

The Morality of Reputation and the Judgment of Others

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ABSTRACT

There is a tension between the reasonable desire not to be judgmental of other people's behaviour or character, and the moral necessity of making negative judgments in some cases. I sketch a way in which we might accommodate both, via an evaluation of the good of reputation and the ethics of judgment of other people's character and behaviour. I argue that a good reputation is a highly valuable good for its bearer, akin to a property right, and not to be damaged without serious reason deriving from the demands of justice and the common welfare. Rash judgment wrongfully damages reputation and is sometimes a seriously immoral act. Rashness is not merely about lack of evidence, but involves lack of charity and is to be avoided even in some cases where the evidence of bad character or action is epistemically sufficient for judgment. I argue that the desirability of a good name for its holder, whether the reputation is deserved or not, means that in all but a relatively narrow range of cases it is always wrong to think badly of someone, even if they are bad.

INTRODUCTION

We in the liberal, democratic West live in a society with a split personality, deriving from our own individual dissociative traits. On one hand, we spend much of our time—far more than we would imagine—morally judging the character and behaviour of others. On the other, we are also generally loath to make moral judgments

about other people. Very often we are unsure of whether to judge. We do not want to appear (or even to be) judgmental, but we also know that we do judge our fellows continuously, and believe this is often justified. To judge or not to judge? Here is an area of practical ethics that receives little contemporary attention, yet it is as central to morality as judging the state of the weather is to the question of how one should dress.

Fleshing this out a little, consider first the way in which moral judgment about others is manifested in outward behaviour. The thought is the father to the deed where deeds include words. So the ubiquity of judgments about others is manifest in two of society's greatest preoccupations, gossip and defamation (the two overlapping significantly). By gossip I loosely mean idle banter about people behind their backs, where although the content is explicitly only factual ('I heard Alan is having an affair', 'You have no idea how drunk Brenda got the other night', and so on), there is almost always an implicit, negative moral judgment. Although paradigmatic gossip is about people we know personally, gossip about 'celebrities' is a monstrous outgrowth, now at a level of popularity and refinement unmatched in human history. Perhaps some would count it as a central case precisely because those who gossip about celebrities (by 'those who gossip' I mean to include both producers and willing consumers) feel somehow close enough to the celebrity to think it's 'as if' they know them. (Wrongheaded this might be, but that is not the point. If you *think* you know someone as virtually a personal acquaintance—even if it is through the fantasy of a media glut of personal information—you can gossip about them.)

By defamation I do not mean only—or always—the activity that is contrary to law and must satisfy certain strict legal criteria. In most cases legal defamation involves publically imputing some fault of which the victim is innocent. But defamation as a *moral* category involves imputations of fault or bad character both true and false. Although not all defamation involves a moral judgment on the part of the defamer, explicit or implicit, what's more important is that defamers generally are quite aware that the hearers (or readers) of their words will make moral judgments based on what they think they have learned. Moreover, the ease with which willing audiences are found for defamation shows how common it is for us to pass judgments upon the acts of others. The motives are not hard to find, including: a sense of superiority ('at least I don't do what he does'); a feeling of being 'in the know' ('if only she knew what I know about Fred's behaviour!'); the sense of intimacy that comes from sharing tidbits

of information about third parties; the pleasure of filling time with idle and relatively cost-free chit-chat.

Judgmentalism is rife, yet so is the reluctance to judge, or at least to be seen as judgmental. Consider that this unwillingness cuts across both objectivism and subjectivism about morality. The objectivist believes in objectively true moral principles and prescriptions, holding for all people at all times and places. But not every objectivist, especially in a liberal society, wants to be thought of as imposing an objective moral code on others given the prevailing consensus in favour of tolerance, ‘live and let live’, and the like. For an objectivist not to want to insist on such an imposition might be irrational, but succumbing to peer pressure is not. By contrast the subjectivist, for whom what is morally true is a matter of opinion, believes that judging others must entail evaluating them by a standard that may well not apply to them. For the subjectivist, passing moral judgment reeks of what she sees as objectivist tyranny: if she is true to her subjectivism, she will try to train her mind not to judge; at the very least, she will not want anyone to think that her moral opinions are intended to apply of necessity to others.

My interest here is not defamation or gossip but their primary cause. They are but outward manifestations of an internal state of mind. Most moral philosophers have come to take it as axiomatic that when they evaluate human acts they are evaluating external, observable physical movements. Far less has there been work on the morality of *mental* acts, in particular moral judgments about others’ deeds or traits. Why might that be? First, like everyone else, most philosophers probably think there is something unseemly about subjecting people’s personal judgments to ethical assessment: it smells Orwellian, for if some judgments can be morally bad why shouldn’t a subset of those, if bad enough, be made illegal—‘thought crimes’? In reply, there are too many implausible steps between the antecedent and consequent to make this a reasonable objection. The law does not punish states of mind; even the vilest of intentions are immune unless they eventuate in some sort of outward act, if only an attempt. So just as with many other kinds of act, both mental and bodily, we can subject moral judgments about others to their own moral assessment without requiring a legal sanction for any of them, no matter how wrong they may be. (I will from now, for brevity, call moral judgments simply ‘judgments’ without qualification, and later I will further restrict the term ‘judgment’ to ‘negative or unfavourable judgment’. Context will make this clear.)

Secondly, it might be objected that we cannot know with certainty the judg-

ments that people make, mental contents being notoriously elusive, so we risk doing ourselves what we might end up imputing to others—making wrongful moral judgments about third parties. In reply, if there is a viable set of principles for assessing judgments, they will apply equally to second-order judgments, i.e. our own judgments about others' judgments. Any person knows with relative certainty, and in general, the contents of their own mental states, so they ought to be able to know with relative certainty the judgments they make about others' judgments. (I leave aside particular issues to do with self-deception, Freudian theories, and the like; for the sorts of cases I have in focus, the generalization applies.) So a person can apply the principles of judgment to their own judgments and if, for example, those principles dictate caution in judging the judgments of others, given certain circumstances, they will also dictate caution in respect of the first-order judgments those others make. Moreover, if we cannot know the judgments others make with the same certainty with which we can know our own, then those principles will dictate even *greater* caution when judging the judgments of others. So we ought not to fear an inordinate risk of making wrongful judgments about the judgments of others, as long as the principles are correct and we apply them well.

That slightly arcane point aside, all we need note is that we do not even need certainty in assessing others' judgments, and though we cannot always be certain of the judgment another makes, often we can. We know it precisely from outward behaviour, both word and deed. If I see you check the weather forecast and then fetch an umbrella before going outside, I can be certain you judge it to be raining or about to rain. Similarly, if I tell you that I'm no longer having anything to do with that so-and-so Bob after what he just did to me, you can be certain I judge Bob to have acted very badly. Words and deeds are how we know about any mental states, whether beliefs, opinions, judgments, hopes, fears, and so on. And if certainty means some sort of metaphysical guarantee, why do we need it? If that is the kind of certainty we need, then all human commerce should grind to a halt immediately—not a thought that need detain us.

