RE, as found in *A Theory of Justice*, to the objection that the data of RE lack credibility. Thus, the credibility of CMJs is going to be restored, in part, by reintroducing the competent judge and the more stringent notion of a CMJ.

The notion of a competent judge has two categories of characteristics—general

knowledge capacities and moral knowledge capacities. The first category includes the

following features: average intelligence, general knowledge of the world and the

consequences of actions, knowledge of the facts of specific cases where one is called to

judge, a willingness to use logical reasoning to determine what one should believe, and

an open-minded when it comes to re-examining options in light of further evidence. In

the second category are characteristics attuned to capturing moral knowledge. For

example, a competent judge, "knows, or tries to know, his own emotional, intellectual,

and moral predilections and makes a conscientious effort to take them into account in

weighing the merits of any question."[206] This self-knowledge is important because it

results in the ability to account for one's prejudices and biases. Though biases may

influence one's judgments, such biases do not determine the outcome of one's judgments

because one is insufficiently aware of their influence. A competent judge must also have

a sympathetic knowledge of human interests that tend to conflict and create moral

dilemmas.[207] Experience is important in gaining knowledge of human interests. Where

experience is incomplete Rawls' admits the importance of imagination. Through

"imaginative appreciation" the competent judge can imagine how interests can

conflict.[208] The judge can then lay before himself, "all the interests in conflict, together

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[206] Rawls 1951: 179.
[207] This is called *perceptive equilibrium* by Martha Nussbaum 1990: 25-26. As Charles Harris summarizes this notion, "We must place ourselves in the position of another as fully as we can in order to determine what moral judgment is proper" (Harris 2005: 73).
[208] A contemporary take on this idea is the notion of hypothetical retrospection (Hansson 2007). This is where one imagines a future possibility has materialized. One does this to minimize risks and uncertainties. The correct course of action is the alternative that is morally permissible according to all

with the relevant facts of the case, and to bestow upon the appraisal of each the same care which he would give to it if that interest were his own."[209] Imaginatively taking-on the interests of others as if they are one's own serves the end of impartial judgment. A competent judge is impartial and reasonable in the appraisal of moral matters.

MRE's adoption of the notion of a competent judge has the effect of sharpening the notion of a CMJ. DePaul summarizes the notion of a CMJ in relation to Rawls' notion of a competent judge as follows:

> (1) the judge does not stand to be punished for making the judgment, (2) the judge does not stand to gain by making the judgment, (3) the judgment concerns a real case where real interests are in conflict, not a merely hypothetical case, (4) the judgment was preceded by careful inquiry into facts and fair opportunity for all concerned to state their side, (5) the judge feels sure of the judgment, (6) the judgment is stable for the judge across time and shared by other competent judges, and (7) the judgment is intuitive, in the sense that it was not formed as a result of the conscious application of moral principles.[210]

This more restrictive notion of a CMJ details the type of judgment a competent judge is likely, willing and required to make. Competent judges possess characteristics conducive to the generation of CMJs as outlined in the preceding quote. On this account, CMJs are impartial, grounded in facts and fair inquiry, firmly-held by the judge, stable and intuitive, and reflect real human interests—either present day or historical. Once these characteristics are brought to light it becomes evident why CMJs are initially credible, not merely initially believed. Though CMJs have subjective qualities, they are far from purely subjective judgments that lack precedence, reflect instinct or

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hypothetical retrospections. This is a way of sharpening intuitions and considering moral alternatives and human interests. It can aid in developing sympathetic knowledge.
[209] Rawls 1951: 179.
[210] DePaul 2006: 620 n.15.

enculturation or are biased by ulterior motives at the hands of self-interest. These qualities find parallels in the intuitionist's notion of an intuition. The next section will explore in what sense a CMJ is *an intuition* that one affirms under ideal conditions.

5.8 MORAL INTUITIONS

MRE adopts four requirements outlined by Robert Audi as requirements an intuition must embody to be counted as a genuine intuition.[211] While describing the four requirements I will show how the notion of a CMJ, which is grounded in the notion of a competent judge, meets these criteria.

The first requirement for an intuition to count as a genuine intuition is the requirement of *non-inferentiality* (or directness).[212] This is the requirement that intuitions are foundational beliefs because what is intuitively known is not evidenced by inference from premises.[213] This means that a genuine intuition must not be arrived at as a conclusion of inference. It can, however, be arrived at as a conclusion of reflection whereby one reflects on the content of a proposition from a global perspective in relation to its context. That a genuine intuition cannot be inferred from premises coincides with the requirement that a CMJ is intuitive with regard to ethical principles. A CMJ cannot be arrived at by a conscious application of principles. If CMJs are to be something against which principles can be tested, they cannot be inferred from the principles they

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[211] I am using the term 'genuine intuition' as an intuition that meets Audi's four requirements.

[212] Audi 2004: 33-34.

[213] This does not mean that what is not evidenced by other beliefs cannot itself serve as evidence. It simply means that the ground of what can serve as evidence is not further beliefs or premises. Instead, the ground is the capacity for a competent judge to form CMJs under ideal conditions. It involves the rational capacity of the judge to form judgments that emanate from and reflect the character of the judge. Placing the focus on what can evidence what is intuitively known also avoids implying that a proposition intuitively known is a priori.

are supposed to validate. This would threaten the method with justificatory circularity. This is also consistent with CMJs being conclusions of reflection because, as Rawls states, "An intuitive judgment may be consequent to a thorough inquiry into the facts of the case, and it may follow a series of reflections on the possible effects of different decisions....What is required is that the judgment not be determined by a systematic and conscious use of ethical principles."[214] The goal is to reach principles that can justify moral beliefs and can be shown to be justified. CMJs are the anchor against which this process is elaborated. This requires CMJs to be arrived at with sufficient distance from the principles that might later elaborate or intuitively express the CMJs.

The second requirement for a genuine intuition is the *firmness* requirement. An intuition is not merely an inclination to believe because it is typically a case of belief. Something can be intuitive without being an intuition.[215] An intuition must be a proposition that is thought to hold, and it "tends to be relinquished only through such weighty considerations as a felt conflict with a firmly held theory or with another intuition."[216] This account aligns with Rawls' requirement that a CMJ be firmly-held.

The third requirement for a genuine intuition is that an adequate understanding of the propositional content must be part of the formation of the intuition. This is the

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[214] Rawls 1951: 183.
[215] Audi makes this distinction with reference to perception. Regarding that which is merely intuitive, "the data would be less clear, just as a view of an unexpected island in the fog is less clear than it would be in sunlight and provides less reason to alter one's map" (Audi 2004: 34). I part ways, however, with Audi by reserving the term *evidential weight* for degrees of confidence (belief) along with credence (likelihood of truth); whereas, Audi mentions that evidential weight need not be denied to intuitive propositions, but that intuitions proper have much more evidential weight. I hold that genuine intuitions have degrees of confidence, but they only possess *evidential weight* once their tendency toward truth has been assessed. It is possible that being held firmly or confidently can increase the evidential value of the intuition, but both confidence and truth must be present for the intuition to have evidential weight.
[216] Ibid: 34.

comprehension requirement. When considering a proposition an intuition may quickly arise in response, but when there are many conflicting human interests reflection may take awhile to properly understand the proposition. Adequate understanding is a gradable notion and a minimal amount of adequate understanding is required for a proposition to be genuine. The upshot of this is that, "this kind of basis of a belief tends both to produce cognitive firmness and to enhance evidential value."[217] Understanding can add to the evidential value of an intuition, and it can produce a firmness with which an intuition is held. This connects to the notion of a CMJ because one is required to feel sure of the CMJ. Feeling sure results from cognitive firmness—the fact that one has a firm grasp of the content of the proposition.

