A Review of Kristján Kristjánsson, 2006. *Justice and Desert-Based Emotions*. Aldershot: Ashgate

Bruce Maxwell

Introduction

If a moral philosopher, like the legendary Rip van Winkle, had fallen asleep 20 years ago and then woken up today he could not fail to be struck by two changes in his field. Moral virtue, once a subject of merely historical interest, is now the most contemporary of topics and, whereas two decades ago the odd expression of misgiving about moral philosophy habitually indulging in "armchair psychology" may have caught his attention, a steady stream of philosophical publications on what the latest developments in neuroscience, cognitive science, social psychology, biology, sociology and even ethology reveal about ethics and morality indicate the presence in his field of a refreshing outward-looking spirit. For a moderate-length book like Kristján Kristjánsson's *Justice and desert-based emotions*, it would be an accomplishment enough to make advances in just one of these two disparate and broad areas of current philosophical inquiry. That it manages important contributions to both bears witness not only to the book's breadth of scope but to the author's remarkable ability to move skilfully between literatures. In respect of its contribution to virtue ethics, the book attempts to rescue the concept of justice from the clutches of political theory. It argues for the restoration of justice to its former status as first and foremost a personal virtue grounded in what today carries the name of a "sense of justice": dispositional patterns of balanced, rational and desert-considering affective response to others in view of their weal and woe. Already established as a voice to reckon with in philosophical psychology with important papers on the concept of "negative emotions" (2003), on the tacit Kantianism of nominally Aristotle-inspired forms of character ethics (2000) and, most recently, on the personal and educational value of self-esteem (2007), in this book Kristjánsson adds to his repertoire by bringing his own formulation of a desert-based theory of justice as a personal virtue into dialogue with contemporary models of justice development in social science. Not remaining entirely in the comparatively ephemeral realm of moral philosophy and theoretical psychology, the book closes with a provocative

B. Maxwell (✉)
Centre for ethics resarch (CRÉUM), Université de Montréal, C.P. 6128 succ. Centre-ville, Montréal, Quèbec, Canada H3C 3J7
e-mail: bruce.maxwell@umontreal.ca

critique of the predominant understanding of the relationship between citizenship education and moral education. Political education should be regarded less as a form of moral education than as the natural extension of education for justice as a personal virtue. Developmental sensitivity, he argues, calls for patience and restraint in its curricular introduction.

The Primacy of Justice (in Morality) Thesis

After setting out laying the groundwork for the work in chapter 1, chapter 2 addresses two of the book's core conceptual objectives by specifying "how desert matters for justice" and "how justice matters for morality". Beginning with the latter and lesser concern, Kristjánsson lays to rest two *idées reçues* which, he says, mar a clear-sighted appreciation of what justice is and its true moral salience (cf. p. 40).

One is the "primacy-of-justice thesis": "the common view that justice is of a different and higher order than the other moral virtues, or, alternatively, while on the same level as the other virtues, it somehow automatically overrides them, carrying more moral weight" (p. 40). Kristjánsson advocates instead ethical pluralism in Hill's (2000) sense where a theory of normative ethics is pluralistic when more than one principle may be legitimately appealed to in moral justification (cf. p. 11). So, for instance, act-utilitarianism is monistic (i.e., non-pluralistic) on the grounds that act-utilitarianism proposes that controversial moral claims are to be adjudicated in reference to the justificatory principle of utility. Because Ross's (1930) intuitionism recognizes a list of independent moral principles such as fidelity, gratitude, justice and beneficence against which controversial moral claims can be balanced and measured in order to determine their acceptability, in Hill's sense intuitionism counts as a pluralistic theory as well (cf. Hill 2000, p. 12). Likewise, for Kristjánsson, justice is a morally "non-prioritising" virtue insofar as "a person who admits that justice yields an important *prima facie* value could still, without self-contradiction, routinely favour other claims—say, those of humanity, charity, or social equality—over it" (p. 42).

The grounds of Kristjánsson's own rejection of the primacy-of-justice thesis is an unsatisfying appeal to philosophical consensus. The putative fact that philosophers no longer think that "justice concerns exhaust moral concerns" (p. 42) scarcely advances Kristjánsson's cause. For the claims that (i) the scope of moral concern is not co-extensive with fairness concern, and (ii) that, in moral deliberation situations, concern for fairness does not trump concern for other moral imperatives in case of conflict are largely distinct. Except perhaps on some strict reductivist interpretation of the primacy-of-justice thesis, both (ii) and the negation of (ii), that justice concerns *do* have justificatory trump-card status, presuppose (i) and, contrary to Kristjánsson's apparent pretensions, the mere acceptance of (i) carries no commitments whatsoever with regards to fairness's particular justificatory status. The rejection of the priority-of-*justice* thesis does not imply Hillian ethical pluralism since it would seem to be a no less attractive gambit in the defence of some other variety of ethical *monism* wherein justice is replaced by another principle of moral justification—say, welfare as in classical utilitarianism or the Categorical Imperative as in Hill's version of Kantian ethics (cf. Hill 2000)—as the single moral devise.

More convincingly, Kristjánsson argues that if what one wants in a conception of justice is usefulness as theoretical construct in social scientific research probing ordinary people's commitments about justice and moral justification then one had better check the primacy-of-justice thesis at the door. It is not just today's moral philosopher that is an ethical

pluralist. Normal people are too, Kristjánsson suggests, and, accordingly, in order to control for the psychologist's fallacy of reading the researcher's assumptions into his interpretation of the data, social-scientific research into people's justice conceptions must be designed so as to allow for the at least the *possibility* that a subject's justice assessments (e.g., it is fair that factory managers make five times the salary of assembly-line workers) do not in every instance match her *pro toto* moral assessments (e.g., it is fair but still immoral that factory managers make five times the salary of assembly-line workers) (p. 42).

The other *idée reçue* Kristjánsson tackles in this section of the book is that justice is primarily a moral excellence of social institutions, not a personal virtue. The former belief, Kristjánsson postulates, is a blip in historical human conceptions of justice. According to the error theory he details, the anomaly is attributable to perennial intuitive features of justice which have coalesced with the recent influence of liberalism.

Justice is a social virtue. It is uniquely an excellence of reaction and response to human beings as moral entities rather than, say, to food (temperance), animals (kindness) or dangerous situations (courage). This feature makes its use as an attribute of social relations natural and fitting (p. 38). Contemporary English usage steepens the tendency towards considering justice as characteristic of the social order by favouring the description of fairness in large-scale social interaction as "justice"; "fairness", I would add, is privileged in the context of small-scale interpersonal relations. But the catalyst, in Kristjánsson's account, was the advent of political liberalism and its powerful influence on ethical and political discourse. Summarily, liberalism is preoccupied with identifying, justifying, protecting and advancing rights as social entitlements. However, justice judgements of the kind characteristic of an agent possessed of justice as a personal virtue, he claims, necessarily draw on considerations of desert. Liberals are wary of introducing desert talk into justice talk because, in Kristjánsson's words, "notion of more or less 'deserving' individuals, getting or not getting 'their due'" (p. 38) runs right up against the basic characterization of rights as *unconditional* entitlements. And the very idea of a conditional right is, of course, theoretically weird—a fact that, incidentally, has done little to deter the efforts of social policy makers across Europe to attach ever-tighter conditions for payment of social benefits while continuing to speak of such entitlements as being rights-based.

Kristjánsson's argument in favour of following Confucius, Aristotle and the authors of the Ancient Scriptures in regarding justice as first and foremost a personal virtue is simply that, whatever liberalism may pretend, the notion of justice as a virtue of institutions is conceptually parasitic on the idea of justice as a personal virtue. To put it crudely, just social arrangements are the ones that just citizens would set up and support in order to further justice in society precisely because, being just citizens, they *care* about justice (pp. 39–40).

The Primacy of Desert (in Justice) Thesis

Having submitted these arguments on the question of how justice matters for morality, Kristjánsson then considers the question of how desert matters for justice. The bones of his answer are credited to Feinberg's analysis of justice (esp. in 1970). As Feinberg had it, distributive justice is a compound moral concern which combines a concern for entitlement and a concern for desert; justice *problems* characteristically arise, then, in situations where claims to entitlement and claims to desert conflict (p. 46). An entitlement is quite straightforwardly that which is due in accordance with standing impartial rules (p. 45). The

basis of desert is superficially more of a mixed bag and somewhat mysterious—as we will see shortly, Kristjánsson argues strenuously that there is only one legitimate basis of desert claims, moral virtue—but, generalizing, desert is what is due in accordance with pre-conventional or "natural" values, norms untethered to prevailing social or institutional practices (cf. p. 45).