A third reason for reluctance to entertain an ethic of moral judgment on the behaviour of others is the fear that it will lead us into censoriousness or judgmentalism. But there is a difference between making a judgment and being judgmental. Presumably, given that we pass judgment on others all the time yet generally deplore judgmentalism, most of us think that we can pass judgments without being judgmental (cases of weakness or hypocrisy aside). Rightly so, for judgmentalism is an

attitude or disposition that favours making negative judgments about people even when clearly unjustified. If we thought that by making judgments we were *ipso facto* being judgmental, we would tend not to make them. But we know that judgments about others can be favourable, or neutral, and if negative can be slight, or less critical than they might be.

More importantly, if judgmentalism is a vice, then presumably an ethic of judgment would rule it out! In other words, such an ethic is precisely what we need in order to have a rational basis for avoiding judgmentalism or censoriousness. If we refrain from judging because we don't want to be judgmental, then in reality we are already operating with an ethic of judgment, albeit inchoate. Spelling it out in more detail simply systematises and adds to whatever is intuitively plausible about judging others. Indeed, while it may be—and I think it is—plausible to hold judgmentalism a vice, it might also be that judgmentalism is a virtue. That is, we should not prejudge the results of working out an ethic of judgment by assuming that one of the things it might condone is something we think we should avoid.

REPUTATION

Reputation, defined neutrally, is simply the general consensus of judgment about a person's character. Depending on how far knowledge—or presumed knowledge—of a person's life and actions extends, the general consensus could be as small as that of a village or as large as that of the world. Often, though, we talk about reputation normatively, as in 'I have a reputation to protect', or 'Emma's reputation is the one thing she holds dear'. Here we mean 'good reputation', the general consensus that a person is of good (reputable) character. Hence reputations can also be bad. But they can also be true or false—true if the consensus agrees with the facts about a person's character, false if not. (I will also, quite plausibly apart from highly non-standard cases, call true reputations *deserved* and false reputations *undeserved*, and vice versa.) If Fred is reputed honest and he *is* honest, his reputation is true; it is false if he is dishonest; similarly if he is reputed dishonest and he is in fact dishonest (true reputation) or is in fact honest (false reputation). So we have four possible combinations: (i) a good, true reputation; (ii) a good, false reputation; (iii) a bad, true reputation; (iv) a bad, false reputation. We all hold reputation to be of moral importance, but how should we rank these four? Somewhat surprisingly to many, I am going to argue that the desirability of a good name for its holder, *whether the reputation is deserved or not*,

means that in all but a relatively narrow range of cases it is *always* wrong to think badly of someone, even if they *are* bad. The wrongful act of what has traditionally been called ‘rash judgment’, I will argue, is not about lacking enough evidence to think ill of another person; it is about thinking badly of them *even* when you have enough evidence, with relatively few exceptions. To see how important a good name is, whether deserved or not, and to make my case plausible, we now need to examine the value of a good name in some depth.

To begin, it is clear that having a good, true reputation is the most prized possession. We want both to be good and to be reputed good. I claim also that having an undeserved, bad reputation is in general the worst of the four. Why should that be? A person with a bad but unmerited reputation might appreciate the chance to bear the slings and arrows of outrageous fortune, seeing it as an opportunity to grow in steadfastness and overall virtue. So how can we be sure it ranks, in terms of what is bad for the individual, below having a bad but deserved reputation? My reply is that although there are some people for whom a bad but false reputation affords the chance to grow in virtue, they are relatively few in number. By contrast, there are considerably more people for whom a bad but *true* reputation is for them a mark of honour, especially the honour that exists proverbially among thieves. Far more important, though, is that *any* person with a bad but undeserved reputation suffers a serious injustice, whereas no one with a true, bad reputation suffers any injustice on that score. So the former is, because of this fact alone, worse than the latter, and in fact worst of all.

To take this a little further, there is a contrary line of reasoning that might suggest the bad, true reputation is after all worst for its holder, and this focuses on the extra power that the pressure to conform to expectation exerts in the case of a reputation that is bad and true. In that of the bad, false reputation the pressure to conform to low expectations has to overcome the opposite force of a character that is genuinely upright. When the reputation is bad and true, by contrast, the pressure to conform needs only to push on an open door: if people expect you to be X, and you are in fact X, you may well confuse cause and effect, fulfilling their expectations as a supposed inevitable result of how they see you. It is simply easier to continue to *be* bad than to *become* bad, as Aristotle famously taught. And if the desirability of a certain kind of reputation is about more than what people happen to want for themselves, we might plausibly hold that a bad, true reputation is in fact worse than a bad, false one. Overall, though, as I see it a significant conformity effect *coupled* with being a victim

of serious injustice makes the unmerited bad reputation least desirable of all, even though the merited bad reputation has a stronger conformity effect considered on its own.

Let's now examine the fourfold ranking in more depth. I claim that a good and true reputation is best of all for its holder, and have argued that a bad, false reputation is worst of all. But what about the other two—a good, false reputation and a bad, true reputation? Would you rather be reputed good even though you are bad, or if you are bad would you rather be thought to be bad? Here the comparison is difficult, since there are considerations for and against the relative desirability of both. Further, we have to distinguish between what many or at least some people might want—because, say, there is some limited self-interest served by having that thing—and what is really good for them. It helps to look again in more depth at the first- and last-ranked reputations to make the point. The most desirable reputation—good and true—clearly serves a person's self-interest in the narrow sense of benefits received, since others will act positively toward the person because they judge the person good, and since the person is good their reciprocally virtuous behaviour toward others will only reinforce the already good reputation, leading to a positive feedback loop of mutual beneficence. What is more important, however, is that having a good reputation in addition to the reputation's being true makes it more probable that a person will not only continue to be good but become *better*, given the simple psychological force of other people's expectations—the well-verified phenomenon of conformity, to which I have already referred. So having a good and true reputation serves a person's self-interest in the narrow sense but *also* promotes and enhances their own good character, which is more important than the benefits they happen to receive from others.

Now consider a bad, false reputation, the worst of all. No one of sound mind would want this (even though a saintly person might welcome its arrival). From the viewpoint of narrow self-interest—how someone is personally treated, the benefits or harms he receives—things will likely not go well for him if he has a name that is undeservedly bad. If people think you are bad, they are generally not going to treat you well—not in the sense of going out of their way to hurt you, but they are likely to avoid association with you, distrust you, not give you the benefit of the doubt, and so on. But might it still be really good for you to have such a reputation? Here I think the force of conformity probably overwhelms the promotion of good character in the vast majority of cases. For a small, highly motivated minority, being good but thought bad will be a spur to acting even better so as to convince others of their wrongful as-

assessment. (Note, however, the threat posed by vainglory and posturing, which can nullify the enhancements to character coming from such behaviour.) Such a person might be encouraged to carry out highly visible acts of magnanimity so as to counteract the false judgment, good not just for others but for their own virtue. For another, even smaller saintly minority, being good yet thought bad would be a cross to bear, a mortifying and purifying experience tending to deepen their own humility and resignation. Yet for the great bulk of mankind, the power of a collective judgment against them is likely to weaken their own virtuous foundations, shaking their resolve to stay good: it is doubtful that most people feel a pressing need to exceed the expectations of others. So it does seem correct to place the good, true reputation at the top of the scale of desirability, and the bad, false reputation at the bottom—for the vast majority of people in most situations.