The fourth requirement of a genuine intuition is the *pretheoreticality* requirement. This means that intuitions are not, of necessity, ground on theories for their support, and intuitions are also not held as theoretical hypotheses. To avoid confusion it is important to recognize that it is possible for the content of intuitions to be inferentially justified or held on the basis of a theory. Non-inferential justification is not the *only* type of justification that can justify an intuition. However, for the intuition to be genuine the intuition must not be held as a theoretical hypothesis or based on a premise. The crucial question is, "How is the intuition *in fact* held?"[218] This links-up with the notion of a CMJ in that a group of principles can constitute a theory and a CMJ cannot be evidentially ground in a principle to receive its *prima facie* justification, its initial credibility.

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[217] Ibid: 35.
[218] Ibid: 35-36.

These four requirements act as a baseline for testing the genuineness of intuitions. Intuitions that meet all four criteria continue on to the next round in the MRE process. The baseline for being an intuition does not exhaust the requirements for being a CMJ. This is why genuine intuitions must continue to the next stage where they are validated as being veridical. The four requirements of a genuine intuition ensure that the belief is held in the right way to count as an intuition. Aspects of a CMJ that the four requirements fail to capture are: that the outcome of the judgment is not tied to merit and demerit incurred by the judge, the judgment concerns an actual case (either current or historical) with real human interests in conflict, the judgment was made with a reflection on all the facts of the case, and the judgment has precedence and is shared by other judges. This is why the four requirements for being a genuine intuition is a test appropriate to the confidence it is reasonable to have in a belief, but it is not appropriate to the truth of the belief because the belief has not survived a vetting process aimed to identify purely subjective judgments that are likely to reflect suspicious formative factors and distorting epistemic factors. As Audi mentions, "absence of *all* bias is apparently not part of the concept of an intuition."[219] The same holds for the concept of a CMJ. Though *all* bias is not eliminated during the filtration process there is a progression toward less bias and the elimination of purely subjective judgments. Bias can also be identified and corrected as CMJs are extended in the form of principles. It is reasonable to view MRE as a process of the successive elimination of biases as CMJs are systematized and brought into a state

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[219] Ibid 37.

of *ultima facie* justification. With this thought in mind I proceed to the next section

where the three filters are explained.

5.9 THE THREE FILTERS

Once a proposition is firmly held, adequately comprehended, and pre-theoretically

and non-inferentially formed it is ready to pass through a series of filters on its way to

becoming a full-fledged CMJ. Now I will motivate the move from the traditional RE

filters to the robust three-fold filters.

As traditionally understood, there are two general conditions RE filters are thought to

capture. The first condition can be formulated as the *principle of general reliability*

(PGR). The principle can be stated as follows:

> (PGR) Moral beliefs formed under conditions generally conducive to the formation
>   of true beliefs will be more reliable than moral beliefs not formed under these
>   conditions.[220]

PGR assumes that a belief, when formed under the right conditions, will be reliable.

To be reliable is to be truth-conducive. So, a belief formed under conditions of general

reliability is more likely to be true. These conditions capture a great deal of what it

means for an intuition to be a CMJ. Generally reliable cognitive conditions have the

following traits: good inference patterns, based on nonmoral evidence (i.e., well-

informed), not distorted by prejudice or self-interest, held with confidence, made in a

moment of emotional equanimity and stable over time.[221] When a further condition is

added to the principle of general reliability all of the outstanding elements, which were

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[220] Brink 1989: 132.
[221] Ibid.

not captured by the notion of a genuine intuition, are captured to make an intuition a CMJ. This is the requirement for *impartial* and *imaginative consideration* of the interests of the relevant parties in a given case. Greater reliability is generated when a competent judge uses her capacities for imaginative consideration of the interests of others and from that impartial perspective formulates a judgment about the case.

The two general conditions of reliability alone do not produce an intuition with probative force. To cite one example, intuitions formed in an emotionally calm moment are not always evidential.[222] Calmness cannot always ascribe credibility to CMJs because there are cases where arousal of moral emotions can lead to the correct judgment. If one discards an intuition formed when one has an overwhelming sense of moral indignation and disgust this can lead one away from the correct moral assessment of the situation. Indignation may have non-inferential evidential value. As Audi indicates, "This is certainly possible where the emotion is produced as an appropriate response to the relevant base properties, such as flogging or lying, properties that would directly support the corresponding moral judgment."[223] Adding an intuitionist perspective to the filter conditions allows for a more accurate assessment. Instead of requiring emotional equanimity as a condition of reliability what is required is a fittingness relation between the emotions and the base properties, which may be perceptually ground or ground in certain cognitions (i.e., memorial impressions). With this revision to the emotional component the first filter is established. It is called the

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[222] See Sencerz 1986 for a sustained argument against the *principle of general reliability*, and for a specific argument against the evidential value of emotional calmness see pp. 80-82 of the paper.
[223] Audi 2004: 56. This sentiment is corroborated by DePaul when he states, "feelings of moral outrage reliably indicate egregious wrongdoings" (DePaul 1993: 17).

occasional epistemic distorting factors filter.[224] It recognizes that certain factors can interfere with one's ability to correctly form epistemic judgments. If an intuition is made under conditions of insufficient information, intoxication, inattention, bias, haste or lack of fittingness between emotions and base properties, then it is likely to be false or misguided. Despite the first layer of protection against misguided intuitions becoming CMJs there is another filter that is needed. This filter specializes in uncovering bias and prejudice that emanates from enculturation or a tainted source.

A common element in the input objection is insistence that CMJs may merely reflect familial and cultural indoctrination that could have been different if one had been raised in a different family or lived in a different culture. Our moral intuitions may be subjective in that they simply reflect views that have been, "inculcated into us by parents, teachers and society from childhood."[225] Brandt agrees with Singer and Hare's assessment and argues that our goal should be to step outside our own tradition and objectively access the facts of the case. Against this idea Scanlon argues, "The aim of Moral Enquiry is not to justify our 'considered judgments' with reference to some new and independent standard, but to clarify the reasons that we already had for believing them to be correct and to determine whether, in the light of reflection, we still find them persuasive."[226] The ultimate credibility of our CMJs is not going to be found in an ever-elusive culturally-neutral vantage point. The goal is not to seek a culturally-neutral standard, but to use a standard that is capable of sorting good from bad enculturation.

