

The Concept of a Moral Position*

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We might start with the fact that terms like "moral position" and "moral conviction" function in our conventional morality as terms of justification and criticism, as well as of description. It is true that we sometimes speak of a group's "morals," or "morality," or "moral beliefs," or "moral positions" or "moral convictions," in what might be called an anthropological sense, meaning to refer to whatever attitudes the group displays about the propriety of human conduct, qualities, or goals. We say, in this sense, that the morality of Nazi Germany was based on prejudice, or was irrational. But we also use some of these terms, particularly "moral position" and "moral conviction," in a discriminatory sense, to contrast the positions they describe with prejudices, rationalizations, matters of personal aversion or taste, arbitrary stands, and the like. One use—perhaps the most characteristic use—of this discriminatory sense is to offer a limited but important sort of justification for an act, when the moral issues surrounding that act are unclear or in dispute. Suppose I tell you that I propose to vote against a man running for a public office of trust because I know him to be a homosexual and because I believe that homosexuality is profoundly immoral. If you disagree that homosexuality is immoral, you may accuse me of being about to cast my vote unfairly, acting on prejudice or out of a personal repugnance which is irrelevant to the moral issue. I might then try to convert you to my position on homosexuality, but if I fail in this I shall still want to convince you of what you and I will both take to be a separate point—that my vote was based upon a moral position, in the discriminatory sense, even though one which differs from yours. I shall want to persuade you of this, because if I do I am entitled to expect that you will alter your opinion of me and of what I am about to do. Your judgment of my character will be different—you might still think me eccentric (or puritanical or unsophisticated) but these are types of character and not faults of character. Your judgment of my act will also be different, in this respect. You will admit that so long as I hold my moral position, I have a moral right to vote against the homosexual, because I have a right (indeed a duty) to vote my own convictions. You would not admit such a right (or duty); if, you were still persuaded that was acting out of a prejudice or a person. I am entitled to expect that your opinion will change in these ways, because these distinctions are a part of the conventional morality you and I share, and which forms the background for our discussion. They enforce the difference between positions we must respect, although we think them wrong, and positions we need not respect because they offend some ground rule of moral reasoning. A great deal of debate

about moral issues (in real life, although not in philosophy texts) consists of arguments that some position falls on one or the other side of this crucial line. It is this feature of conventional morality that animates Lord Devlin's argument that society has the right to follow its own lights. We must therefore examine that discriminatory concept of a moral position more closely, and we can do so by pursuing our imaginary conversation. What must I do to convince you that my position is a moral position?

(a) I must produce some reasons for it. This is not to say that I have to articulate a moral principle I am following or a general moral theory to which I subscribe. Very few people can do either, and the ability to hold a moral position is not limited to those who can. My reason need not be a principle or theory at all. It must only point out some aspect or feature of homosexuality which moves me to regard it as immoral: the fact that the Bible forbids it, for example, or that one who practices homosexuality becomes unfit for marriage and parenthood. Of course, any such reason would presuppose my acceptance of some general principle or theory, but I need not be able to state what it is, or realize that I am relying upon it. Not every reason I might give will do, however. Some will be excluded by general criteria stipulating sorts of reasons which do not count. We might take note of four of the most important such criteria:

(i) If I tell you that homosexuals are morally inferior because they do not have heterosexual desires, and so are not "real men," you would reject that reason as showing one type of prejudice. Prejudices, in general, are postures of judgment that take into account considerations our conventions exclude. In a structured context, like a trial or a contest, the ground rules exclude all but certain considerations, and a prejudice is a basis of judgment which violates these rules. Our conventions stipulate some ground rules of moral judgment which obtain even apart from such special contexts, the most important of which is that a man must not be held morally inferior on the basis of some physical, racial or other characteristic he cannot help having. Thus a man whose moral judgments about Jews, or Negroes, or Southerners, or women, or effeminate men are based on his belief that any member of these classes automatically deserves less respect, without regard to anything he himself has done, is said to be prejudiced against that group

(ii) If I base my view about homosexuals on a personal emotional reaction ("they make me sick"), you would reject that reason as well. We distinguish moral positions from emotional reactions, not because moral positions are supposed to be unemotional or dispassionate- quite the reverse is true-but because the moral position is supposed to justify the emotional reaction, and not vice versa. If a man is unable to produce such reasons, we do not deny the fact of his emotional involvement, which may have important social or political consequences, but we do not take this involvement as demonstrating his moral conviction. Indeed, it is just this sort of position-a severe emotional reaction to a practice or a situation

for which one cannot account—that we tend to describe, in lay terms, as a phobia or an obsession.