Returning now to our two hard cases—the good, false name and the bad, true name—we can apply similar considerations. Some small number of people probably like the idea of being both bad and thought bad—‘tough guys’, gangsters with a ‘reputation’ to protect, certain kinds of pathological personalities. Some very narrow forms of self-interest might be served for these people by a bad, true reputation: they might enjoy the distorted admiration of like-minded individuals or of others whose approval they seek; they may get intense pleasure from being of ill repute among what they see to be a dull, conformist majority; they may receive limited, albeit highly contingent, benefits from those with whom they fraternise.

Again, though, we are not talking about the mass of mankind, for whom a bad reputation is a highly distasteful thing whether the subject of the reputation really is of good or bad character. It poisons a person’s relationships with others in all the same ways, the only consolation when the reputation is bad and true being that at least it is deserved, so the subject does not experience the added bitterness of a reputation wholly unmerited. (This consolation is one of the factors that makes the bad, true reputation slightly more desirable—rather, less undesirable—than the bad, false one.) It is hard to see, then, how—all things considered—a bad, true reputation can be more desirable than a good but false one. In both cases the subject is bad, yet in one case he is thought good and in another not. What’s not to like about being thought good if you’re bad? You can have all the interpersonal benefits of being good without the cost of actually *being* good. Think of an unmerited good reputation as a kind of protective field, a bit like the famous Ring of Gyges in Plato’s *Republic*. Just

as the magic ring allowed its wearer to do bad things yet escape detection, so a good but false reputation might allow its holder, perhaps literally, to get away with murder.

It would be perverse, however, to rest the superior value of a good, false name over a bad, true one on the ground that the former can allow its holder to exploit it for nefarious ends. Perhaps this should count for nothing, but even if it counts for something it cannot be decisive. More important is what benefits a person consistently with living a moral life—even more, what might encourage them to do so. Again, it may be that a well-reputed bad person is of a brazen and non-conformist character, bristling at the very idea of being thought good and doing everything in her power to disabuse people of the illusion. In this non-standard case, a good but false reputation would seem to be of *less* value to the holder than a bad and true one. But we cannot use it to generalize over the bulk of humanity. I think we can safely say that, for the ordinary run of mankind, conformity effects again play a significant role: conformity will generally prolong and/or increase an ill-reputed bad person's badness while shortening/decreasing a well-reputed bad person's badness. Even bad characters want to please others. Now it is true that you can please others either by meeting their expectations or by overturning them and giving them a pleasant surprise ('see, I'm not the liar you thought I was'). A bad person with a bad reputation experiences the stick of others' negative treatment, but this stick also runs up against the pressure to conform to expectations. By contrast, the bad person with a good reputation experiences the carrot of others' favourable treatment. (I assume the subject understands that the favourable treatment is *because* she is judged good, and so is not thought to be a spur to continued bad behaviour!) And that carrot does not fight against the pressure to conform, but works with it to increase the prospects of a reduction in badness or at least a shortening of its duration. For this reason, I conclude that overall, and insofar as one can make general observations about what is likely to hold in most cases, the good, false reputation—the good reputation of a bad person—is indeed better for its holder than one that is bad and true, that is, the bad reputation of a bad person.

THE VALUE OF A GOOD NAME

If what I have said so far is plausible, then the result is that a good reputation is better than a bad one, whether that good reputation is merited or not. How valuable is it? I would argue that it is in fact more valuable than many material goods such as property, money, and health. True, I would rather lose my good name than my

leg; you would probably rather be deprived of your fine reputation than your spouse, your house and all your savings. But many of the lesser material harms of life seem far easier to bear than the loss of a good name. Consider in particular how much easier it is generally to recover a material loss than to recover one's reputation. Once a good name has been lost, the victim has to overcome a wall of scepticism and mistrust to earn it back; and this requires much labour in the teeth of discouragement and demotivation. Again, some people would be fired up at the prospect of earning back their good name, but even the most righteously indignant among us would feel flattened by the task of whitening a generally black reputation as opposed to the lesser (though still often daunting) job of clearing one's generally good name of certain specific and relatively minor charges.

What we should be aiming at is to earn and maintain a good name, that is, to have a good name that is true. But for it to be true, we have to *be* good. This certainly does not mean we should be glory-seekers or see moral goodness as a means to the final end of a spotless reputation (even as an unattainable ideal). Nor, for that matter, should we seek a good name as the means to some further end of material benefit from our fellow human beings. We should seek goodness for itself, as the final end of all our acts, but goodness is a complex thing with various constituents, some of which are good in themselves and others good as means to more ultimate ends. Here we naturally think of such things as life, health, property, knowledge and friendship, beauty, work and play. If, as I contend, a good name is one of the more specific goods at which we should aim, in what broad category of good should it be located? The most likely seems to be that of property, which Aristotle identified as an 'external good' that contributes to overall happiness. Property is not an end in itself, but a means to an overall good life—facilitating not just one's own physical and mental health, but the sorts of virtuous behaviour, such as generosity, kindness, thoughtfulness, material aid to those in need, and so on, that are characteristic of good people. Similarly, a good name is a means to the end of overall goodness of character. This time, however, the means are not material but psychic or spiritual: a good reputation is a spur to continued good behaviour, setting a standard that most people are naturally motivated to meet and adhere to. Just as ownership of physical property is a *sine qua non* of free commerce in lesser goods among individuals and societies, so good reputations are the condition, to speak a little crudely, of the free commerce in good deeds among people. A good reputation—merited, needless to say—is like a licence or letter of credit smoothing the way for mutually beneficial ex-

changes among people. If the reputation is false, it is like a fraudulent roadworthiness certificate for a damaged and dangerous vehicle, or a cheque written on an overdrawn account—useful, at least for a while, to the possessor, and hence a good for them, but also highly imperfect and something they are obliged to correct as soon as they can, before others do it for them.

A RIGHT TO A GOOD NAME?

It is tempting now to think that, like the right to property, there is a right to a good name: within certain limits involving injustices to other people (maybe self-harm as well), everyone has a right not to have their good reputation impugned, whether they deserve that reputation or not. As we value the right to property, so we should value reputation—something that negative judgments can only damage, being a kind of theft of what rightfully belongs to a person. The issue is, however, more vexed than I have just made it seem, and a good case can be made on either side of the issue whether there is a right to a good name that is as strong as the right to property. For a start, we should be careful about just such an analogy between a good name and one's own property. If I have a true, good reputation, I have a right to it—but how much is it like a property right? I can sell my property, but can I sell my good name? It seems I cannot unless I can also sell the identity that goes with it, because a good name is essentially that of a specific individual. The online world we inhabit so much of the time notoriously makes it easy for identities to be stolen, and what can be stolen can be bought and sold. People can and do sell their identities (if only for limited periods), though it is hard to see how the purpose could be anything other than fraudulent (e.g. to obtain some benefit through the agency of another when the seller is physically unable to get it themselves, or to help another obtain something which they could not do under their own name).