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[224] I borrow this term from Copp 1984.
[225] Singer 1974: 516. Another argument along these lines is found in Hare 1973 and in a strong statement that, "The equilibrium they have reached is one between forces which might have been generated by prejudice, and no amount of reflection can make that a solid basis for morality" (Hare 1981: 12).
[226] Scanlon 1992: 16.

The goal is to minimize the influence of pernicious prejudice and bias by using a standard that stands outside, yet is implied within, the system of beliefs being evaluated. To address this concern I turn to the next filter.

The next filter is the *suspicious formative factors* filter. This filter seeks to further mitigate the influence of inadequate familial and cultural training. It is important to realize that not all formative factors are negative. Some familial, cultural and religious training is consistent with forming CMJs that are truth-conducive. Moral disagreement is a related topic, but it can be addressed apart from factors that tend to degrade the quality of moral judgments one tends to make. To mitigate the influence of negative formative factors on one's judgments it is important to generate sensitivity to the factors that negatively influence one's cognitive attitudes. These factors decrease the flexibility of a judge's cognition in a given situation, making it rigid to the point of missing the truth of the situation. These factors cloud one's apprehension of objective moral truth.[227] A judge's cognitive flexibility is influenced by the degree to which:

- One's early moral training and environment were authoritarian.
- One is stubborn.
- One is intellectually self-confident, or has intellectual courage.
- One is able to admit error to others and to oneself.
- One is influenced by authority.

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[227] My theory could be understood along the lines of virtue epistemology. Such a reading would focus on the development of the moral agent in an effort to increase the efficacy of making moral judgments. However, the filters train inquirers to spot factors that distort judgment making. The filters are not overtly designed to cultivate epistemic virtues. It is possible that possessing epistemic virtues would bolster one's ability to filter intuitions, but such a positive program of character development is not central to running judgments through the filters. The filters institute a negative program of eliminating bad judgments. Yet, there might be a pragmatic argument in this area such that possessing epistemic virtues would enable one to make better judgments and, as a result, require less filtering of judgments made under the influence of distorting factors.

- One's interests and the interests of one's fellows depend on the general acceptance of one's views.[228]

Copp posits these factors and claims that conservative foundationalism cannot deal with these factors because, "there is no fact of the matter as to what our considered judgments would be like were our early moral training not to have been at all authoritarian, and were our moral views not to have been at all influenced by anyone's self-interest, by our class background, or by the culture of our society."[229] Copp is right that there is no absolute fact-of-the-matter as to what our judgments would be if they were free from the influence of any distorting factors. CMJs still operate within the realm of fallibility and what appears to be the fact-of-the-matter at one time may appear to not be the fact-of-the-matter at another time. However, if one is sensitive to the influence of one's early moral training and how an authoritarian upbringing makes one more prone to blind submission to authority, then one is able to recognize the influence of this attraction to assent to propositions that favor one's upbringing in this regard. This may produce a heightened need for reflection on intuitions that take authority at face value or true in virtue of emanating from an authoritative source. This covers two of the formative factors mentioned by Copp. The other factors one must screen for in one's intuitions are low intellectual self-confidence, stubbornness, pride and the desire for acceptance. These factors can cloud one's ability to see moral situations for what they are and form correct judgments. For example, if a judge was raised by parents who struggled with obvious pride issues, then one may be more inclined to lie in situations

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[228] Copp 1984: 153.
[229] Ibid: 154.

where one has the opportunity to admit one has made a mistake. The judgment that one

must lie to protect one's sense of self and reputation is emanating from a place

conditioned by negative formative factors. The true moral judgment is that one ought to

tell the truth and take responsibility for one's actions and the harm one's mistakes may

have caused. This is because lying to protect one's pride only tends to perpetuate more

problems and not allow for an accurate assessment of what happened and why it

happened. The desire for acceptance, the trait of stubbornness and low intellectual self-

confidence can produce similar false judgments of situations where one is confronted

with moral issues or human interests that conflict. Though there may be a fact-of-the-

matter with regard to what is morally true one cannot reasonably expect that by making

judgments under ideal conditions one will reach CMJs that are *all* free from distorting

factors.[230] One would need something like perfect cognition, if not omniscience, to be

able to apprehend all facts-of-the-matter under idealized conditions. One's cognitive

capacities are limited and the complexities of actual human interests far outstrip one's

ability to perfectly apprehend and judge the moral truth in a given situation. Despite this,

the cognitive filters mitigate against gross errors of judgment. They also progressively

allow one to triangulate on the moral truth as one discards judgments that are distorted.

CMJs may not ever totally capture the moral fact-of-the-matter, but they can serve as

evidence of objective moral truth and in that regard credibly serve as foundations for

one's normative theorizing and normative conclusions.

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[230] This brings to mind a some/all distinction. Ideal conditions do not require *all* CMJs to be free from distorting factors. The conditions only increase the probability that *some* CMJs are free from distorting factors. The CMJs that are distorted but still make it through initial filtration are likely to be exposed or revised as CMJs are systematized.

The final filter is the *mixed error menagerie*.[231] This last filter aims at addressing

wide-spread sources of error that lead to disagreement. If beliefs and intuitions aim at

truth, then people will tend to agree with each other when they see the truth; yet, in the

moral realm great disagreement persists. Disagreement persists because error exists and

people are fallible human agents. Michael Huemer summarizes this point as follows:

> People seldom satisfy ideal conditions for reasoning, and even the best of
> cognitive conditions do not render humans infallible. The causes of our beliefs
> can be highly complex and largely hidden from us. We often cannot articulate
> some of the reasons for our beliefs. The intuitionist can no more produce an
> algorithm for computing the correct moral theory than we can produce a general
> algorithm for computing correct empirical theories.[232]

MRE is not a decision procedure or an algorithm for computing moral truth.[233] It is a

procedure that when followed tends to produce beliefs more likely to be true and

justified. A competent moral judge is competent in virtue of possessing capacities for

reasonableness. A competent judge, however, is not immune from errors that can occur

during the procedure. A competent judge is, however, disposed toward looking out for

such errors and correcting such errors when they are discovered. Now I will discuss the

details of the *mixed error menagerie*.

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[231] This term is adapted from Huemer 2005: 137-139.
[232] Ibid: 137.
[233] This entire thesis opened by discussing an objection by Daniel Bonevac. Bonevac's assumption is that
RE is a decision procedure that must attain the criteria of logical consistency and theoretical completeness.
The problem with this assumption is it reduces the human to an inference machine, and it reduces the
complexity of moral decision making down to generating a well-formed formula. The problem with this
assumption is articulated by Huemer when he says, "While beliefs in some sense aim at the truth, people's
beliefs may gratify many other passions besides the rational hankering after the truth. Nor do the canons of
logic and critical thinking algorithmically determine what is and what isn't a bad argument" (Ibid: 137).
Thus, in some sense, Bonevac generated a straw man argument that was easily knocked down. MRE is a
messy procedure to a certain degree and cannot be reduced to a logical decision procedure that is
guaranteed to reach a point of final equilibrium. Assessing whether RE is a non-terminating procedure
assumes it is a decision procedure. Under such a rubric it is doomed to failure as such.