(iii) If I base my position on a proposition of _fact ("homosexual acts are physically debilitating") which is not only false, but is so implausible that it challenges the minimal standards of evidence and argument I generally accept and impose upon others, then you would regard my belief, even though sincere, as a form of rationalization, and disqualify my reason on that ground. (Rationalization is a complex concept, and also includes, as we shall see, the production of reasons which suggest general theories I do not accept.)

(iv) If I can argue for my own position only by citing the beliefs of others ("everyone knows homosexuality is a sin"), you will conclude that I am parroting and not relying on a moral conviction of my own. With the possible (though complex) exception of a deity, there is no moral authority to which I can appeal and so automatically make my position a moral one. I must have my own reasons, though of course I may have been taught these reasons by others. No doubt many readers will disagree with these thumbnail sketches-of-prejudice, mere emotional reaction, rationalization and parroting. Some may have their own theories of what these are. I want to emphasize now only that these are distinct concepts, whatever the details of the differences might be, and that they have a role in deciding whether to treat another's position as a moral conviction. They are not merely epithets to be pasted on positions we strongly dislike.

(b) Suppose I do produce a reason which is not disqualified on one of these (or on similar) grounds. That reason will presuppose some general moral principle or theory, even though I may not be able to state that principle or theory, and do not have it in mind when I speak. If I offer, as my reason, the fact that the Bible forbids homosexual acts, or that homosexual acts make it less likely that the actor will marry and raise children, I suggest that I accept the theory my reason presupposes, and you will not be satisfied that my position is a moral one if you believe that I do not...

(c) But do I really have to have a reason to make my position a matter of moral conviction? Most men think that acts which cause unnecessary suffering, or break a serious promise with no excuse, are immoral, and yet they could give no reason for these beliefs. They feel that no reason is necessary, because they take it as axiomatic or self-evident that these are immoral acts. It seems contrary to common sense to deny that a position held in this way can be a moral position.

Yet there is an important difference between believing that one's position is self-evident and just not having a reason for one's position. The former presupposes a positive belief that no further reason is necessary, that the immorality of the act in question does not depend upon its social effects, or its effects on the character of the actor, or its proscription by a deity, or anything else, but follows from the nature of the act itself. The claim that a particular

position is axiomatic, in other words, does supply a reason of a special sort, namely that the act is immoral in and of itself, and this special reason, like the others we considered, may be inconsistent with more general theories I hold.

The moral arguments we make presuppose not only moral principles, but also more abstract positions about moral reasoning. In particular, they presuppose positions about what kinds of acts can be immoral in and of themselves. When I criticize your moral opinions, or attempt to justify my own disregard of traditional moral rules I think are silly, I will likely proceed by denying that the act in question has any of the several features that can make an act immoral- that it involves no breach of an undertaking or duty, for example, harms no one including the actor, is not proscribed by any organized religion, and is not illegal. I proceed in this way because I assume that the ultimate grounds of immorality are limited to some such small set of very general standards. I may assert this assumption directly or it may emerge from the pattern of my argument. In either event, I will enforce it by calling positions which can claim no support from any of these ultimate standards *arbitrary*, as I should certainly do if you said that photography was immoral, for instance, or swimming. Even if I cannot articulate this underlying assumption, I shall still apply it, and since the ultimate criteria I recognize are among the most abstract of my moral standards, they will not vary much from those my neighbors recognize and apply. Although many who despise homosexuals are unable to say why, few would claim affirmatively that one needs no reason, for this would make their position, on their own standards, an arbitrary one.

(d) This anatomy of our argument could be continued, but it is already long enough to justify some conclusions. If the issue between us is whether my views on homosexuality amount to a moral position, and hence whether I am entitled to vote against a homosexual on that ground, I cannot settle the issue simply by reporting my feelings. You will want to consider the reasons I can produce to support my belief, and whether my other views and behavior are consistent with the theories these reasons presuppose. You will have, of course, to apply your own understanding, which may differ in detail from mine, of what a prejudice or a rationalization is, for example, and of when one view is inconsistent with another. You and I may end in disagreement over whether my position is a moral one, partly because of such differences in understanding, and partly because one is less likely to recognize these illegitimate grounds in himself than in others.