Is the social policy just which offers support payments of 1500€ per month to an unemployed parent with three dependent children? Opponents to the policy express their indignation at the fact there are cases where a parent with three dependent children to earn significantly less than 1500€ in full-time employment. Here, I suppose, we have a clean case where one might regard entitlement as being out of step with desert: either the working parent deserves a greater income than the unemployed parent (although he is *not* presently *entitled* to a higher income) or the unemployed parent deserves a lower income than the working parent (even though he *is* presently entitled to a higher income). A just outcome of such a conflict, however, is not obviously merely a matter of bringing (faulty, human, artificial) entitlements into line with (true, natural) deserts. And Kristjánsson refers to the view that the direction of fit in justice is always from entitlements to deserts as the "primacy-of-desert (in justice) thesis" captured in Hospers's (1961) quip that "justice is getting what one deserves; what could be simpler?" (qtd. p. 46). Kristjánsson tells us that, notwithstanding the now generally *démodé* "desert-ignoring" theories of justice (e.g., Rawls's 1973) spawned by characteristic liberal antipathy to desert and at least one "entitlement-monistic" theory of justice (i.e., Nozick's 1971), most contemporary accounts of justice are indeed either "desert-monistic" or "desert-prioritizing" in the manner of Hospers (cf. p. 49). The novelty of the Feinbergian account, I take it, is that it depicts a two-way direction of fit between entitlement and desert in justice: "sometimes", Kristjánsson writes, "desert trumps entitlements but sometimes it is eclipsed by entitle-ments" (p. 50). To my mind, the most convincing of the several considerations he tenders in opposition to the priority-of-desert (in justice) thesis is also the simplest one: that "it respects common usage" (p. 48). Cases where concern for desert should override concern for entitlement may constitute the majority of distributive justice problems but counte-rexamples are not far to seek: an indisputably stronger racer losing to a weaker competitor owing to an accidental fall, (cf. p. 46) and the indisputably best qualified candidate refused admission to a programme of study on grounds that his application papers were out of order (cf. p. 49). The stronger runner and the best candidate may deserve the rewards of the competition but neither is entitled to them.

Moral Virtue as the Single Basis for Desert

Structurally, desert may be considered to be a three-part relation between (i) an *agent*; (ii) a *situation* which is significant from the perspective of the agent's interests; and (iii) a fact about the agent in virtue of which she can be said to deserve (or not to deserve) the situation—i.e., the *basis* of the desert claim (cf. p. 51). One minimum coherence condition of a desert claim is that it is based on a prima facie *relevant* situational fact about the agent; "John MacEnroe deserves to win at Wimbledon because he loves Mars bars", for example, is not a coherent desert claim because it falls to meet the relevance criterion. Another more controversial minimum condition of sensible desert attribution is *responsibility*. If, say, alcoholism is a disease process over which alcoholics have no control then the statement "My alcoholic uncle deserved his cirrhotic liver" would be as incoherent as the statement "Juniper's baby deserved to get leukaemia". The range of relevant desert bases is diverse

(hard work, talent, personal moral worth, assumed risk, social contribution, etc.) which renders the identification of a conceptual core around which all possible diverse bases revolve a philosophically formidable. The problem is compounded by the fact that ordinary English permits the conflation of desert and entitlement (e.g., "Wilson deserved to be disqualified. He knew the deadline was March 1"; cf. p. 53) and misleadingly applies the notion of desert metaphorically to predicates other than human agents (e.g., "Cleveland deserves better publicity. It's an interesting city"; cf. p. 53). The verb "deserve" is also commonly (mis)used to communicate common emotions such as sympathy—pain at another's misfortune irrespective of desert (e.g., "It is undeserved that this innocent child is dying of an incurable disease!")—and what Kristjánsson will go on to label "happy-for"—pleasure at another's undeserved fortune (e.g., "Sylvia deserved to win the lottery! She's such a nice person."). Krisjánsson, following Miller (1976), memorably refers to statements which mistake entitlement for desert and the assignment of desert to non-human subjects as "sham" desert judgments (cf. p. 53). It seems to me that, *pace* Kristjánsson, the expressive use of desert belongs in the category of "sham" desert judgments as well since they do not satisfy the relevance criterion of desert. More on this shortly.

The argument Krisjánsson tenders for a single basis of desert appears to take its cue from a curious feature of desert: desert entitlement is strictly subject to moral constraint. It doesn't matter how hard Hannibal Lecter worked to lure his human prey. He doesn't deserve to eat it (cf. p. 54). Kristjánsson reasons that if the basis of desert were plural then we should expect people to *talk* about desert as if they were. But they don't. For instance, nobody would suggest that, while Hannibal Lecter may indeed deserve to eat humans in virtue of all his hard work, he doesn't deserve to eat humans because it is evil. He just doesn't deserve to eat humans period because eating humans is evil (cf. p. 54). Considering Sher's (1987) pleasingly comprehensive list desert-base categories which contains such familiar items as foreseeable and worthy consequences of unconstrained choice, objects of concerted effort and happiness for moral goodness (cf. pp. 52–52) one can see Kristjánsson's point. What they all seem to have in common is, if not moral virtue as such, then certainly virtue understood as different varieties of human excellence and achievement. But from this apparent kernel of truth sprouts a much stronger (and far less plausible) single-base "cosmic" account of desert according to which the only fact about agents in virtue of which they can be said to be deserving or undeserving is *moral* virtue. He writes:

> The idea on which I want to build is a deep-seated pre-theoretical […] one: namely, that in an ideal world everyone would, other things being equal, reap as he has sown. The good should, ideally, prosper, while those who swim in sin should sink in sorrow. […] Far be it from me to recommend this an overarching principle of *morality* since I am sympathetic neither to an unmitigated primacy-of-desert thesis (with respect to justice) nor to a primacy-of-justice thesis (with respect to morality). I do, however, think that this is how people do, and should reasonably, think about *desert* (p. 57).

An eyebrow-raising thesis indeed and in support of it Kristjánsson adduces in the first instance its heuristic value—namely, that it demystifies two of desert's chronically controversial features. First, the idea of cosmic desert provides an easy answer to the question of why desert so clearly entails responsibility: because their moral character is something for which people can be rightly held responsible (cf. esp. pp. 69–74). Second, need is sometimes presented as a third factor to consider in determining justice in addition to desert and entitlement (e.g., Dr. Young needs a hip replacement and so she deserves one; cf. Miller 1976). Under the cosmic desert thesis, need is susceptible to re-interpretation.

Need may be relevant to justice, but only as the basis of an entitlement claim (e.g., Dr. Young deserves a hip replacement because her medical insurance covers it in case of need). Otherwise it is yet another "sham" desert claim standing in for some state of moral concern other than justice—altruism or perhaps benevolence.

Other virtues of the cosmic desert thesis, Kristjánsson claims, are its "strong intuitive appeal" and, not entirely distinctly of course, that it is consistent with the results of empirical research into ordinary people's desert beliefs. With regards to the latter, the most casual observation of non-philosophers offering justice assessments will confirm that the cosmic desert thesis is commonplace indeed—or, as I put it above, that the expressive sense of "deserve" has much currency. Kristjánsson's controversial claim, however, is that people reasonably *should* endorse it and so, from this perspective, his brief review of the empirical research showing that cosmic desert features in ordinary people's moral intuitions (pp. 76–78) is uninteresting.

With regards to Krisjánsson's prescription of the cosmic desert thesis, then, he offers an intuition-examining thought-experiment meant to demonstrate that moral character has overriding relevance for desert on the grounds that, where facts about moral character are unknown or unspecified, justice problems are always "underdetermined" (cf. p. 78). Kohlberg's famous Heinz dilemma is mean to pose a distributive justice problem issuing from a conflict between the principle of need and the right to private property. Kristjánsson, while certainly not the first to take Kohlberg to task on the artificiality of this dilemma, may nevertheless perhaps lay claims to originality in arguing that the source of the dilemma itself is Kohlberg's failure to provide sufficient information about the grounds Heinz's wife's deserts: "Had the example included a clear clue about her moral virtue— 'She was a paragon of virtue' or 'She was a vicious gang member'—we could have passed a judgment about her deserving the medication or not" (p. 65). As hard as it is to get around imagining Heinz's cancer-stricken wife as a former gangster, *my* intuitions tell me that her moral worth as a person is strictly *irrelevant* to the issue of whether concern for the penurious pharmacist's property rights outweighs concern to relieve her seriously compromised health and well-being.