The *mixed error menagerie* affords the competent judge a last opportunity to screen the set of CMJs for mistaken CMJs. The competent judge is to screen the CMJs with an eye for eliminating CMJs that may reflect the following errors: bias, miscalculation, confusion, misunderstanding and lack of understanding, oversight, hasty judgments, false or incomplete information, unarticulated assumptions, stubbornness, fallacies, forgetfulness, intrinsic difficulty of issues, inarticulate evidence, and mental defects. The *mixed error menagerie* contains some elements in the previous two filters, and it also contains greater specificity of some previous filter criteria. There are also new criteria in the filter and some criteria that touch on the four requirements that make an intuition genuine. This filter acts as a final validation before the set of moral intuitions that survive the filtering process are coined *prima facie* credible and ready to be used to justify moral principles. I will paraphrase each criterion in the filter as articulated by Huemer and connect the criterion with previous steps in MRE.[234]

Bias toward self-interest often results in error in apprehending moral truth. This can occur when one wants to believe what it is in one's interest to believe. It can also occur when one does not want to believe something that is true. Bias can be shaped by pride, a yearning for acceptance by a community, or wishful thinking concerning what one wants to be true. This filter criterion connects with being a competent judge because being a competent judge requires considering the interests of others, not just what it is in one's interest to believe. *Bias* also connects with the *occasional epistemic distorting factors*

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[234] Ibid: 137-139.

and the *suspicious formative factors* filters. Notice the strength with which MRE

combats bias and prejudice.

 Miscalculation occurs when a judge makes a mistake. Despite being a competent

judge this can occur when one makes a mistake in reflecting on the dynamics of a moral

case. *Confusion* occurs when one fails to distinguish two things that seem similar. An

example of this error is someone who thinks that talking requires using language so one

cannot talk about the language-independent realm. *Misunderstanding*, or lack of

understanding, occurs when concepts and theories are misunderstood. A moral judge has

a genuine intuition when there is proper understanding. It is possible, though, that an

intuition masquerading as a genuine intuition has survived to this point in the process.

This is why it is important for the moral judge to screen for this type of error before the

intuitions become CMJs. *Oversight* occurs when a judge fails to notice important

considerations. This can occur when judgments are made but an important element is

overlooked or it can occur from selective attention. *Hasty judgments* occur when a judge

makes a judgment based on an initial impression or gut-reaction. This punctuates the

importance of using non-inferential reflection to attain adequate understanding. Errors

from *false or incomplete information* occur when not all facts relevant to making a

judgment are known. An example of this is two judges discussing abortion. One judge

has consulted pro-life literature and one has consulted pro-choice literature. Some of the

information might be false, and both judges do not possess complete information about

abortion. *Unarticulated assumptions* occur when an assumption is operating in the

background and controlling the judgment. If, for example, a judge is arguing for pro-life

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when it comes to abortion and the other is arguing against pro-life, they may be arguing

past each other because the pro-life judge is operating under the assumption abortion is

murder while the other judge is operating under the assumption it is terminating a cluster

of cells. *Stubbornness* can impact willingness to examine old beliefs in light of new

evidence. Perhaps an intuition stems from a refusal to reflect on the evidence at hand.

This criterion is also covered by the notion of a competent judge and the *suspicious*

formative factors filter. *Fallacies* occur when poor forms of reasoning guide judgment

making. Examples include, denying the antecedent, equivocation, begging the question

and non sequitur arguments. This criterion is not as relevant to intuitions because they

are largely based on reflection and not explicit inference, but is it possible that, say, the

naturalistic fallacy has been committed when one has the intuition that because

something is natural it is good. *Forgetfulness* can occur when one fails to remember

important factors in the process of reflection. Leaving such factors out can lead to

incorrect judgments. Errors can also result from the *intrinsic difficulty of issues*. Some

propositions with complex content require a great deal of reflection before they can be

properly understood and intuited. If one stops the process of reflection prior to grasping

an intrinsically difficult issue or fails to reflect on the interests of all relevant parties, then

one's resulting intuition about the case may be in error. *Inarticulate evidence* occurs

when there are grounds for a belief that one is unable to articulate. This kind of evidence

often occurs when one is forming an intuition and one is unable to articulate the basis for

the intuition. The point is not to eliminate intuitions that one cannot recognize the

evidence for; rather, the point is to recognize those intuitions that one cannot articulate

the evidence for and ensure that one still has confidence in those intuitions. *Mental defects* are hedged against by the first step in the MRE process. Part of being a competent moral judge involves having average intelligence and good cognitive functioning. If, for example, one is a paranoid schizophrenic it will be difficult for that person to distinguish delusions from veridical judgments.

Huemer detailed the menageries of error to show how disagreement is possible within an intuitionist framework. I packaged the criteria into the *mixed error menagerie* and deployed it in the service of vetting intuitions prior to them becoming CMJs. This move is strategic because it puts MRE well on the way to addressing the problem of disagreement. It embeds criteria for identifying common sources of error that lead to disagreement in the criteria for what it takes to become a CMJ. This means CMJs are less likely to be the kinds of things people disagree over. If disagreement persists then it is possible to look at the filters and identify how one of the judges made a mistake. This facilitates a convergence toward truth, and it solves the problem of explaining the credibility of CMJs prior to the end-point of RE. The story that can be told is that people, even competent moral judges, are prone to error, and CMJs are credible to the degree that the judge mitigates these errors from creeping into the set of CMJs.

In closing this section, given the four requirements for constituting an intuition and the three filters an intuition must get through to become a CMJ, a CMJ cannot be readily equated with a prejudice or a mere subjective reflection of cultural and familial indoctrination. The reason this objection is commonly leveled against RE is because the method only uses the first filter (i.e., *occasional epistemic distorting factors*) in its

unrevised form and a confidence index as the sole factors bestowing credibility on CMJs. By contrast, on many different levels, a CMJ is evaluated and benchmarked against general and moral standards that vindicate placing confidence in the CMJ and vindicate believing that the CMJ is likely to be true. Judgments are not certified as credible simply by the confidence we place in them. Given these considerations, MRE has undermined the claim that CMJs represent prejudices or mere subjective judgments that may have a status no better than fictions.[235]

5.10 ASSIGNING EVIDENTIAL WEIGHT

Now that CMJs are established as credible they are ready to be assigned credence values according to how likely they are to be true. CMJs arrive at this stage in the process with a certain degree of belief or confidence attached to them. The credibility of the CMJs stems from having subjective degrees of confidence validated in a searching and objective way. Filters act to instill a measure of objectivity into the process. In this stage the competent judge takes another look at the CMJs and prepares them for the