Selling your identity, however, is not the same as selling your reputation. At best, we can say that reputation is like a quality that rides on identity: if I sell you my car when you don't already have one, you get as a benefit the ability to take a country vacation you wouldn't otherwise be able to take. But I can't sell you that ability; for all I know you still won't be able to take the trip. Similarly, the possessor of a good, true name has quite a bit of control over their reputation, but it is nowhere near complete: people's judgments are fickle and can change for reasons having little to do with the subject's own behaviour. When a reputation is good but unmerited, moreover, the

subject's control of it is greatly diminished: one false move and they will be caught out, as it were. It is the highly contingent element in reputations that prevents us from saying that one's right to a good name is like a property right, where the possessor exercises a near-complete dominion. (The usual qualification, very loosely, is that you can do what you like with your own property as long as you don't hurt others — or yourself, I would argue. You can also hurt others with your good reputation, especially if it is unmerited, since they will mistakenly trust you; so hurting others cancels out on both sides, and what is left is near-total dominion over property but very imperfect control over reputation. Whether this is a difference of degree or kind does not seem to me a matter of importance.)

The question of whether the right to a good name is like a property right becomes acute when we consider a good, false name. One might argue as follows: if a bad person somehow has or gets a good name, he possesses something to which he has no right. It is like theft, or at least handling stolen property. Therefore, you don't do anything wrong by depriving him of his reputation, say by declaring his faults to the world (assuming you know them). Where is the injustice in that? On the other side—in favour of a person's right to their good name whether it be deserved or not—one might argue this way: possession, as they say, is nine tenths of the law. So one might think any person can keep their good reputation as long as others are willing to let them have it. No one person has the right to deprive another of his reputation: there has to be a general change of mind. Who is harmed by someone else's good name? Where's the injustice in that? If I lend you £100 and don't ask for it back, then it's yours; isn't it the same if I lend you my favourable judgment?

Note that a bad person might not get a good reputation by false pretences: he might simply be the sort of bad character whose misdeeds are generally secretive, or whose transactions with the outside world are fairly limited. In such a case he has his good reputation by default, as a general presumption that most people make about each other. If he gets it by false pretences, though—through studied hypocrisy, deliberately whitening his name so as to deceive others—then he seems more like a thief than in the first case. Still, even in the first case the subject appears like a handler of stolen goods who knows they are stolen but does not take them to the police. If he does nothing to correct his false reputation (assuming he knows about it), is he not at fault as much the hypocrite? Furthermore, it's all very well to say that if I lend you £100 and don't ask for it back, it's yours. But what if you intend to use the money to harm an innocent person? If I know about it, am I not required to ask for the money

back forthwith, as a matter of justice to the intended victim? In addition, it is simplistic to require that there be a general change of mind for a person to be deprived of their good name, once we begin wondering how that is supposed to come about without some individual's breaking ranks. If Charlie is a vicious person, and I know it but no one else does, then how can I comfortably sit back and think, 'I'd better not warn anyone else; who am I to take away his good name if everyone else thinks he's a good bloke?' How is a general change of mind supposed to happen unless someone plays the role of Paul Revere? Again, if an individual finds out that someone has a good but false reputation, does he not owe it in justice to everyone else in the community to alert them to the risk of entering into transactions with the bad person? ('I wouldn't trust Charlie if I were you', 'There's something you ought to know—Charlie isn't what he seems', etc.). All in all, we have what looks like a powerful case for depriving a bad person of a good name.

The question is not so easily settled, however. There is, quite simply, something odious in the idea that one person can set themselves up as the rightful arbiter of another's reputation before the world at large. There are two kinds of case to examine.

A. Consider the accidental case first, where Delia acquires her good reputation, despite her vicious character, simply through luck—by which I mean, without any conscious reputation management on her part. She goes about her daily life, perhaps her exchanges with others are fairly few, her vices tend to be secret or for whatever reason do not manifest themselves to many other people, and so on. Who am I to disabuse the world at large of the illusion it is under? It is as if someone accidentally dropped £100 in the street and Delia picked it up. If she can easily—and *with no serious inconvenience to herself*—ascertain the rightful owner and return the money, she should do so. Should she take extra steps to do this, leaving no stone unturned to get the money back where it belongs, we would applaud her heroic behaviour but recognize it as just that—above and beyond the call of duty. In the case of Delia's accidentally good reputation, what is she obliged to do—put out scores of internet posts warning people she is not as good as she seems? Take out newspaper advertisements? Apart from the absurdity of the thought (why would a bad person have the inclination to rectify the misapprehension anyway?), she simply cannot do any of this without causing herself immense damage, and were she to do the twenty-first-century equivalent of placing a massive dunce's hat on her head, we might applaud her noble self-sacrifice but we would not, and ought not, think Delia had done what she was purely and simply required to do as a matter of justice.

She may not be so required; but mightn't someone else? Perhaps you or I are required in justice, or at the very least allowed, to tear down Delia's reputation? Well, it could not be because of the universal truth of a moral principle to the effect that a person is either permitted or obliged to do for another what that other is not permitted or obliged to do for themselves. There is no such principle. (I am not allowed to steal, and no one is allowed to steal for me; I am not obliged to go shopping every day, nor is anyone obliged to go shopping for me). There are specific cases in which such a principle may apply, however, but they involve some sort of higher obligation involving control or authority, or a duty to protect the common welfare. Obviously parents lawfully and dutifully do things for their children (organizing their lives in various minute ways) that their children may not do for themselves (deciding freely how to spend their money, what to wear, what to read...). So do governments: I may not build a road for my own convenience wherever I like, but the government may build roads for me. I may not take the law into my own hands: the police do it for me.

So, am I in a position of authority either over Delia or the general community? If I am not the duly constituted authority, and I am not Delia's parent or guardian, who am I to destroy her reputation, no matter how at odds it is with the truth about her character? The government should warn people about individuals of bad character where the common welfare is at stake (dangerous criminals on the loose, rogue traders, etc.). Parents might choose to warn others about their own child's vices where there is a danger of harm to those others or purely and simply for the child's own correction. But neither you nor I are in a position that requires us to correct Delia by blackening her name, and if there is no manifest danger of a significant injustice to specific others (it is hard to be more precise but we must remember that, as Aristotle insisted, ethics is not mathematics), how can we justify taking away from her a possession, namely her reputation, that is more valuable than money or other wealth?

As far as the general welfare goes, in many cases causing damage to reputation is not merely a governmental obligation but one that devolves on us all as common citizens. Both the media and individuals broadcast reputation-destroying information about shoddy tradesmen, and they do us a service. If you suspect the likelihood of a specific injustice against someone due to a person's unmerited good reputation, you are right to warn the potential victim. ('You shouldn't ask Fred to house-sit for you—he breaks promises like pie crusts', and the like). Needless to say, if you are the potential victim of injustice, you might report your suspicions to someone else (some

regulatory body, or to a friend for advice on whether you should transact further with the person concerned).