This is of course no place to address the methodological legitimacy of the appeal to intuition as a basis of philosophical argument and so the following casual observation will have to do: cosmic desert is a perfect conceptual match with the "good boy/good girl" orientation of Kohlberg's stage 3 (cf. 1984).[1] Now as substantively controversial as Kohlberg's characterization of the stages of moral development on the high end of his scale undoubtedly is, the preferred justificatory grounds corresponding to at the low end are recognizably inadequate for reasons that most adults can readily appreciate. To give just one example, the conception of the meaning of rightness in stage 1 "heteronomous moral orientation" is inseparable from a naïve belief in the validity of arguments *ad verecundiam*, truth by authority.

The same goes, I submit, for Stage-3 cosmic desert. As I have already said, very often people use "deserve" to express their dismay at undeserved suffering and their delight at undeserved fortune but these too, it seems to me, clearly count as "sham" desert when (and only when) the fact about the agent which grounds the desert claim has no relevance to the

---

[1] In Rest's (1979) Defining Issues Test, a standard psychological measure of moral judgement, test subjects are asked to reflect on a dilemma titled "The escaped prisoner" in which a woman recognizes her neighbour as a fugitive felon now living under the name of Mr. Thompson. The scoring key classes the cosmic-desert based consideration "Hasn't Mr. Thompson been good enough for such a long time to prove he isn't a bad person?" as stage-3

situation as an object of desert. Just as MacEnroe's secret love of eating Mars bars is strictly irrelevant to whether he deserves to win at Wimbledon so too is the fact that Michael Schumacher never visits his granny neither here nor there from the point of view of his deservingness of Formula 1 titles (cf. p. 65). Similarly, as much as one may relish the accidental death of a notorious criminal or get a buzz out of a detested colleague's botched teeth-bleaching procedure (cf. p. 1) facts about the moral character of the villain or the colleague—and, most importantly, wobbly inferences from such facts to desert claims— may, by elucidating their cognitive core, *explain* these emotions but they do not rationally *justify* them as sound moral appraisals. That said, the possibility of poetic justice (understood not as a moralizing literary device *à la* Rymer ([1678](#)/1972) but as a non-trivial claim about the meaning and conditions of well-being for human beings as a natural kind *à la* Aristotle) does seem to provide at least one class of cases where moral character *is* a coherent desert base: where happiness is the predictable result of moral virtue or misery is the predictable outcome of moral vice. From this vantage point we can see that Paul, say, really does deserve to be lonely and depressive at the twilight of a life racked by career ambitions, and this *in virtue* of his severely unbalanced life, but he does not by the same token deserve his pancreatic cancer. And, while Pedro's spite and jealously towards Susanne may disqualify him from deserving happy conjugality with her, his moral failings in personal life have no bearing on his deservingness of recognition as a writer of literary non-fiction.

"Fortunes-of" and "Desert-Based" Emotions

It is fortunate, perhaps, that little in Kristjánsson's ensuing analysis of the desert-based emotions in chapter 3 seems to depend on his single-basis "cosmic" view of desert. The chapter's main achievement is to build a catalogue of desert-based emotions which comprise the moral disposition which, in the vernacular, goes under the name of "a sense of justice" (cf. p. 83).

Viewed through the lens of a cognitivist theory of emotion, the emotion theory to which Kristjánsson ascribes and which he defends in chapter 1 (pp. 16–21), emotions can be defined and individuated vis-à-vis two primary psychological elements: (B) typical judgements or beliefs and (D) perceived frustration or satisfaction of a typical desire or concern, experienced as painful (in the case of frustration) or pleasant (in the case of satisfaction). *Schadenfreude* and compassion, for instance, are very similar in respect of B. Both suppose a belief that the object of the emotion is suffering undeservedly. In respect of D, however, the two emotions differ dramatically. The state of involvement in another's suffering that is characteristic of compassion takes their suffering as something to be relieved whereas in *Schadenfreude* another's suffering is cause for amusement.

Kristjánsson plugs three factors in to this framework and the result is the set of what he calls "fortunes-of-others" emotions. The B-component of a "fortunes-of-others" emotion divides into two sub-factors: (i) whether another person has been fortunate or unfortunate, and (ii) whether the emotion's object has deserved the fortune or misfortune in question. The D-component is whether the corresponding cognition is appraised in such a way that it evokes pain or pleasure (cf. p. 88). Later in the chapter (pp. 103–107), the same parameters are applied, *mutatis mutandis*, to the *self* as object of regard in order to isolate a parallel set of "fortunes-of-self" emotions. Organized in a matrix, the criteria yield a bewildering list of 16 discrete "fortunes-of" emotions.

Unsurprisingly, the "fortunes-of" emotions do not in every instance have ready-made referents in English, requiring Kristjánsson to dabble in some creative linguistic

accounting. At the familiar end of the scale is "indignation", pain at another's undeserved good fortune (p. 100); at the awkward end might be the emotion Kristjánsson decides to call "a kind of serendipitous joy", pleasure at one's own undeserved fortune (p. 106). Mapping the fortunes-of emotions onto existing emotion terms is in some cases controversial—is pleasure at another's deserved misfortune "Schadenfreude" or is it rather a kind of "satisfied indignation"? (cf. pp. 95–100). Some of the "fortunes-of" emotions are commonplace (e.g., compassion and pity) and others, like what Kristjánsson labels "a kind of victorious joy" (i.e., pleasure at one's own deserved good fortune), are familiar but rarely crop up in ordinary discourse. Schadenfreude and "begrudging spite" (i.e., pain at another's deserved good fortune) are definitely very nasty and at least one emotion in his catalogue of fortunes-of emotions, that of taking masochistic pleasure in one's own undeserved bad fortune is frankly strange (thought not inconceivable).

The sought-after emotions characteristic of a personal disposition to be rightly pained and pleased by life's fortune and misfortunes is generated straightforwardly applying what could be called loosely a justice criterion to the "fortunes-of" emotions. The list is thereby cut neatly in half and we have before us the four primary "desert-based" emotions of indignation, compassion, "gradulation" (i.e., pleasure at deserved good fortune), and satisfied indignation. The desert-based fortunes-of emotions' distinguishing feature is simply that they seem to reflect balanced, rational and appropriate emotional responses to others' fortunes while the other fortunes-of emotions do not. Experiencing pain at another's undeserved misfortune (i.e., compassion) is *just*, for instance, while experiencing pleasure at another's misfortune (i.e., Schadenfreude) is an *unjust* affective response (cf. esp. Fig. 3.1, p. 100).

Reconstructing the Aristotelian Virtue of *Nemesis*

The term "desert-based emotions" is to some degree an infelicity first and foremost because all Kristjánsson's "fortunes-of" emotions are equally desert-based insofar the cognitive core of every of them combines a fortune belief *and* a desert belief. The more serious problem, however, is that the expression trades uneasily with Kristjánsson's conceptualisation of desert and desert's relation to justice offered in the previous chapter. As already pointed out, the desert-based emotions are explicitly advanced in the book as encompassing a sense of justice, the emotional manifestations and dispositions of justice as a personal virtue. Kristjánsson's official line on why the set of emotions in question are not "justice emotions" rightly so-called is that he wants to develop an account of justice-elicited emotions which is open enough to encompass the full developmental range of justice responses, those of young children as well as those of mature adults (cf. pp. 83, 102). A full-blown Feinbergian justice emotion would, presumably, have to be sensitive to perceptions of pre-institutional desert *and* assessments of institutional rights or entitlements; children, and especially very young children, may have a weak grasp of institutional entitlement and certainly lack the practical wisdom to adjudicate conflicts between desert and entitlement claims (cf. pp. 83, 102). Even so, he seems to have thought his way into a dilemma. The first horn of the dilemma is that the "desert-based emotions" are desert based emotions in the sense of the previous chapter but then his account of the emotions comprising a sense of justice is woefully incomplete. In particular, Feinberg's compound conception of justice would call for a parallel set of "entitlement emotions" (e.g., pleasure or pain at seeing another or oneself receive that to which one is or is not entitled), of which Kristjánsson makes no mention whatsoever. The second horn of the dilemma is that the

desert based emotions *are* constitutive of a comprehensive "sense of justice" but then, of course, he is into some heavy petting with what he called "the primacy of desert (in justice) thesis", a view he strenuously rejects, as we have already seen.