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[235] As brought to my attention by Richard Tieszen, I recognize the potential for conflicts between the three filters. The biggest source of conflict may be between the *suspicious formative factors filter* and the *mixed error menagerie*. The formative factors filter screens for bias as a result of cognitive inflexibility (i.e., missing the moral truth because of patterns of thinking that prevent accurate belief updating in light of new evidence). If, for example, one is raised in an authoritarian home, then certain beliefs about liberty connected with the values of democracy or beliefs about women's role in society may impact the ability to correctly judge the moral truth in issues of free speech or women's rights. There may be cases, however, where such an upbringing is conducive to perceiving the moral truth. That is, one may refuse to bend in the face of pressure (e.g., from society or a peer group) that what is morally wrong is actually morally right. As an example of conflict between the filters one might not have formed a belief as a result of acceptance of one's views (e.g., from a peer group), yet when the belief passes to the next round it is discovered that the lack of acceptance also reflects a lack of input from one's peers, which may have resulted in miscalculation of the dynamics of the moral case. The second filter says the belief is not problematic, but, because of the same criteria that allowed the belief to pass through the second filter, the belief is identified as problematic in the third filter. I take such a case and other potential scenarios to reinforce the importance of having all three filters in place. Despite the potential for conflict, what one filter may miss the other filter may catch.

revision process by assigning to them credence values in relation to the estimated truth-value of the beliefs. This involves putting a number or a relative ranking on a person's degrees of belief. The higher the credence level a CMJ enjoys the higher the degree of justification it possesses. CMJs with higher credence values will impact principles differently than CMJs with lower credence values.

An inquirer assigns a probability value to each CMJ according to the level of confidence the inquirer has in the truth of the judgment. These assertions might have the following form: moral judge *X* judges that *p* is the case to degree of strength *c*. This is assigning *evidential weight* to the CMJs. Such a procedure is warranted because of the capacities of the moral judge and the constitution of the CMJs being assessed (i.e., genuine intuitions made under ideal conditions that have survived filtering). This is why credences correspond to credibilities. After assigning credence values to the CMJs the CMJs are ranked relative to each other according to their credence values.[236] Now that these values are assigned it is important to consider a common objection to RE and to the idea of assigning subjective probability values to beliefs.

The charge of conservatism against RE takes many forms. The most general objection of conservatism is the idea that moral convictions simply reflect the status quo.[237] It is clear that this version of conservatism is not problematic for MRE. Most CMJs are not formed on the basis of cultural and familial indoctrination. They are not

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[236] Using credence values is not trying to make MRE a decision procedure. It is simply trying to introduce a measure of accuracy to the procedure. The upshot of using credences is it allows for a measure of how evidence is reflected in the credence values according to balance, weight and specificity. If, however, one does not like assigning numbers to beliefs one can use a relative ranking and say: I hold CMJ_1 to be truer than CMJ_2 and but not truer than CMJ_3.
[237] The version has been mentioned by Regan 1983:137.

held because they are what one was taught to believe or what one was modeled while

growing up. They are held because they pass extensive filter tests that separate pre-

reflective from reflective intuitions, biased intuitions from unbiased intuitions, and false

intuitions from true intuitions. It is highly likely that beliefs in the set of initial CMJs are

not made on the basis of reflecting the status quo or cultural conditioning.

   Another variety of the conservatism charge is made against conservative

foundationalism, which MRE seems to be a version of at first glance. Conservative

foundationalism would, "portray our idealized considered moral judgments as

epistemically basic beliefs that, together with other basic beliefs, provide the basis for

any other justified beliefs but are justified themselves without need of grounding."[238]

The modest intuitionism adopted by MRE guards against this claim because basic beliefs

(CMJs) are not "without need of grounding" they are simply without need of grounding

in other beliefs. Instead, they are ground in one's ability to intuit non-inferential beliefs.

Further, the charge of conservatism has its greatest force in relation to coherence theory.

As Copp states:

> Conservative coherence theories of moral justification face a dilemma. On the one hand, unless there is a prior reason to think that considered moral judgments in ideal circumstances would be credible, there is not reason to treat them as a standard of justification....On the other hand, if there is a justification of them that is prior to the account provided in the conservative theory, then the theory is not a fully general account of the justification of moral judgments. Hence, even if such a prior justification is avoidable, it would be an error to build a conservative constraint into a theory that is intended as a general theory of moral justification.[239]

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[238] Copp 1984: 150.
[239] Ibid: 158.

The dilemma Copp poses is not as pressing for conservative foundationalism as embraced by MRE. This is another benefit of going the foundationalist/intuitionist route: it is quickly able to discharge the objection of conservatism. This has the added benefit of being able to nullify DePaul's move towards a radical, as opposed to a conservative, interpretation of RE.

DePaul held that the input objection shows that the conservative version of RE is untenable. This is because moral beliefs have truth-values and persistent moral disagreement shows that many moral beliefs are false and not credible. This means initial credence levels are not credible. As discussed in the previous section, moral disagreement is the result of errors and the mere fact of moral disagreement does not impugn holding that moral beliefs are truth-conducive and credence values, expressing evidential weight, correspond to credibilities. DePaul thought that a method that used credence values cannot reliability generate credible beliefs, so a radical interpretation of RE was called for so that prior degrees of commitment to beliefs do not hold sway in the revision process. One could have a conversion experience and disregard credence values all together. One could radically alter one's belief-set without paying homage to prior commitments.[240] The move to radical-RE is founded on a lack of explanation of the variety of ways moral disagreement can occur and embedding those ways into a heightened sensitivity to those factors *prior* to one assigning credence values. DePaul's

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[240] While DePaul's method sounds plausible it leads to a Wild West of moral belief formation and justification. Without clear steps or guidelines and simply leaving it up to the inquirer to determine what standards to apply and licensing the undermining of all prior commitments in an instant leads to a theory of moral justification that is highly random and subjective. DePaul tries to provide some levity to the procedure by urging people to seek out formative experiences like reading a good book or poetry, but this is DePaul imposing a constraint of what constitutes a good experience and what constitutes a bad formative experience. Again, this is an external standard that, from within his version of RE, should be ignored.

book length treatment of RE and his adoption of the radical version of RE is founded on this mistake. MRE, however, has corrected this mistake and held it is reasonable to use credence values in RE and that credence values correspond to credibilities.

MRE embraces conservatism or degrees of commitment as an operating cost of proposing a method of reflection in the mold of RE. It uses this factor in a productive way and avoids the objection that using a mere confidence index does not produce credibility.[241]

5.11 PRINCIPLES

Now that the set of CMJs is established the next stage involves formulating principles that match the CMJs. These principles can be inferred as premises from the CMJs. By applying these premises one can see if one is led to the CMJs they seek to account for. Another way to formulate principles is to conjecture principles that one thinks may account for the CMJs. Inference may work in cases where the set of CMJs lend themselves to an obvious set of principles whereas conjecture may work in cases where one is unsure how a general principle can be inferred from a specific CMJ or a set of CMJs. This use of principles matches the intuitionist model of justification and raises an objection.