On the matter of correction, note that there are two ways a good, false reputation can be corrected—by correcting the reputation or by correcting the character. As I suggested, a person with some sort of lawful authority over another might choose, without wrong, to harm their reputation for the subject's own benefit, i.e. to encourage them to earn it back. Without the relevant authority, however, and given the high value of a good name, in all other cases a person of bad character should be corrected *privately*: their reputation is not something over which another person has lawful dominion, so the only route left open is to try to get the person to change their behaviour to meet the reputation, not to lower the reputation to meet the behaviour.

B. Yet even if what I have said about an accidental good reputation is plausible, what about the case of reputation management, where by hypocrisy and other devious means a person engineers a fine reputation that does not correspond to reality? What makes this a more galling situation than that of a reputation got by luck is the added unfairness: not only does the subject have a vicious character but she has exploited one of her vices, namely hypocrisy, to ensure that her other vices remain generally unknown! She has filched her reputation as surely as a burglar. And what she has filched, we might think, is ours to snatch as we see fit, in order to restore the justice harmed by her deception.

My question, however, is: by what right does anyone else take it upon themselves to remedy the admittedly unfair state of things? There is no general obligation of the part of anyone—not even the government or the public as a whole—to rectify every injustice. If Gregory sees Helen trespassing on Ian's land, absent some special situation Gregory has no obligation to evict Helen. A special situation might be family ties, friendship, a promise or contract, guardianship of the land, Gregory's position as a law enforcement officer, and the like. But in general, not only is there no obligation to interfere, but there might even be a duty to refrain for fear of causing more harm than that done by the original trespass. The maxim of minding one's own business does not really capture what is at issue here. In the case of reputation, a person's hypocritical massaging of their good name might well be my business, especially if I have been a victim of their deceitfulness. It still does not follow that my duty is to warn others, and given the status of a good name as the valuable possession it is, I am not even permitted to do so, again absent some special situation. Consider again the property analogy: in the case of theft, I am morally entitled to deprive the thief of his

ill-gotten goods and hand them over to the police or their rightful owner to remedy a specific injustice *against the owner*. If I see the thief on the verge of stealing your wallet, I am at the very least permitted to take the wallet first and hide it. Similarly, if I am in the position where I know of an actual or likely specific injustice against an individual resulting from dealing with some person of bad character, I am at least entitled, and may be obliged, to warn the potential victim. But all I am allowed to do is warn *them*, and only about those aspects of the subject of the reputation that affect the transaction at hand. For instance, if Mike knows that Nancy is about to invite her friend Olivia over for dinner, and that Olivia is secretly having an affair with Nancy's husband, Mike is entitled (perhaps obliged as a trusted confidant) to warn Nancy. But even here, I submit, he would not be permitted morally just to tell Nancy about the affair; there would have to be the likelihood of Nancy's being further wronged by Olivia, say because Mike knows Olivia is only looking for an excuse to find out more about her husband's personal life so as to determine whether the affair can safely be continued. Moreover, even if Mike is allowed to tell Nancy (perhaps obliquely, so as to lessen the shock), he is not thereby permitted also to indicate that Olivia is, say, an alcoholic, or a shoplifter, or reveal some other vice that blackens her name more than the revelation of adultery will already harm it. Further, he most certainly is not entitled to tell the world at large about the affair or about any other of Olivia's misdeeds. No private individual is entitled indiscriminately to correct false reputations any more than to return all the world's stolen goods, even if he is capable of doing so.

Again, reference to the common welfare is a significant qualification of the general rule. This comes into play most often when the subject is a public official, whose character is rightly held to a higher standard than private citizens, especially in matters of trust and decency, given the proportionately greater influence he has over the fate of the populace. It is one thing to tread carefully in private matters between private citizens, and another when a public official relies on deceit and hypocrisy to whiten a disreputable character. Assuming that matters involving trustworthiness (fidelity, loyalty, the keeping of promises, general honesty) are of great importance in government, any private citizen is free to reveal defects of character relating to these matters when the subject is a public official. By contrast, much as it probably galls many people to hear it, it would be unjust to damage the reputation of a celebrity who manipulates the media and deceives the public to preserve an unmerited good name. Where, indeed, is the injustice that needs remedying? What harm is being done?

That the celebrity-addicted public thinks it has a 'right to know' says more about celebrity-mania than it does about celebrities themselves.

In all of these matters one must also consider the good done by damaging a reputation, however undeserved, versus the harm to the person whose reputation is damaged. The revelation of a major vice, in order to remedy a trifling wrong, can hardly be considered just. ('He overcharged you by £5? That's nothing—he's embezzled millions!') Broadcasting another's faults beyond the proper borders is also unjust: why tell the world that Bob is a lying cheat when only a handful of people (e.g. business associates) need to know? Again, declaring someone's defects with utter certainty when there is room for legitimate doubt shows a lack of respect for one's neighbour that can only poison social relations. We all want people's reputations to be in accord with their true characters, as a reliable guide to social exchanges. We also want people to have use and dominion only of what is rightfully theirs. But there are good and bad ways of promoting these desirable states of affairs. Which brings me to the topic of judging others.

RASH JUDGMENT

To judge someone rashly is to possess the firm conviction that they are guilty of some morally wrong act, or defect of character, based on insufficient warrant. It is more than a mere suspicion, supposition or the entertaining of a possibility. It is not simply an assumption that you might make for prudential reasons. If I am walking through a large city late at night and a stranger comes up to me asking for directions, I might avoid him on the ground that he may be—or even probably is—a mugger. But I don't—or at least ought not, if rash judgment is wrong—make a firm judgment that he is; still less do I make a judgment about his true motives or the state of his conscience. This is not to say that there cannot be rash suspicions as well, for example suspecting as a potential thief a friend I have known for years who has a spotless record of honesty. My main concern here, however, is the morality of judgment, characterized as a firm assent of the mind.

If what I have outlined so far is plausible, then we can immediately see why rash judgment should be considered wrong: reputation-destroying behaviour is its natural outward expression. A firm judgment usually translates into external actions proportionate to the judgment. The more certain our judgments of others, the more fixed and overt our behaviour toward them. If harmonious social relations are a prime

good, then people's moderation of their judgments about each other can only serve that good.

Further, one might consider rash judgment as a wrong in and of itself, not just because of its effects. Again, the liberal ear will find this strange if not slightly menacing—how can we condemn anyone's state of mind? By judging rash judgment, are we not indulging in the very sort of poisonous behaviour we ought to avoid? Leaving aside the earlier discussion about second-order judgments, I want to advance some further considerations. First, to countenance a morality of just judgment is not *ipso facto* to propose that anyone go about judging the judgments of others. It is simply to enunciate a set of rules that each person ought to apply to themselves in order to judge their own judgments—something they can do using their own reason, and examining their own conscience, even if we suppose that no person has a right in any way to judge any judgment but their own. Secondly, given that what we ought to be avoiding is rashness in our judgments, there is moral space for individuals to judge each others' judgments, as long as the higher-level judgments are not rash. Thirdly, the application of morality to states of mind is hardly novel. Even liberal-minded people disapprove morally of hatred, spite, jealousy, and other corrosive states of mind—and presumably not just because of their tendencies to outward manifestation. We can make sense of a society of hate-filled people who nevertheless managed to get along well due to certain firmly built-in codes of proper conduct. But would the neutralization of external manifestation equally neutralize the internal states themselves, morally speaking? It might be countered that a person whose internal peace of mind is eaten away by such states is more to be pitied than judged. Yet the pity stems from the psychic damage they inflict on themselves, and no one thinks a person is morally entitled to harm themselves by indulging in such states of mind except insofar as we all agree that a person cannot be *coerced* into this or that mental state. I am not morally permitted to *force* you (e.g. with some special drug) not to indulge in hateful emotions—absent some special situation such as my guardianship of you or the risk you will harm others—but that doesn't mean you are morally *entitled* to do yourself the psychic harm that hatefulness brings about.