Be that as it may, Kristjánsson's reconstruction of the Aristotelian virtue of *nemesis* is a stroke of brilliance and appears to me as an outsider to Aristotelian scholarship to be a potentially important contribution to the field. Piecing together remarks in the *Eudemian Ethics*, the *Rhetoric* and in the *Nichomachean Ethics* and viewing them in light of relevant observations secondary sources, he argues persuasively that what Aristotle meant to capture with the term "*nemesis*", standardly render in English as "indignation", was instead a more general virtuous disposition to respond with appropriate pleasure and pain at what befalls others in life. *Nemesis*, therefore, is coterminous with the four primary desert-based emotions (esp. pp. 101–103), the signature emotions of a character endowed, he suggests, with a "sense of justice as a personal, emotional virtue: a virtue that binds good, reasonable people together in a community of feeling and judgement and lays the ground for justice as a social institution" (p. 102).

Theoretical Ethics in Dialogue with Moral Psychology

Chapter 4 has only nominal unity as it pursues two largely disconnected interests. The first is to deliver on promises made in chapter 1 to bring to his account of justice and desert-based emotions into dialogue with three pillars of justice and justice-internalisation thinking in contemporary social-psychology: Damon's (1975) theory of the development of justice reasoning among children, Hoffman's (2000) theory of empathic development, and the curious folk belief known as "the just world hypothesis", associated with Lerner (1981). The chapter's second point is to provide, as he says, "moral justification" (p. 141) of the desert-based emotions which, if I understand him correctly, means that he seeks to arrive at a considered position on their moral status and, more specifically, to explain how *nemesis*, the virtue embracing the desert-based emotions, may be rightly regarded as a *moral* virtue (as opposed, one imagines, to an intellectual virtue or a virtue of the will).

In chapter 1 Kristjánsson had added his voice to the chorus of moral philosophers calling for greater integration between research in ethics and research in the social sciences. Less a methodology than a plea for moral philosophy to wake up from its inward-looking slumber, "ethical naturalism" (also referred to variously as "moral naturalism" and "the empirical turn in ethics", the latter being especially in vogue in bio-medical ethics) heeds the closing salvo of Darwall et al.'s sprawling and now classic 1992 review of twentieth century meta-ethics. Historically, moral philosophers have tended to assume answers to the descriptive-genealogical-nomological questions of ethics and, not infrequently, to haggle over empirical claims as if they could be decided on conceptual grounds. Prior to the advent of the human sciences, moral philosophers, in Darwall et al.'s (1992) words, had no choice but to "invent their psychology and anthropology from scratch" (p. 188). Such armchair empiricism is no longer defensible in ethics and even if, as will necessarily often be the case, relevant research is unavailable, inexistent, or insusceptible to straightforward use for the purposes of philosophical investigation, self-imposed scientific benightedness would seem to be intellectually irresponsible at best and, at worst, philistine. In contemporary ethics, three long roads lead out from this rallying point: (i) *neo-Aristotelian naturalism*, which holds that moral prescriptions and especially concepts of virtue and vice cannot be comprehended in abstraction from human ethology or the natural circumstances of human experience (Geach 1956; Anscombe 1958; Hursthouse

1999; Thomson 2001; Foot 2001; McKinnon 2005); (ii) *naturalized normative ethics*, the view that the standards of judgement, action and character prescribed by a theory of normative ethics are acceptable insofar as they are realistically attainable by human beings of ordinary cognitive and affective ability (Williams 1976; Cottingham 1983; Nagel 1986; Flanagan 1991); and, most broadly, (iii) *evidential ethical naturalism*, that inquiry in the fields of normative and practical ethics should be informed about and take into consideration relevant and existing knowledge from the human sciences and especially from moral psychology (cf. Doris and Stich 2003).[2]

Kristjánsson's take on ethical naturalism seems to strike out in a fourth direction, one that is signposted by Mill's belief that "the best reason we can give for something being morally desirable lies in its being desired by competent (wise and experienced) judges" (p. 13). His intriguing suggestion is that made-to-measure social scientific research can operate as a stand-in for the Millian justificatory criteria of rational convergence of the beliefs of the many and the wise. "The actuality", he writes,

> of a large number of people having converged upon the same view of justice, *combined* with the fact that the research into their views was carried out in accordance with the best available standards (sufficient formal and substantive determination of research design and so forth), provide[s] good reasons for giving the evidence a justificatory role as the evidence of competent judges (p. 14).

Kristjánsson's model requires all parties involved to accept some stringency measures: moral philosophers would have to accept that their training does not give them access to a position of epistemological privilege unavailable to non-philosophers (i.e., study participants) and moral psychologists would need to come clean about their theories' and constructs' normative content (pp. 13–14). Furthermore, social scientists would have to accept the tutelage of moral philosophers in the development of their research apparatuses—by which is meant, primarily, that philosophers would help them detect and eliminate conceptual inconsistencies and keeping an eye out for sources of under- and over-determination (p. 15). So construed, social-scientific research, if not possessing the sole means to directly test the credibility of, say, Rawls' difference principle or Kristjánsson's single-basis view of desert, at least provides a triangulating third-party perspective on normative-ethical theories and, in this way, an alternative to the "transference of bones between philosophical graveyards" (p. 10): unrewarding exchanges of different philosophers' moral intuitions thought to be representative competing historical "perspectives on ethics".

The ensuing treatment of the social-scientific theories of "justice internalisation" in chapter four are, to greater and lesser degrees, case studies of Kristjánsson's ideal of "the social scientist under philosophical supervision" (p. 13).

The Just-World Hypothesis

Taking them in the reverse order than they appear in chapter 4, the just world hypothesis is of obvious interest for Kristjánsson's project because of its superficial similarity to his idea of "cosmic desert" defended in chapter 2. The just world hypothesis is the belief that individuals are directly, personally and morally responsible for any and all fortune or misfortune that befalls them. Strong adherents to the just-world hypothesis, in other words,

---

[2] I discuss this taxonomy in greater detail in Maxwell (2008, Sect. 1.4).

believe that no matter what happens to a person that person "had it coming": so, if a woman gets raped then it is *because* she lacked discretion by wearing provocative clothing, or was imprudent in her choice to walk alone at night or in her choice of her male associates. What the *theory* of belief in a just world accounts for (among other things) is why this belief is so prevalent and persistent both within and across human populations and this despite the fact that it involves circular reasoning (i.e., it begs the question of the primary moral responsibility of every instance of good and bad fortune) and the easy availability of overwhelming disconfirming anecdotal evidence. All you have to do is turn on the 6 o'clock news. Could it be that every single passenger on an airliner downed over the Atlantic, every villager who lost a home in a flood, every victim of bird-flu, AIDS, or cancer and every family afflicted the latest outbreak of hand-foot-and-mouth disease just happened to be so morally bad or imprudent so as to be cruising for cosmic bruising? The standard explanation in social psychology is evolutionary: the adaptive value of the just world hypothesis is that it is conducive to prudential forward-looking thinking (cf. pp. 127–128; Lerner 2002).

It comes as a bit of a shock to read that one of Kristjánsson's central interests in the just world hypothesis is in order to inquire into whether it "should be encouraged and incul-cated in children by parents and educators, given the fact that it apparently has a positive impact on their achievement in and attitudes towards school and, even more importantly, helps them cope better with life in general" (p. 129). I, for one, would have serious reservations about teaching children anything that is false, its favourableness to their social success and integration notwithstanding. Systematically encouraging them to *avoid* blaming the victim I can endorse; the idea of systematically *encouraging* victim derogation is, to say the least, provocative.