An objection to the incorporation of intuitionist elements in MRE hinges on the directionality of justification. For many intuitionists, "knowledge of singular moral

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[241] This also avoids dropping the confidence constraint all together because it is not a reliable guide to revision. Knight 2006 drops confidence and allows in all judgments that meet general conditions of reliability. MRE generates greater precision of judgments. This acts as a guide to revision when comparing a bunch of judgments one has little confidence in with a single judgment one has great confidence in. The individual has actual numbers or comparative rankings to determine whether the group of judgments possesses greater evidential weight than the single weighty judgment.

judgments is epistemically prior to knowledge of moral principles."[242] This reflects a particularist orientation to the discovery of moral truths. According to the objection, if principles are ground in the capacity to form singular judgments, then it is possible that principles will only reflect the CMJs of the judge going through the process. In such a case, there would be as many valid moral principles as there are different judges with different CMJs. This represents another variety of a subjectivist objection to RE because there is no guarantee that generally held principles will ever be reached. The first response to this claim comes from within MRE. One of the requirements of the *occasional epistemic distorting factors* filter is the requirement for impartial and imaginative consideration of the interests of the relevant parties in a given case. Though CMJs are particular judgments, which are made at all levels of generality, they are not exhausted by the interests of the judge making the judgment. Part of the definition of a CMJ is that the judgment is stable for the judge across time and shared by other competent judges. Thus, MRE is capable of handling the objection that there would as many valid principles as there are moral judges.

Another way of responding to the subjectivist charge against MRE's moral principles is by drawing a distinction between *establishing* ethical principles as valid and *knowing* ethical principles are valid.[243] A moral judge can claim that principles are valid for all people, but not know that the principles are in fact valid for all people. It could turn out that the moral judge is mistaken. However, as Regan clarifies, "Having admitted my

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[242] Audi 2007: 218. An exception to this rule is Sidgwick 1907. Sidgwick allows for intuitive knowledge of general principles, which might precede knowledge of particular judgments.
[243] This distinction is made by Regan 1983: 138-139.

fallibility, it does not follow that I am advocating principles *valid for me alone*."[244]

Fallibility need not lead to subjectivism. If a competent moral judge correctly follows the

MRE procedure that judge can reasonably claim those principles are binding on all

because the principles account for generally shared intuitions and the interests of the

relevant parties to the moral dilemma. It is reasonable for one to claim that competent

judges who make ideal moral judgments about which principles to accept would reach a

consensus about which principles are binding on all people. What the competent judge

cannot claim is that she would *know* what principles any or all competent judges would

choose. Despite not knowing that the universal application of the principles is validated,

due to fallibility, competent judges still can claim the principles arrived at are binding. In

closing this section it is important to consider another way MRE is similar to yet different

from intuitionism.

In relation to moderate intuitionism MRE allows that moral principles can become

intuitions, but it does not endorse the self-evidence of moral principles. If MRE endorsed

self-evidence it would be possible to simply apprehend the truth of moral principles

without going through CMJs. This would defeat the purpose of principles being ground

in CMJs. The way RE is typically mentioned as being compatible with a moderate

intuitionist schema is as an additional (optional) method that can be used to increase the

justification of moral principles, but RE itself is not necessary for the justification of

moral principles. MRE, by contrast, requires moral principles to be validated as *ultima*

facie justified in reference to moral intuitions. Locating the set of principles that best

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[244] Ibid: 139.

cohere with the modest foundations produces ultimate justification, not simply

apprehending *prima facie* duties (principles) and applying the principles to a given case

to discover the resultant duty that justifies the correct action in a given case. For the

intuitionist, RE is an additional procedure that can add to the justification of the belief-

set, but it is not, of necessity, integral to generating justification. Despite this difference

between a strict moderate foundationalist model and the model of MRE that incorporates

some intuitionist elements there is a similarity between what the models allow for in

terms of principles.

A principle can become an intuition at a later point in time. This idea is captured by

DePaul's admission that:

> [A] principle originally formulated via inference from a number of intuitive
> judgments about particular cases can come to be an intuition itself. In such a
> case, the principle would at first, and perhaps for some time, have been believed
> on the basis of its best explaining a range of intuitive judgments. But at some
> point the principle would come to seem true in its own right, and would be
> believed on the basis of seeming true rather than on the basis of inference.[245]

Under the MRE model a principle can become self-evident, but its self-evidence

comes via the ground of being properly situated with CMJs. After a period of being

situated with CMJs the principle can become self-evident or seem true in its own right.

However, its self-evidence was precipitated by and dependent upon its role in explaining

CMJs. Self-evidence cannot bypass this necessary step on the way to a principle

appearing true in its own right. On the contrary, for Audi, the ground of self-evidence is

first and foremost adequate understanding—looking at the proposition the right way can

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[245] DePaul 2006: 619 n.9.

reveal its truth.[246] If this were the case one would not need to go through the process of forming principles out of intuitions. Principles could be justified from the start simply by attaining a proper understanding of the content of the proposition. In such a model, understanding is both necessary and sufficient for justification. On the MRE model, adequate understanding is necessary but not sufficient for forming justified beliefs. The intuition here is that one does not adequately grasp a principle until one is able to apply the principle or see its consequences in particular judgments in specific cases. Out of apprehending what principles entail, self-evidence emerges; self-evidence emerges out of the systematization of CMJs. There is no shortcut to this process by simply reflecting on a principle in the right way. Principles are conclusions of inference that can become intuitive at a later point in time.[247]

5.12 REVISION

At this point in the MRE process CMJs have been formulated and principles that match the CMJs have been inferred or conjectured. The next stage in the process involves revising the principles in an effort to discover the set of principles that best cohere with the modest foundations (the CMJs). This is how emphasis is placed on the CMJs. However, some principles may resist revision or continue to re-appear in the set of principles even as one revises or discards the principles to bring the total set of principles more in-line with the CMJs. This is an indication that some CMJs need to be

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[246] Audi 1999: 206-207.

[247] To further see that Audi and I are in conflict over this point I will mention a related point. For Audi the notion of adequate understanding can be distorted by the type of procedure MRE advocates. As Audi says, "One would have a *distorted understanding* of the proposition if one took it to require a minimal level of confidence appropriate to knowledge and that the entailed belief must be accompanied by the subject's attributing a corresponding numerical probability to the proposition in question" (Ibid: 207).

revised. In this case, one retains the resistive principles and revises the CMJs so that they

are better in-line with the principles. As one revises the CMJs one should work from the

CMJs with less evidential weight toward the CMJs with more evidential weight. Because

the CMJs have been ranked according to numerical or lexical standards there is less

guesswork when it comes to knowing the next proposition to revise.[248] Hooker

illuminates the need for this methodological principle while discussing a competent

judge's belief that the principles arrived at in RE should be obeyed, "If the modest

foundationalist theory of justification is correct then she will still be justified in this

belief, so long as, in the course of attaining equilibrium between her beliefs, she was most

willing to revise those beliefs with the least prima facie credibility."[249] What about a case

where there are two equally credible beliefs in need of revision? In a case where one

holds CMJ_1 with .5 credence and CMJ_2 with equal credence, and there are no CMJs held

with lesser credence, then one may resolve the conflict using the criterion of *intuitiveness*

for which the CMJ that elicits a greater sense of non-inferential credibility is revised last.