In any case, whether you concur with this latter consideration or not, it remains that every rash judgment puts a dent or hole in someone else's reputation (given that a reputation just is the sum total of opinions everyone has about an individual), and if reputation is a highly valued good, that good is thereby, however slightly, undermined. So should we not say, with little fuss, that the rules of just judgment do not

differ from—in fact are only a specific case of—the general rules for proportioning one’s belief to the evidence? At the most abstract level, if you have sufficient warrant for believing *p*, then you should believe that *p*, and if you don’t then you shouldn’t. What’s special about the rules for judgment as I have defined judgment here?

Note first that the high-level rule connecting warrant and belief has familiar counter-examples if it is construed as an unqualified, exceptionless requirement. Fred may have overwhelming evidence, hence overwhelmingly sufficient warrant, for believing he has a terminal illness that will carry him off in a month. But given what we know about the role of the mind in physical healing, it might well be prudent for Fred to believe with all his heart that he will get better, perhaps even suppressing all knowledge of the evidence against. Gina, faced with a torrent of evidence that her vote makes no difference to who ends up governing her, might still permissibly believe that it does, if so believing is a spur to her continued involvement in political activity. People rarely go through a conscious process beginning with the thought that a belief is wholly unjustified and concluding with the resolution to hold it anyway because of its utility. This does not imply that the process is irrational. It can be prudent; it can even be morally respectable. We should, of course, tread very carefully when it comes to these sorts of belief, and in no way think that they are more than an exception to a general rule. Categorising them and providing rules for when epistemically unjustified beliefs might be morally or prudentially justified is an important general exercise which I cannot explore here. Still, by focusing on rules for the judgment of others we can flesh out one class of belief where exceptions to the general rule of proportionality make an appearance.

The heart of the problem in working out rules of judgment is the tension between, on the one hand, the intellectual virtue of judging according to evidence, with all the usefulness that entails, and on the other the moral virtue of being charitable toward other people, with all the usefulness *that* entails. Note a couple of important points. One: in no way do I mean to reduce either virtue to its utility. Rather, there are two components, on either side of the line of tension, to the overall case for devising the right sorts of rule—something virtuous in itself, and something useful. Two: in no way do I mean to separate moral from non-moral components to the question. I take the provision of rules for judgment to be a moral issue—how we ought to judge, where the ‘ought’ is a moral one. The considerations going to its resolution are themselves moral. Exercising one’s intellect in a rational way, i.e. cultivating an intellectual virtue, is itself a moral activity, just like preserving and promoting one’s

health. The utility of doing so, at least for a large part, involves various personal and social goods connected with the harmonious negotiation of the world and peaceful social relations. Exercising charity is a moral activity, and there is a large moral component to the various goods that follow from it as well.

But how is the tension to be resolved? If there is no obligation of charity, then we can just say that everyone is morally bound to judge the character of another according to the evidence: if you are justified in judging Henry to be a scoundrel, then so you should judge. Such a judgment would be rash only insofar as it departed from any evidential justification. This cannot, however, be the end of the story. For charity is an obligation. It is traditionally defined in terms of love of neighbour, but we can equally speak of a general benevolence toward others. Now we cannot read off from this obligation any duty, for example, to hold off on judgment of others, at least in some cases, but we have to admit it as a possibility given that (i) judging another—where I am speaking exclusively of negative judgments—is necessarily damaging to the good of reputation and (ii) judging another can have bad effects on the one judged and/or on others, including the person making the judgment. Can we fill in the gaps enabling us to argue from the general obligation of charity to the specific one of avoiding certain kinds of judgment even when epistemically justified?

Although it is quite true that everyone without exception does morally wrong things at many times in their lives, it is also the case that most people are good—or so I shall argue. It is as well to note first that I have been speaking throughout of good and bad people, virtuous and vicious characters, as though these were uncomplicated, easily graspable matters. Of course they are not. I don't presuppose that they are essentially sharp phenomena (that is, non-vague), as though there were a precise borderline between good and bad people; many people, both philosophers and others, would vehemently deny it. In fact I believe it, but I do not need to assume it. All I claim is that such people exist, and that a rough characterization is all we need. People who habitually violate many basic moral norms are bad; those who do not are good. We used to have a rich vocabulary for the former, but for cultural reasons that are no doubt fascinating most have faded away: 'scoundrel'; 'blackguard'; 'knave'; 'miscreant'; 'rascal'; 'reprobate'; 'villain'; 'ne'er-do-well'; and others. The vocabulary for good people was always thinner. (Try to think of some single terms to stand in for rather dull compounds like 'good bloke', 'terrific chap', 'a true gentleman', 'a real lady', and a handful of others.) I submit that the reason for the asymmetry is precisely that—as I have suggested—most people are good. We only devise simple (non-compound)

terms for things that are either objectively uncommon relative to the rest of what exists, or are at least uncommon relative to our everyday experience of the world.

I will leave aside for the moment the obvious question that comes to mind: since the multifarious terms for bad people have largely faded from use, can we now still safely assume that most people are good? Let us also set linguistic evidence to one side. I claim that most people are good. If they were not, society could not function. So at least where a society does function, most people have to be good overall. Let's put it more concretely: for all their vices, most people are still *not* habitual liars, thieves, cheats, bullies, physical aggressors against others, lazy good-for-nothings, spongers, hypocrites, slanderers...and the list goes on. We need to be clear: all people, without exception, engage in behaviour that comes under these headings, such that if they habitually did the things that come under all of these headings and more, they would be bad. But they do not. Or so I am claiming—for now.

The claim is not that most people are good *simpliciter*, as though they are, right now, candidates either for Heaven or its secular equivalent (if there is one). My assertion is that they are good overall (which is what I mean by 'good')—good characters mixed with a decent, perhaps generous, helping of bad. If this is true, it creates in my view a presumption. We need not be capable of fixing a statistic to the presumption: the moral life does not work like that. All we need to know is that most people are good, and that therefore in any particular case we are bound both rationally and morally to presume that the person under our consideration is good.

How strong is the presumption? Potentially both weak and strong—weak in one respect but strong in another, more important, respect. If everyone were good, we would have an immediate strong presumption. But we know there are many bad people. So suppose that only a slender majority of people are good. That creates a weak presumption of goodness in any particular case. Nevertheless, that weak presumption converts to a strong presumption when we realise that judging a person good or bad does not depend solely on judging external behaviour; it also depends crucially, perhaps most importantly, on judging a host of inner states—motives, beliefs, hopes, fears, anxieties, and many more—along with an array of external circumstances to many of which we are unlikely to have enough epistemic access to be able to factor them into our judgment. All of this complexity, I submit, turns a weak presumption of goodness into a strong one.