As it turns out, Kristjánsson holds that the just world hypothesis does not imply victim derogation. The straightforward implication of the just world hypothesis would seem to predict that strong believers are, as Kristjánsson puts it, "strangely immoral creatures" (p. 138). The just world hypothesis precludes *a priori* the existence of injustice in the world—hence the name "the just world hypothesis"—and this would have implications for the development of a sense of justice. As Kristjánsson observes, a strong believer could presumably experience pity (pain at deserved misfortune) but never compassion (pain at undeserved misfortune) and, one might add, begrudging spite (pain at deserved good fortune) but never indignation (pain at undeserved good fortune) (pp. 137–138). Kris-tjánsson advances, in short, that the move from the just world hypothesis to victim derogation is too hasty and that most of the research on the belief in a just world is too indeterminate to stand as credible support for the inference. Had belief in a just world researchers asked strong believers about their *reasons* for accepting their view—instead of handing them a paper and pencil test to fill out—they might well have found, he speculates, that they are actually committed to the supposedly more reasonable view discussed in chapter 2 under the heading of "cosmic desert". If true, it would follow, he says, that the belief in a just world, far from entailing reactionary victim derogation, is indicative of a healthy appreciation for the causal role that "moral qualities and actions of individuals which are generally held in high esteem because they are moral" (p. 139) can have in bringing on good and bad fortune (p. 139). On this reading, he writes:

> The idea would rather be that strong justice believers doubt more than others—and often reasonably so—whether the victims of the described hardships have exercised their moral virtues to the full. Was the mugging victim perhaps not *careful* enough in

wandering through the park at night? Were the unemployed people lacking perhaps a little in *diligence* and *perseverance*? And so on (p. 139).

Kristjánsson's conclusion, then, it that educators should want to children to believe in a just world because, far from being "strangely immoral creatures", strong belief in a just world might actually turn out to be conducive to balanced justice responding (p. 140). He even manages to dig up one study (i.e., Rubin and Peplau 1975) which ostensibly supports his interpretive hypothesis insofar as it demonstrates a correlation between strong belief in a just world and sympathizing towards undeserving sufferers (p. 139).

It seems to me, however, that the results of the Rubin and Peplau study should set the tocsin ringing: either the study is methodologically unsound, the psycho-metric instruments it employs are invalid or, failing either of these possibilities, that the theory of belief in a just world itself needs re-examining. The verbal expression of "extra sympathy for the blameless victim of a car accident" (cf. p. 139) on the part of a true believer in the just world hypothesis is incoherent. He would, by hook or by crook, find a reason to blame the victim because strong justice belief *by definition* entails the belief in a just world as a closed system! Now as I said above, I have no qualms about the idea that moral character is (sometimes) a relevant criterion in the determination of desert but to regard mere astuteness to good or bad practical judgement as a factor in the assignment of moral responsibility for good and bad fortune as having anything to do with the just world hypothesis is seems to me to be simply an abuse of terms. For as it is understood in contemporary social psychology, the just world hypothesis is nothing other than a patently false and irrational folk belief.

Hoffman on Empathy, Justice, and Moral Development

With Daniel Batson and Nancy Eisenberg, Marin Hoffman is one of the towering figures of a branch of research in social-psychology that investigates altruism, pro-social and helping behaviour. References to "Hoffman theory of empathic development" abound but this is, strictly speaking, a misnomer. Unlike Piaget's, Damon's and Kohlberg's theories, Hoffman's was not the product of a process of "bootstrapping" where a theoretical account is adjusted and refined into conformity with the world on the basis of the results of semi-structured interviews with research subjects. Instead, it was cobbled together from the results of decades of research, some his own and some that of others, on empathic responding in children. It also seems to expressly spurn the trappings of Piagetan developmental theory. In Hoffman, one finds no talk of stages as "cognitively structured-wholes", the comparative "adequacy" of "schemas", or growth toward "competency" in the "co-ordination of multiple perspectives" and Hoffman positions himself in direct opposition to the Piagetan-constructivist tradition by positing that the empathic development is primarily stimulated not by peer interaction but by direct adult intervention (cf. Hoffman 2000).

Kristjánsson's critique of Hoffman's theory seems to be in equal measures incontestable and to badly miss the mark. As Kristjánsson explains, Hoffman, in his writings on justice internalisation, draws a clean distinction between "justice" and "empathy" and seems to regard empathy's role in justice being mainly as motivational (p. 122). To adopt Hoffman's regrettably pseudo-scientific terminology, "hot" empathy "bonds" with "cold" justice principles to form strongly motivated, emotionally charged justice concerns he calls "hot cognitions" (p. 122; cf. Hoffman 2000, pp. 239ff.). The basic idea seems to be that a moral

principle is an abstract, inert "idea about morality", to borrow Dewey's (1908/1969) term for it, but it is the emotionally-charged experience of *seeing* and being *touched by* the harmful effects of a moral principle being violated that motivates a person to take action in the principle's name. The parallel with what Kristjánsson has already said about the Aristotelian virtue of *nemesis* is readily apparent—if justice as a personal virtue means anything it does not mean that one has achieved a rational appreciation of certain moral truths, rules or imperative but that one is affected by injustice in the world—and Kristjánsson's main critique of Hoffman follows like sunshine after rain: "it is wrong that [compassion] does not make a structural, but merely a motivational, contribution to justice. Compassion is essentially a justice-structured emotion: it involves pain at undeserved suffering. […] Remove the justice structure from compassion and you remove the emotion (p. 126)".

Of course he is right, but a fundamental misunderstanding on Kristjánsson's part of the justice/caring dichotomy as it is played out in contemporary developmental moral-psychology, the background against which Hoffman's comments should be taken, vitiates the force of his objection to Hoffman.

In contemporary moral psychology, the default view on compassion is that, *pace* Kristjánsson (p. 124), compassion is in fact *not* a moral emotion and this view stands on what could be loosely considered as Kantian grounds: an *affective* response of caring involvement at the perception of a prospective or actual threat to another's well being is at most incidentally connected with a morally appropriate *action* response judged from a position of impartiality. After all, an action's *moral* status is determined in relation to whether the action meets certain criteria of a *moral* action; tensions and inconsistencies between a person's sympathies (e.g., my hungry daughter should get fed first) and what is just or fair (e.g., my hungry daughter is fourth in a line of other people's equally hungry daughters) are not only possible but commonplace. To paraphrase Blasi (1999), compassionate empathy has to first express moral concerns in order to be correctly considered a moral motivation. Nussbaum, in her recent treatment of compassion as civic virtue (2001, pp. 354ff.), recognizes this features of compassion by characterizing it as a "*quasi*-ethical achievement" rather than an "ethical achievement" *point à la ligne*. The regulative mechanism invariably cited as a concern for "justice" or "reciprocity". A starker instance of the primacy of justice (in morality) thesis is scarcely imaginable and Kristjánsson will surely object to this usage of "justice" on these grounds. But the fact remains that since at least Kohlberg possibly *the* fundamental theoretical problem in moral psychology has been that of how to understand the relationship between these two apparently incompatible moral concerns: "justice" and "caring".[3] It is probably fair to say that Hoffman's (2000) theory of empathic development is intended to obliquely address precisely this problem.

According to Hoffman, the Piagetan tradition in moral development theory suffers from a rather gross inadequacy in connection with the problem of explaining moral motives and moral engagement. All sides agree that the underlying process of *cognitive* moral development is a shift from moral judgement based on the child's own egocentric perspective through to judgements that begin to consider the perspectives of others to a possibly ideal

---

[3] For example, Kohlberg in a late essay co-authored with Dwight Boyd and Charles Levine (1990) argues that the moral point of view as a standpoint of mature moral deliberation was characterized by the ability to *balance* the competing demands of fairness and concern for others. More recently, Gibbs (2003) has advanced that justice and caring are two distinct moral domains. See my discussion of these matters in Maxwell (2006) and Maxwell (in press, esp. Sect. 4.5).

end-state where the perspectives of all are progressively coordinated (cf. Hoffman 2000, p. 129; Gibbs 1991). However, what Hoffman (2000) considers to be its "exaggerated focus on rational, cognitive processes" (p. 131) of the Kohlbergian schema rides rough-shod over a crucial moral phenomenon that badly needs explaining. That is to say, to quote Hoffman (2000) directly:

> Why [should] the knowledge of others' perspectives that is gained in the context of conflicting claims […] lead children to take others' claims seriously and be willing to negotiate and compromise their own claims, rather than use the knowledge to manipulate the other? That is, why should perspective-taking serve pro-social rather than egoistic ends? (p. 131).

The ability to comprehend and co-ordination of others' perspectives, that is, only becomes a *moral* competence when it is leads children to take those perspectives as a legitimate reason to negotiate and compromise their own interests.