The next step involves continuing to work from both ends, revising principles and CMJs

as needed, until one converges on a state of maximal coherence or mutual support.

    At this point it is important to consider other hidden assumptions or background

principles that one finds intuitive in relation to the set of CMJs. Apply these principles to

the belief set and revise the CMJs, the principles, or the background principles as needed.

When CMJs and principles are maximally coherent one has achieved moderate reflective

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[248] One outstanding problem with belief revision is path-dependence. The path taken through the belief-set
can determine the outcome. For the sake of space I cannot address ordering effects in belief revision in this
thesis, but I have addressed this issue in a different paper (Cloos n.d.).
[249] Hooker 2002: 165.

equilibrium (MRE). As new experience, either empirical or informational, is encountered

revise current commitments in light of new experience to achieve a belief-set that is more

comprehensive and fully justified. Also, revise beliefs as one intuits new moral

convictions and infers or conjectures principles from those convictions. Now I will

mention another consideration—simplicity.

The consideration of simplicity comes out of a question Brandt mentions: "one might

say that a 'coherent' system is one that maximizes the 'initial credibility' (but is this the

same as degree of firmness?) of the relevant beliefs. Is there a significant place for

considerations of simplicity in the choice of what is to be accepted?"[250] To answer

Brant's question embed in parentheses "initial credibility" or *evidential weight* cannot be

equated to firmness, although firmness is one component of a CMJs evidential weight.

Regarding Brandt's main question, MRE does allow for considerations of simplicity in

the choice of what is accepted and revised. The primary concern is the maximization of

evidential weight, but a secondary concern might be simplicity.[251] The objection raised

by Brant is that RE's preoccupation with maximizing initial credibility neglects other

important epistemic desiderata. MRE allows for simplicity, for example, to guide

reflection in cases of conflict where beliefs are equally credible or once initial credibility

has been maximized to shift to considering the simplicity or elegance of the belief

system.

Another consideration worth exploring is that without the method being a decision

procedure guaranteed to reach an end-point in a finite amount of time it is not clear that

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[250] Brandt 1990: 271.
[251] For a treatment of the epistemic desiderata RE might embody see Kappel 2006.

one will ever reach MRE or know when to stop revising. This objection stems from Bonevac taking RE to be a decision procedure and then concluding that, based on logical considerations, RE possesses its own halting problem. This motivated Bonevac in the direction of pragmatic intuitionism. Despite not being able to reach equilibrium it is possible on Bonevac's model to hold that judgments and principles that are stable under reflection are true. These judgments are not stouthearted principles like the ones Rawls proposed (i.e., his two principles of justice); instead, they are unruly principles that always admit of exceptions and fallibility. One always seeks normative justification in the face of a plurality of competing principles.[252] I escape Bonevac's objection because I have shifted in a moderate intuitionist direction and not tried to articulate the process as a decision procedure. The modest foundations are not stouthearted, and the halting problem does not apply to a process that is not interpreting sets of beliefs along the lines of completeness and decidability. The competent moral judge determines when the sets are decidable and when the process can come to an end.

MRE's adoption of an intuitionist criterion of reflection provides an answer to the objection that MRE might be a process that never reaches a state of equilibrium. Walter Sinnott-Armstrong raises a similar objection against Audi's view on reflection when he says that knowing when to stop reflecting requires forming a second-order belief that reflection is complete. This would work against Audi's claim that reflection can non-inferentially justify beliefs because one would need to infer from a second-order belief

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[252] See Bonevac 2004.

that one's reflection is adequate and one may stop reflecting. Audi responds to this

objection in the following way:

> Much as, when we look into a room to see if the table is set, we stop when we see
> enough, we can stop reflecting on whether a poem's language is artificial when
> we read enough. This is usually when we reach the judgment we sought to make
> (or some judgment that brings a sense of closure). Again, we may believe we
> have reflected long enough; but we need neither believe this nor have a criterion
> for its truth in order to reflect enough to make a judgment. Compare, too,
> recognizing a painting, which may require simply looking at it until its identity
> 'hits us.'[253]

Audi is responding to Sinnott-Armstrong within the context of non-inferential

reflection that generates *prima facie* justified intuition. The same concept applies to the

MRE process as a whole. Because MRE involves intuitive judgment throughout the

entire process, and intuitive judgment involves affirming something when it is

accompanied by a sense of non-inferential credibility, it is plausible that one could form a

global intuitive judgment about the non-inferential credibility of the entire belief-set.[254]

Similar remarks can be made about knowing when to start reflecting again and when new

experience should prompt one to revise current commitments.[255]

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[253] Audi 2007: 203.

[254] This is where considerations of simplicity and elegance are particularly salient. Much as one looks at a painting or a poem and can receive a global non-inferential intuition about the beauty of the painting or the originality of the poem one may receive a non-inferential intuition about the completeness of reflection when looking at the belief-set.

[255] DePaul makes a telling comment in this regard when considering if one needs to always seek additional evidence if the total evidence does not support a normative conclusion, "a person will not be stuck with an obligation to acquire evidence endlessly, since in many cases even a small amount of evidence can adequately support the proposition that the total evidence will confirm a person's conclusion. And more to the point, even if a person knows that there is additional evidence that disconfirms his conclusion, the person may not fall under any obligation to acquire that evidence. For the person might have a reason to believe that the evidence is misleading" (DePaul 1988: 632). DePaul must make this statement because his requirement that an inquirer seek out formative experiences is particularly open to the objection of endless evidence gathering. MRE, on the other hand, can benefit from DePaul's comments but is not seriously threatened by this possibility. As stated, the intuitionist elements suffice to receive credible knowledge of

6. CONCLUSION

6.1 UPSHOTS

In concluding it will be beneficial to cover some of the upshots of the method. Recalling DePaul's distinction between the epistemic status and the epistemic role of a moral intuition, it is now possible to see that MRE is a best case scenario. It uses moral intuitions with a positive epistemic status (i.e., credibility) in an evidentiary role. Though, in theory, moral intuitions with a negative epistemic status could be used in an evidentiary role those intuitions are epistemically inferior to intuitions with a positive epistemic status because negative status intuitions are less likely to point toward moral truths or facts (i.e., they are more likely to reflect personal, familial and cultural bias).

The next thing to notice is that RE is no longer a mere metaphor. MRE avoids the extremes of making moral justification either an algorithm or a metaphor. RE is no longer an unattainable ideal that is ill-defined and hopelessly imprecise. Because wide-RE and radical-RE made the method stretch to the point of being vacuous Daniels, Rawls and DePaul were forced to acknowledge that RE is an unattainable ideal, a mere metaphor.[256] MRE acknowledges that not every agent will have the mental or moral

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when to stop and start reflecting, which blocks objections of a non-terminating procedure or an endless cycle of evidence gathering.