Suppose, for analogy's sake, I have a sack full of two superficially similar kinds of object—bingles and bongles. Fifty-one per cent of the objects are bingles and forty-

nine per cent are bongles. I ask you to reach into the sack and hold one, then think about judging whether it's a bingle. You can't tell just by touch, and even if you looked at it you couldn't tell. Suppose it turns out that there is no crucial experiment to determine whether something is a bingle or a bongle—no one fact that settles the matter. Rather, you have to make an overall judgment based on a large range of diverse characteristics. Moreover, it is very difficult to determine for any one characteristic whether the object has it or lacks it. To make the case even more apposite, suppose not even our best technology can determine whether some of the characteristics are present or not, even though there is a fact of the matter in respect of each feature. For you to judge with certainty that the object in your hand is a bongle you have a massive load of work to do. Someone smart enough and resourceful enough could do it, but that person probably isn't you. Can you presume the object is a bingle? There is a weak presumption because a slender majority are bingles. But that converts into a strong presumption given the monumental task of proving it to be a bongle. For it to be a strong presumption that something is the case is precisely for you to have a lot of work to do proving it to be otherwise.

I think this is roughly where we stand with people. Even if there is only a weak presumption of their goodness based on a slender majority, that converts to a very strong presumption given how hard it would be to prove any individual bad. You might say that we should all be agnostic given that it is equally hard to prove anyone good just as, in my analogy, it was equally hard to judge something to be a bingle or a bongle. But the question at issue is not about the rules for judging people good; it is about the rules for judging people bad. (In the analogy, I asked you whether you were holding a bongle, not a bingle.) If there were a presumption that people were bad, we would need rules for judging them good. We might even need them if the presumption is that people are good, since a presumption is not a judgment. Harmful effects can come from people's over-zealously judging others to be good, so I don't want to trivialise the issue. But damaging their reputation is not one of those harmful effects, and I am concerned here with the morality of reputation.

So, if I am right, there is a strong presumption that people are good. I said earlier, however, that we should not have scruples about judging others' judgments simply because we can't know their inner states. We can know their judgments by their outward manifestations, just as we know other mental states such as hopes and fears. But I am now making a different point about the difficulty of judging character based partly on a knowledge of others' internal states. The presumption of goodness does

not rely on our never being able to know another person's motives, reactions to circumstances, hopes, fears, and the like. We can know at least some of these in many cases, by the usual external criteria—not least of which is simple linguistic evidence, i.e. what people tell us about themselves. In particular, cases that are what we might call *notorious* do not pose a problem. When a person, through their own behaviour, manifests their immorality to the world, they do not have a reputation to lose—hence judging them in accordance with the evidence is unlikely to be rash. A person does not need to display or admit to their vices before a large number of people in order for these to be notorious. If Nancy does not care that a handful of her work colleagues know she is cheating on her husband with her boss, she cannot expect her colleagues to refrain from judging her behaviour (assuming they disapprove, of course). This does not mean they are entitled to gossip about it, but Nancy should expect this, in other words if she finds that friends and neighbours are soon aware of her adultery she cannot legitimately claim that her private behaviour is no one else's business. Notoriety can be achieved by manifesting one's vices to a large number of people, or in a public place, or by boasting, or due to a public judgment (by a court or official inquiry). Of course we all think of the media when it comes to making vices notorious, but we must remember that counter-balancing the noise the media make is the fact that their investigations and exposes apply to a very tiny minority of people in any society—nearly all of them celebrities, public officials, and those caught up in the judicial process. Of these cases I would echo fairly widespread views: any celebrity who uses or willingly benefits from positive media reports of their character and behaviour cannot complain of negative reports as long as they are true; the character and behaviour of public officials is a matter of legitimate public interest; and, as long as fairness in procedure is maintained, those caught up in the judicial process cannot complain of unjust notoriety. The vast majority of people, however, are untouched by media intrusion into their lives and can rightly complain if the media, having made their character or behaviour notorious, claim that its notoriety has deprived them of any protection for their reputation.

The presumption of goodness, then, is not based on the impossibility of ever knowing the state of a person's character, or the nature of their actions in terms of their motives, desires, and so on. We can even know the state of a person's conscience with some accuracy, especially when we are an intimate of that person. We might be able to judge that a person is so beyond hope, having delivered themselves over to vice, that only a miracle could turn them around. Nevertheless, the difficulty of these

sorts of judgment, given that we are dealing with a myriad internal states interacting with complex external circumstances, coupled with the need to preserve goodwill among people for the sake of harmonious social relations, means that we have a large burden to discharge if we are safely to make a judgment — by which, remember, I mean negative judgment—about another person’s character or behaviour.

It should be fairly clear now what it means to call a judgment rash. In moral matters, rashness does not consist in a simple disproportion between judgment and evidence. We cannot say: a person judges another rashly if and only if she lacks enough evidence to warrant her judgment. Certainly, if she lacks enough evidence she will almost always be judging rashly. But she might still judge rashly even when possessing sufficient warrant, if all we mean is epistemic warrant—something like a straight proportion between evidence and judgment. If I have enough evidence to judge with certainty that the post office will be open tomorrow, my judgment that it will be open can hardly be called rash. But when it comes to moral matters, there is a weighty presumption in favour of good character: I cannot rest easy in judging that Bob is a cheat—say, that he plagiarised an essay—solely because I have evidence of the sort that would be commensurate with a closely related *non-moral* judgment—say, that he worked hard on an essay. In moral matters I must have what used to be called ‘moral certainty’, in other words evidence that conclusively rules out any reasonable, competing explanation that preserves Bob’s good name. Moreover, there is what might be called a ‘double lock’ on such judgments because, unless I am in a specific position that obliges me to inquire into Bob’s behaviour—because, say, I am the person marking his essay—I do not even have any business concerning myself with it. If there was a presumption that people were permitted to inquire willy-nilly into the behaviour of others, this would undermine the very social harmony the original presumption of goodness is designed to protect. It would licence ‘fishing expeditions’ for the sake of blackening others’ reputations, which is directly opposed to charity and goodwill.

At this point the reader will be thinking that what I propose looks very much like the presumption of innocence that exists in the criminal law, requiring ‘proof beyond reasonable doubt’ to defeat it. This is no accident, since the legal presumption of innocence is itself founded on the moral presumption. The legal presumption was a product of the fusion of Roman and canon law in the early Middle Ages, and these were founded on what all jurists recognized as the natural law — universal moral prescriptions that mandated, among other things, how a person accused of

some crime was to be treated. Even Adam and Eve, said the medieval lawyers, had their day in court, having pleaded innocence, and God (for whom their crime was in fact notorious!) summoned them to account for their behaviour. From this, concluded the jurists, we were given the model for treating all criminal defendants.

We need to separate two points, however. Having your day in court (the right to a fair trial) and being presumed innocent are not the same. A court might presume a defendant guilty yet still give him a fair trial, with the burden of proof now resting on him to prove his innocence. What the medieval theorists meant with their biblical explanation is that Adam and Eve were naturally to be presumed good, having later been corrupted by the serpent. The model is then supposed to require treating all accused in the same way—innocent until the prosecution can provide specific, incontrovertible evidence to counteract this natural view of the accused's character or behaviour.