So Hoffman *does* think that compassion makes a "structural contribution to justice" if by that you mean by "justice", as Kristjánsson evidently does, is the set of emotional responses characteristic of a person endowed with a sense of justice as a personal virtue. However, in Hoffman's assumed sense of "justice", a person who is empathically inert could very well comprehend the point of "justice" (i.e., as a set of valid moral rules or abstract moral principles) and even nominally ascribe to them but he could never have a sense of justice in situ. To use some pseudo-scientific language of my own, for Hoffman, it is an empathic disposition that "turns you on" and "tunes you in" to human suffering as something to be pained *about*. It structures and informs one's perception of other people's aversive experiences in a way that is characteristic of morality as it is commonly under-stood—that is, as placing demands on us to suspend hypothetical first-person action incentives *in the name of* others' (deserved) weal and woe.

William Damon and "Positive Justice" Reasoning

Of the three theories of justice internalisation Kristjánsson tackles, his response to Damon's (1975) stage-theory of "positive justice" reasoning is by far the clearest illustration of his neo-Millian notion of theoretical ethics in dialogue with empirical moral psychology.

Damon's theory presents a descriptive account of how children's thinking about fair sharing progresses over the course of childhood, from about age 4 to age 10. Its novelty resides in showing that an appreciation for familiar principles of fair distribution of the kind that appear in Sher's (1987) list of desert-base categories—strict equality, equity (to each according to need), self-interest (to each according to what he wants), merit (to each according to ability, effort, good behaviour, etc.) and ad hoc group rights (to us according to our social status, age, gender, etc.)—comes cognitively on line among children in a specific sequential order. Furthermore, the particular stage sequence that Damon's theory traces, which begins with first-person wants, proceeds to ad hoc claims to group rights, and then on to strict equality, and beyond, can be accounted for in terms of the basic mech-anisms of developmentalism: de-centration and growth towards greater conceptual "adequacy". That is to say, higher stages are not just different from lower stages. They are "better" insofar as they constitute a more sophisticated understanding of distribution problems. The highest stage marks the ability to draw judiciously on the range of dis-tributive criteria in consideration of their relevance to the situation at hand and its social goals and purposes. In Kristjánsson's own attractive wording of it, "the oldest children

have found their sea legs and begun to think of the intricacies of justice more as philosophers do: as something being *prima facie* just as distinct from being overall just, the latter to be adjudicated through *phronesis* in each particular case" (p. 116).

Kristjansson claims that the kind of empirical data that children provide in their verbalized attempts to resolve sharing dilemmas can be interpreted only through a set of prior "normative premises"; his main rebuke of Damon's theory is that the set of normative assumptions on which it draws provides no shelter from various potential objections grounded in competing conceptions about justice (pp. 16–118). For example, an adherent to a Feinbergian conception of justice could claim that, because Damon's theory does not specifically trace the development of parallel concerns for desert and entitlement, it is not a developmental theory of "justice internalisation" at all but instead merely a theory of the emergence of "moral principles of distribution" (p. 117). Justice theorists who reject equality as a legitimate principle of justice might similarly claim, Kristjánsson suggests, that justice concerns only rightly begin to emerge in children once they have perceived the inadequacy of the principle of equality (p. 117). Kristjánsson then proceeds to lay out (on p. 119) a set of research questions which, he argues, could be used as the starting point for the empirical exploration of children's conceptions of justice determinate enough to generate the kind of neo-Millian naturalist support for his own preferred Feinbergian conception of justice as a personal virtue.

Which is all as good as far as it goes, except that one is left questioning why Damon or any other moral psychologist should want to remake himself as the moral philosopher's under-labourer. It is certainly not merely, as Kristjánsson's suggests it is, that only a moral philosopher is in a position to suggest, if not defensible, then at least defended working normative premises (p. 118). Damon's stage theory, for all its unquestionable indeterminacy when analysed from the heights of contemporary political theory, is simple, accessible and serviceable; on an apparently more generous reading than Kristjánsson's, it is in fact not even open to the first charge of inadequacy as a capital-letter theory of justice internalisation because it does not masquerade as one. It is merely a systematized developmental documentation of patterns of social interaction within a very specific domain of social interaction, that of resource allocation. Its simplicity and specificity are points in its favour. Kristjánsson would presumably reply to this objection that moral psychologists should want to collaborate closely with moral philosophers in the development of their experimental designs because the latter are far better placed, in virtue of their location in the division of labour in academic research, to hit on a more adequate theoretical base—a reason any developmental psychologist can surely appreciate. But this reply does not begin to do justice to the mind-boggling issues that "the inherent normativity of the very notion of moral development" raises.

In respect of this problem, the scepticism of Carr, for example, whose views on the matter Kristjánsson repeatedly cites favourably (pp. 15, 112, 116), is radical. Carr's (2002) critique of "developmentalism" is not that he has never met a developmental theory he likes which, in the context of Kristjánsson's concerns, would be one that does justice to the excruciating minutia of one philosophy-derived theoretical account of justice or another. His reservations are directed instead at the fact that, as he has it, *all* developmental theories actually *constitute* normative theoretical accounts of human progress towards (cognitive, emotional, spiritual, moral, artistic) maturity (cf. esp. Carr 2002, pp. 13–15). And from this observation Carr goes on to draw the conclusion that the *very idea* of empirical grounds of a developmental theory is a straightforward "category mistake" (p. 14).

At stake in the difference between Carr's and Kristjánsson's views, I think, is a difference over their respective interpretations of "normative". If the term is taken as

meaning "prescriptive" then Carr may very well be right: no "account of the nature of moral deliberation can have, or needs to have, *any* empirical theoretical grounding" for the good and simple reason that finding out how people *do*, say, think about moral problems in no way illuminates the question of how they *should* think about moral problems (Carr 2002, pp. 14–15). However, if "normative" means "descriptive" such that a theory is "normative" merely in virtue of employing richly normative (and *ipso facto* substantively contested) terms such as "justice", "desert" and "morality" as part of a dis-confirmable account of, for instance, how human beings who, as every parent knows, start out in life as simple-minded moral egoists but are in principle capable of achieving heights of moral sophistication worthy of Immanuel Kant then Kristjánsson seems right and empirical research may be an appropriate investigative tool. With all due respect to Carr, it is just not true that the Kohlbergian/Piagetan account of moral deliberation is "simply not the sort of account for which truth or falsity could be coherently predicated" (2002, p. 15). To take Damon's theory which *is a theory* in that it is a scheme of ideas held as a descriptive account of a natural phenomenon, it would turn out to be wrong (i.e., disconfirmed) if children were found in their deliberations over distributive justice problems to consistently prefer, say, the principle equality *before* they demonstrate a consistent preference for the principle of self-interest. Indeed, if anything it is the hallmark of post-Kohlbergain moral psychology, of which Damon is an early representative, to drop Kohberg's messianic visions about re-founding a new "progressive" educational ideology based on human development,[4] to harbour serious doubts about Kohberg's assertion that moral psychology could put paid once and for all to the pesky moral-epistemological position he called "relativism", and to concentrate instead on more modest and domain-specific descriptive theoretical accounts of moral functioning (cf. Lapsley and Narvaez 2005; Blasi 1990).

Where this leaves my original query about why a moral psychologist should want to put herself into the service of moral philosophers is here. On one hand, post-Kohlbergian moral psychology and Kristjánsson's neo-Millian conception of the proper intercourse between moral philosophy and moral psychology seem to be made for each other. And one can indeed imagine a moral psychologist with an interest in collaborating in some audacious theoretical research keen enough to outweigh the daunting impression of being the pro-verbial lamb invited to the lamb roast quite willing to take Kristjánsson up on his proposal. On the other hand moral psychology, as a branch of social and personality psychology, has for the time being at least core constructs, canonical theories, competing schools and research agendas proper to it as a field of scientific inquiry. That is, it has its own identity quite apart from (and by and large unknown to) theoretical ethics. The kind of collaboration with moral philosophy Kristjánsson has in mind would, more than just requiring them to forsake all this as so much undifferentiated mush, inadvertently ask them to step into the fray and *take sides* in moral philosophers' seemingly endless theoretical squabbles—debates, furthermore, moral psychologist are generally not themselves trained to fully understand much less critically assess and whose ultimate irresolvablility moral philosophers generally relish. The irony, from the point of view of post-Kohlbergain moral psychology anyway, is that this is precisely the kind of involvement with moral philosophy that many urge moral psychologist to avoid like the plague: it is just more of the same embarrassing history of moral psychology trying to "solve philosophical problems". The embarrassment stems not, of course, from the inability to solve irresolvable them deci-sively—no one can do that—but that it renders moral psychological theory vulnerable, in ways that have no parallel in other branches of social psychology, to criticism from outside

---

[4] As expressed, for example, in Kohlberg and Mayer (1972).

the science-based discipline of psychology itself. Blasi (1990) called this "the mixed arguments", a form of guilt by association, wherein, to quote Lapsley and Narváez (2005), research, "can be safely dismissed because of its affinity with Kant or Rawls or Plato" (or Aristotle or Feinberg or Miller or Kristjánsson) "and, as everyone knows, these views are absurd" (p. 23).