[256] This avoids having to makes comments like this, "With respect to the consideration of all alternatives, it is important to recognize that this is an ideal. In real life, were we have limited resources, there can be all sorts of good reasons for considering certain alternatives, starting with the simple fact that we may not have the time to do so. But it is hard to see what reason could be given for denying that the ideal should be openness to the consideration of any alternative" (DePaul 2006: 617). Openness to any alternative is not a virtue of a theory if it makes the theory hopelessly demanding and practically impossible to apply in real life. Whatever gain in theoretical defeasibility is gained through the wide and radical interpretation of RE, which I have argued is none to negligible, it is purchased at the cost of precision, non-vacuous constraints and pragmatic applicability to actual cases.

capacities demanded in order to realize a full justification of one's moral beliefs. It also restricts the scope of considerations down to a manageable breadth and provides steps for a competent judge to follow in going through the process.

MRE adopts a moderate intuitionist perspective on intuition. This allows intuition with certain characteristics to be suited for the task of justifying moral principles. These intuitions are pretheoretical, non-inferential, well-comprehended and firmly grasped. These intuitions are not inferential judgments, and, as such, they are capable of serving as premises for inference.[257] The move toward moderate intuitionism makes the intuitions suited to serve as moderate foundations. It does not posit special faculties and unrevisable foundations.[258] A proponent of MRE can reject special faculties because moral intuitions stem from rational capacities, yet a proponent of MRE can embrace CMJs as revisable foundations. But MRE does not stop validating the authenticity of the intuitions at this point. It continues to run the intuitions through three filters that sift out intuitions that reflect cultural indoctrination— superstition, bias and mere historical accident. Moral intuitions that survive the filtration process are deemed considered moral judgments (CMJs), assigned evidential weight and deployed in the service of discovering principles that match these moderate foundations and systematize them in important ways.

MRE overcomes the input objection because there are reasons at the meta-ethical level to consider CMJs as truth-conducive. Because some, if not most, moral intuitions

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[257] Audi 1997: 50-51.
[258] This comment is made by Daniels in his Stanford Encyclopedia of Philosophy article on reflective equilibrium, as he says concerning classical intuitionism, "Modern proponents of reflective equilibrium reject such mysterious faculties. Indeed, they claim moral judgments are revisable, not foundational."

that become CMJs do not embody distorting factors MRE is moving the competent judge

toward truth. As Carl Knight emphasizes, "This may be the case if some kind of realism

whose truths we are only able to comprehend by means of philosophical reflection is true.

There are, then, good metaethical reasons for believing that someone's full reflective

belief in a moral proposition gives that proposition some credibility."[259] Moderate

intuitionism is inclined toward moral realism, so beliefs formed through intuitionist

rational capacities reasonably generate credible beliefs or beliefs that evidence truth.

Even when trying to create a meta-justification of MRE it, "seems to require MRE must

be (conditionally) truth-conducive in a way that cannot somehow be reduced to or depend

upon MRE producing convergence in opinion."[260] Thus, MRE lends itself to realism at

the meta-level, and, if realism is correct, filtering out distorted CMJs may take a

competent judge towards moral truth.

6.2 CORRECT CONCLUSIONS IN THE SLAVERY CASES

The final upshot of MRE that I will mention is that it can correctly derive

conclusions for the two historical cases presented earlier.

Case 1 involves an atheist doctor named Dr. B who lives in the South during the time

of slavery. He judges or intuits that slavery is morally unjust. As Dr. B runs this

intuition through the four requirements it is the case that the intuition is genuine. As Dr.

B runs his intuition through the three filters it makes it through the filters because: the

intuition does not reflect epistemic distorting factors, imaginative consideration of the

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[259] Knight 2006: 222.
[260] Kappel 2006: 144.

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interests of slaves vindicates that if he were a slave he would deem slavery as unjust, the intuition is not distorted by suspicious formative factors and it was not made under situations that reflect a menagerie of error. The only problem with the intuition is that it is not widely shared by the immediate community Dr. B lives in. But, because Dr. B is well-read, he knows that his neighbors to the North widely accept his moral intuition as credible. Dr. B infers from his intuition the principle that all people are born free and equal regardless of their race. Slavery reflects forced labor bondage and unequal treatment of people due to their place of origin and skin color. So, that slavery is unjust is a CMJ that Dr. B arrives at again through application of the principle that all people are born free and equal regardless of their race. The high credence Dr. B places in this CMJ makes it likely that it will survive the revision process and achieve a status of *ultima facie* justified.

Case 2 involves a Christian homemaker named Laura living in the South during the time of slavery. Laura has the intuition that slavery is morally permissible. Laura runs this intuition through the four requirements and it is indeed a genuine intuition. As Laura runs the intuition through the three filters there are problems with the first filter. As Laura gives imaginative consideration to the interests of slaves she realizes that if she were a slave it would seem that slavery is unjust. The intuition fails the first filter test, and it is discarded. Even if the first filter did not catch the falsity of the intuition and Laura continued running the intuition through the second filter it would still fail. In the *suspicious formative factors filter* Laura might realize that her early moral training was authoritarian. Her father was a slave owner and ran his household like he did his

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slaves—with an iron fist that encouraged conformity to authority. This led Laura to take-on the moral beliefs of her father who rationalized the immoral treatment of slaves and somehow made slavery seem morally permissible. At this point, Laura would realize her moral intuition was not correct and discarded it before it made it to the final stage of filtration. Even if the intuition somehow went undetected as false and made it through the *mixed error menagerie* it would be in conflict with one of Laura's Christian principles, namely, to love your neighbor as yourself. Because of the weight Laura places on her Christian values this principle is likely to be recalcitrant to revision and prompt Laura to look into her set of CMJs for CMJs in conflict with this principle. She would discover the morality of slave practices is in conflict with treating another person as one would assent to being treated. So, she would revise the CMJ.

These examples show the power with which MRE is able to authenticate the credibility of moral intuitions and prompt theory change.[261] As intuitions become CMJs and CMJs are systematized the ability for the procedure to uncover prejudices and biases continues to increase. MRE's progression of justification is an upshot of the method that counts in favor of the method being capable of justifying moral beliefs and those beliefs being truth-conducive.

6.3 A BRIEF RECAP

In this thesis I provided a sensible solution to the input objection to RE. This solution reinterpreted RE along the lines of moral realism, ethical intuitionism and

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[261] For an articulation of how RE is a method of theory change see Harris 2005. Harris even notes a related example of theological beliefs about sin and CMJs regarding slavery (p. 71). This example explicitly applies to wide-RE, but background principle and beliefs can prompt new intuitions and, in that way, be fed into the narrow-RE procedure.

epistemic foundationalism. My solution to the input objection (i.e., moderate-RE) was detailed in the last half of the thesis. In the first half of the thesis I set up the objection, explored potential ways of solving the objection and motivated my specific solution by exploring various combinations of architecture and truth. Moderate-RE was able to correctly able to handle CMJs around the historical practice of slavery in the southern United States. Additional upshots of moderate-RE were identified: it uses CMJs which possess positive epistemic status in an evidentiary role, it provides steps for a competent judge to follow in going through the process, and it takes a competent judge towards objective moral truth while avoiding the extremes of making moral justification either an algorithm or a mere metaphor.

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