Educating for Character and Justice as a Personal Virtue

The point of the book's ultimate chapter is air some educational concerns which connect with the book's theme of justice as a personal virtue. Three discrete aims are apparent: first, to propose amendments to McLaughlin and Halstead's widely-accepted taxonomy which divides contemporary conceptions of character education into "expansive" and "non-expansive" varieties; second, to plea for a developmentally appropriate approach to citizenship education where education for justice as a personal virtues precedes and is viewed as foundational to education for justice as a civic virtue; and finally, leaving the specific issue of justice education behind and proceeding on a broader front, to defend non-expansive character education from a roster of standard objections to it.

Strip away the linguistic decorum and McLaughlin and Halstead's (1999) character-ization of non-expansive character education comes down to this: non-expansive conceptions of character education are united in their absence of anything resembling a theoretical base ("the rationale typically offered for the conceptions is significantly lim-ited" 1999, p. 137), their fondness for indoctrinatory pedagogy ("there is a restricted emphasis upon reasoning on the part of the student", *ibid*.), and common concern expressed for the development of basic human patterns of moral response ("the sorts of qualities of character and virtue seen as apt for development are regarded as in some sense fundamental and basic", *ibid*.) is a thin guise for the promotion of a "neo-conservative social and cultural agenda and a return to traditional values and teaching methods" (1999, p. 138). Non-expansive character education is, in sum, the living embodiment of much of what educational progressivism—still and without question the dominant educational ideology in the university-based educational community in the Europe and North Amer-ica—is officially opposed. The tight affinity between small-c conservatism and character education is loosening now that some pre-eminent "post-Kolhbergian" moral psycholo-gists have begun to don the mantle of character education (cf. Lapsley and Power 2005; Selman 2003; Berkowitz 1997) but until recently any public statement of support for "the character education movement" was at great risk of being read as highly politically charged. Kristjánsson's open advocacy of non-expansive character education, his efforts at de-politicising the construct, and the pains he takes to defend it against the arguments repeatedly brought against it (pp. 184ff.) is bold in its frankness.

In truth, however, his re-construction of the distinction between expansive and non-expansive character education at once casts non-expansive character education (NECE) in a much *more* favourable light—and, most forcefully, casts expansive character education (ECE) in a significantly *less* favourable light—than they appear on McLaughlin and Halstead's (1999) account. According to Kristjánsson's alternative taxonomy, it is dif-ference over whether the values to be instructionally promoted in character education are regarded as being universal or particular that divides NECE from ECE; NECE ascribes to "moral cosmopolitanism", the view that "there exist cosmopolitan moral values that transcend the boundaries of time and geography", whereas ECE supposes "moral perspectivism". Kristjánsson's understanding of the latter is harder to pin down. What is

clear is that is not intended to be equated with "moral relativism" or "values subjectivism" (cf. pp. 164, 170). He classes religious-based character education as a form of ECE but religious believers, he says, are typically perspectivists without being moral relativists (p. 170). It is also clear that "moral perspectivism" is chiefly a negative designation, applicable to views that *deny* that there is a set of basic human values on which efforts at moral education in schools "should naturally concentrate" (p. 164).

Doubtless many proponents of conceptions of character education that Kristjánsson classes as ECE—i.e., religious-based character education, as indicated, but also what he calls "liberationist pedagogy/critical postmodernism" (e.g., Nash 1997) and various forms of contemporary citizenship education (e.g., Gutmann 1987; Callan 1997; cf. pp. 165–169)—would regard his application of "moral cosmopolitanism" to NECE rather than to themselves as idiosyncratic if not downright polemical. As indicated above, it is NECE, not ECE, that has the infamous reputation for moral parochialism. But Kristjánsson's point *seems* to be that even if NECE were guilty of moral parochialism (which, in his view, it is not) the educational pursuit of a particular substantive value agenda cannot be a meaningful criterion to distinguish NECE from ECE since there is ample evidence that, in the mind of at least some of the more liberal- or postmodernist-minded advocates of ECE, the ban on pushing a substantive moral agenda only applies to political conservatives. If either conception of character education should be regarded as perspectivist, he argues, it is ECE. Speaking of advocates of citizenship education, Kristjánsson observes that, that they "consider the democratic virtues essential for the development of moral agents in a democratic society, and thus of at least the same, if not greater, importance in 'our' schools as the moral basics. That is why those theorists are more usefully described as perspectvist than cosmopolitan substantivists" (p. 167). We can see this clearly, for example, in Gutman (1987) and Callan (1997), authors of recent classics in citizenship education, who side with Rousseau on the question of "*Bourgeois ou citoyen?*", promoting a version of active civic republicanism wholly incompatible with the etiolated, self-regarding notion of citizenship Rousseau saw as endemic to European burghers of his day (cf. p. 178).

Whatever else can be said about Kristjánsson's schema, he does not accept McLaughlin and Halstead's basic characterization of NECE as being less rich and comprehensive than ECE, which naturally raises the question of why he did not simply jettison the "expansive/non-expansive" labels. This, after all, is precisely the difference to which the term "expansive" is meant to draw attention. That aside, Kristjánsson's effort to develop a taxonomy of conceptions of character education that transcends the politics of character education is commendable and on these grounds alone I would concur that his specifications of NECE and ECE mark a gain over those of McLaughlin and Halstead.

Unduly "politicising" values education is, incidentally, the charge that Kristjánsson lays at the door of contemporary citizenship education. His idea, heavily indebted to the ancient Greek conception of values education, regards political education as building on basic moral education in childhood. Contemporary values education tends to pursue these curricular items in parallel; witness, for example, the fact that the current national curriculum in the U.K. prescribes "personal, social and health education" and "citizenship education" concurrently. For Kristjánsson, this amounts to, if not putting the cart before the horse, then at least putting the cart beside the horse. Citizenship education as a foundation subject, he says:

> runs the risk of overshadowing and sidelining the necessary core of all values
> teaching, including justice teaching: namely, the inter-human psychological

capabilities and moral virtues which lay the basis for social and political skill. […]
When talking about the danger of the cart being put before the horse in values
education, the underlying thought is, precisely, that the correct logical order of
morality and politics will be reversed, namely, that justice as a moral concept will be
thought to supervene on justice as a political concept, rather than the other way
around (pp. 176, 178).

This passage naturally brings to mind Kristjánsson's earlier admonition of latter-day justice
theorists for treating the justice of social arrangements as analysable and comprehensible
independently of the notion of justice as a personal virtue and now we can clearly perceive
Kristjánsson's deeper point: education for justice as a personal virtue is fundamental not
first and foremost to citizenship *education* but as a means of securing a basic condition of a
just *society*, a just citizenry. For Kristjánsson, justice, like charity, should begin at home
(and in school) but not stop there.

The thought is, of course, a sensible one but I remain doubtful that the distinction
between private and political justice on which it rides can avoid at least in part collapsing
in on itself. The conceptual dimensions of moral-emotion pedagogy remain relatively
unexplored but as I have argued elsewhere (in Maxwell and Reichenbach 2007), moral
emotion education typically takes the form of as a reason-backed *request*, as part of a
programme of affective habituation or not, to bring a child's spontaneous emotional
response into line with circumstantially prescribed norms of emotional responding. Kris-
tjánsson seems to envision the task of basic justice education as setting up in children a
general moral disposition to respond appropriately to a class of human experiences where
fortune intersects with desert: to undeserved bad fortune with compassion, to undeserved
good fortune with indignation and so on (cf. p. 180). If this interpretation is accurate then
his point dovetails with what Warnock (1996), drawing on Mill, refers to as the "simple
view" of moral education's primary achievement, that of awakening children to the
imperative of bringing others' lots into the sphere of their own interests (cf. pp. 46–47).
Simple indeed but deceptively simple because beyond this abstract and schematic struc-
tural account of moral education, education for justice as a personal virtue takes place
against a normative background shared as much by public life as by private life. An
educator just cannot set out to encourage appropriate justice responding in a child without
making assertions on substantively controversially questions about what *counts* as
deserved or undeserved fortune and misfortune, for whom and in what circumstances,
assertions which frame familiar and largely *incompatible* structured ethical conceptions
that have a massive hand in informing one "sense of social justice": Calvinist performance
ethics, U.S.-style meritocratic ethics, Marxist ethics of sharing, traditionalist or "pre-
modern" ethics of aristocracy, among possibly others. Otherwise stated, to the extent that it
helps to develop the "inter-human psychological capabilities and moral virtues which lay
the basis for social and political skill" (p. 176)—by which I understand Kristjánsson to
mean the practical wisdom to deliberate intelligently about *questions* of social justice and
other political controversies—it also contributes to pre-determining the *answers* to those
questions. In conclusion, if Kristjánsson's argument is that citizenship education is
developmentally inappropriate because it confronts children with political *content* then I
have to disagree; the interpenetration of the moral and political domains is sufficient to
render the distinction between educational content that is moral/ "personal", on one hand,
and political/"public", on the other, all but meaningless. But if his argument is that
citizenship education is developmentally inappropriate because it tries to engage children
in public politico-moral *controversies* then, on this point, we are of one mind. Moral

education that tries to draw children too far out of the moral world they themselves inhabit is at best didactic and at worst meaningless. Either way, it cannot rightly be called moral education at all.

References

Anscombe, G. E. M. (1958). Modern moral philosophy. *Philosophy, 33*, 1–19.

Berkowitz, M. W. (1997). The complete moral person: Anatomy and formation. In J. M. Dubois (Ed.), *Moral issues in psychology: Personalist contributions to selected problems* (pp. 11–41). Lanham: University Press of America.

Blasi, A. (1990). How should psychologists define morality? Or, the negative side effects of philosophy's influence on psychology. In T. Wren (Ed.), *The moral domain: Essays on the ongoing discussion between philosophy and the social sciences* (pp. 38–70). Cambridge: MIT Press.

Blasi, A. (1999). Emotions and moral motivation. *Journal for the Theory of Social Behaviour, 29*(1), 1–19.

Callan, E. (1997). *Creating citizens: Political education and liberal democracy*. Oxford: Clarendon Press.

Carr, D. (2002). Moral education and the perils of developmentalism. *Journal of Moral Education, 31*(1), 5–19.

Cottingham, J. (1983). Ethics and impartiality. *Philosophical studies, 43*, 83–99.

Damon, W. (1975). Early conceptions of justice as related to the development of logical operations. *Child Development, 46*, 301–312.

Darwall, S., Gibbard, A., & Railton, P. (1992). Toward *Fin de siècle* ethics: Some trends. *Philosophical Review, 101*(1), 115–190.

Dewey, J. (1908/1969). *Moral principles in education*. Oxford: Greenwood Press.

Doris, J. M., & Stich, S. P. (2003). As a matter of fact: empirical perspectives on ethics. In F. Jackson & M. Smith (Eds.), *The Oxford companion to contemporary philosophy* (pp. 114–152). Oxford: Oxford University Press.

Feinberg, J. (1970). *Doing and deserving*. Princeton: Princeton University Press.

Flanagan, O. (1991). *Varieties of moral personality: Ethics and psychological realism*. Cambridge: Harvard University Press.

Foot, P. (2001). *Natural goodness*. Oxford: Clarendon Press.

Geach, P. T. (1956). Good and evil. *Analysis, 17*, 23–42.

Gibbs, J. C. (1991). Toward an integration of Kohlberg's and Hoffman's moral development theories. *Human development, 34*, 88–104.

Gibbs, J. C. (2003). *Moral development and reality: Beyond the theories of Kohlberg and Hoffman*. Thousand Oaks: Sage.

Gutmann, A. (1987). *Democratic education*. Princeton: Princeton University Press.

Hill, T. (2000). *Respect, pluralism and justice: Kantian perspectives*. Oxford: Oxford University Press.

Hoffman, M. L. (2000). *Empathy and moral development: Implications for caring and justice*. Cambridge: Cambridge University Press.

Hospers, J. (1961). *Human conduct: An introduction to the problems of ethics*. New York: Harcourt.

Hursthouse, R. (1999). *On virtue ethics*. Oxford: Clarendon Press.

Kohlberg, L. (1984). *Essays on moral development, Vol. 2: The psychology of moral development. The nature and validity of moral stages*. San Francisco: Harper & Row.

Kohlberg, L., Boyd, D. R., & Levine, C. (1990). The return of stage 6: Its principle and point of view. In T. E. Wren (Ed.), *The moral domain: Essays in the ongoing debate between philosophy and the social sciences* (pp. 151–181). Cambridge, MA: MIT Press.

Kohlberg, L., & Mayer, R. (1972). Development as the aim of education. *Harvard Educational Review, 42*, 449–496.

Kristjánsson, K. (2000). Virtue ethics and emotional conflict. *American Philosophical Quarterly, 37*(3), 193–207.

Kristjánsson, K. (2003). On the very idea of 'negative emotions'. *Journal for the Theory of Social Behaviour, 33*(4), 351–364.

Kristjánsson, K. (2007). Justified self-esteem. *Journal of Philosophy of Education, 41*(2), 247–261.

Lapsley, D., & Narváez, D. (2005). Moral psychology at a crossroads. In D. Lapsley & Power, C. (Eds.), *Character psychology and character education* (pp. 18–35). Notre Dame: University of Notre Dame Press.

Lapsley, D., & Power, F. C. (Eds.). (2005). *Character psychology and character education* (pp. 36–66). Notre Dame: University of Notre Dame Press.

Lerner, M. J. (1981). The justice motive in human relations: some thoughts on what we know and need to know about justice. In M. J. Lerner & S. C. Lerner (Eds.), *The justice motive in social behavior: Adapting to times of scarcity and change*. New York: Plenum Press.

Lerner, M. J. (2002). Pursuing the justice motive. In M. Ross & D. Miller (Eds.), *The justice motive in everyday life*. Cambridge: Cambridge University Press.

Maxwell, B. (2006). Naturalized compassion: A critique of Nussbaum on literature in education for compassionate citizenry. *Journal of Moral Education, 35*(3), 335–352.

Maxwell, B. Professional ethics education: Studies in compassionate empathy. Dordrecht: Springer, in press.

Maxwell, B., & Reichenbach, R. (2007). Educating moral emotions: A praxiological analysis. *Studies in Philosophy and Education, 26*(2), 147–163.

McKinnon, C. (2005). Character possession and human flourishing. In K. Daniel & C. Power (Eds.), *Character psychology and character education* (pp. 36–66). Notre Dame: University of Notre Dame Press.

McLaughlin, T., & Halstead, M. (1999). Education in character and virtue. In M. Halstead & T. McLaughlin (Eds.), *Education in morality* (pp. 132–163). London: Routledge.

Miller, D. (1976). *Social justice*. Oxford: Clarendon Press.

Nagel, T. (1986). *The view from nowhere*. New York: Oxford University Press.

Nash, R. J. (1997). *Answering the 'virtuecrats': A moral conversation on character education*. New York: Teachers College Press.

Nozick, R. (1971). *Anarchy, state and utopia*. Oxford: Basil Blackwell.

Nussbaum, M. (2001). *Upheavals of thought: The intelligence of the emotions*. Cambridge: Cambridge University Press.

Rawls, J. (1973). *A theory of justice*. Oxford: Oxford University Press.

Rest, J. R. (1979). *Development in judging moral issues*. Minneapolis: University of Minnesota Press.

Ross, W. D. (1930). *The right and the good*. Oxford: Clarendon Press.

Rubin, Z., & Peplau, L. A. (1975). Who believes in a just world? *Journal of Social Issues, 31*, 65–89.

Rymer, T. (1678/1972). *Tragedies of the last age*. New York: Scolar Press.

Sher, G. (1987). *Desert*. Princeton: Princeton University Press.

Selman, R. L. (2003). *The promotion of social awareness*. New York: Russell Sage Foundation.

Thomson, J. J. (2001). *Goodness and advice*. Princeton: Princeton University Press.

Warnock, M. (1996). Moral values. In J. M. Halstead & M. Taylor (Eds.), *Values in education and education in values* (pp. 45–53). London: Falmer.

Williams, B. (1976). Persons, character and morality. In A. O. Rorty (Ed.), *The identities of persons*. Berkeley: University of California Press.