When it comes to reputation and rash judgment, the trial scenario does not apply. So the extra reasons for justifying the legal presumption of innocence are irrelevant, specifically the importance of the presumption in counteracting the power of the state (it being much harder for an individual to prove their innocence than for the state to prove them guilty). What we are left with is the bare presumption, founded in the nature of things, that people, overall, are good, overall.

SPECIFIC APPLICATIONS

From the general principles I have laid out, we can draw some more specific applications. Consider the question of what is 'your business'. To go back to the plagiarism case, it is clear that if you have no need to know whether Bob plagiarised his essay, you have no need to form a judgment. This is just an application of the principle that we are not only not obliged, but are not even permitted, to go about inquiring into other people's behaviour or character, let alone the state of their conscience, without a sufficiently good reason. Satisfying one's curiosity is not such a reason; still less is the desire of feeling superior to others. In fact, I can think of only a few classes of sufficiently good reason. One would be a special relation of trust, whereby one person consents to another's examination of her conscience (priest/penitent, counsellor/patient, intimate friends). Another would be where this sort of close inquiry into another's behaviour or character was necessary for assessing their suitability for a particular job or role (employer/potential employee, principal/potential agent). Another

would be where we have a special position of authority to make such an inquiry. If I am Bob's lecturer I need to know, for academic reasons, whether he plagiarised his essay. If I am his personal tutor, I need to know for pastoral reasons. A parent has the right and duty to inquire into the state of conscience of their child, assuming first the absolute duty of parents to bring their children up to be good people. In these sorts of cases, the issue is always one of either potentially helping (by correction, admonition, punishment) the person into whose state of character one is inquiring, or else protecting against potential injustice to oneself or third parties.

What if information comes to you about someone's character or behaviour, even though you have no need to know and would never have been permitted to inquire into it yourself? If a highly reliable witness tells me, without any doubt in her mind, that some bare acquaintance of mine has been stealing from his employer, may I judge that this is so? Strictly, it seems, I may do so without being rash. It would not be *wrong* of me to do so, but that does not make it a *duty* for me to form my judgment in this way. Again, from the point of view of social harmony, surely it is better for me only to entertain strong suspicions, raising them perhaps with others but only if they need to be informed. In other words, if I am to take the duty of charity seriously, shouldn't I bend over backwards to avoid firmly assenting to an unfavourable characterization of someone when it is not a direct concern of mine and there is no concrete interest to be served by such assent?

Notice the point we have reached. What I am now suggesting is that, even if we are permitted in good conscience to form a judgment about another person's character or behaviour—having overcome the weighty presumption in their favour—it still does not follow that we ought to do so. In fact, in situations where there is no direct need—for the benefit of ourselves or others with whom we have some concern, or for the benefit of the subject of potential judgment—we ought, I submit, to find ways to *minimise* the behaviour of the person about whom we are considering our judgment, to *moderate* our judgment so that it is either less than certain, or if certain that its object is less serious. For example, if you can reasonably attribute a less bad motive (say, greed rather than cruelty) or a good motive instead of a bad one (kindness rather than malice), you should. Again, if you have a choice between judging someone guilty of doing something bad or something worse, consistently with the evidence, then you should judge the lesser offence. If all I see is Fred breaking into a house, with no further background knowledge, I may judge that he is intent on burglary but

not murder. Circumstances are often capable of multiple interpretations, but even if none are favourable this does not mean we may put the worst interpretation on them.

In so acting to minimise the faults of others, don't we open ourselves up to a plethora of false beliefs? If true belief were the only value at stake, we ought to be concerned. But the duty of charity or benevolence ranks no less high than that of believing the truth. Indeed, it ranks higher inasmuch as morality is about our character and behaviour, not merely our beliefs. If the perfection of our own character, and indirectly that of social relations, requires making a weighty presumption in favour of the goodness of others, then if we take the presumption seriously we have to accept the perhaps significant risk of false belief. Hence believing well of someone, even falsely, should take precedence over believing ill of them truly. As noted already, however, where another's vices are manifest or notorious—on display, as it were—we may without further inquiry judge them negatively, and ought to do so since the general rule in favour of believing the truth applies immediately. The reason for the exception, it seems to me, is that when a person's bad behaviour is so manifest as to make a negative judgment inevitable, it is as though we are not choosing to judge them at all. Rather, their behaviour *forces* a judgment on us, and if we resist it we ourselves have to do violence to our own rationality—itsself a form of self-inflicted harm for which we are morally responsible.

By now, it may seem that the boundaries and presumptions I have erected against negative judgments of others imply that a person who judges rashly always does something seriously wrong. It is one thing for us to remind ourselves of the singular importance of reputation and the need to preserve social harmony, but quite another to elevate rash judgment to the level of a taboo rivalling the many grosser forms of immorality with which we are daily confronted! The worry is justified, which is why we need to dial back a little and put matters in context. Not every wrong that a person does is serious. This does not negate one of the prime moral principles—do no wrong—but it does indicate the need for caution and context. It is one thing to judge rashly in a minor matter—say, that Betsy is thoughtless when it comes to birthdays—and another to judge rashly in a serious matter—say, that she is thoughtless about her children's welfare. Here, the seriousness of the wrong is measured by the content of the judgment, which itself reflects the damage to reputation. But context and circumstance also matter: it is one thing to judge that a celebrity is wasteful with other people's money but far worse to judge that a public official is, given the responsibilities of their job. To judge your neighbour a liar is bad; to think the same of a priest or

a police officer is far worse, since the more that is expected of someone, the greater the damage to their good name by even a relatively slight discredit. Again, if a person has a good name but many genuine questions have been publicly aired about their character, to judge them negatively would not in general be a serious wrong. The point is that even if rash judgment, which harms both charity and justice, is a form of immorality, sound moral principles cannot entail that we are all guilty of multiple serious wrongs pretty much all of the time, given human weakness and the all-too-familiar temptation to indulge in such judgment. This does not mean we should treat rash judgment lightly, only that assessing its moral gravity requires, as in all things, sensitivity to circumstance.

LOOKING IN THE MIRROR

So far I have not mentioned a separate class of reasons that *on their own* ought to warn us against being too quick to make judgments about others. These all have to do with the *inherent unreliability* of such judgments, in other words their very tendency to be judgments that do the most damage—contributing to someone’s having a bad but false reputation. For all that most people are good overall, we each still, without exception, have vices in our character that supply enough material for a lifetime’s meditation. One of the things these vices cause is precisely a weakening of our ability correctly to judge the characters of each other. Probably the meta-vice, as it were—the granddaddy of them all—is pride. By pride I do not mean proper satisfaction and contentment in one’s own (or others’) achievements, but an excessive estimation of one’s own character, behaviour, abilities and capacities—including, of course, the capacity to judge others. We all like to think we are good judges of character, but this is precisely what makes us generally bad judges: we assume first impressions are correct, we think that what we take ourselves to be perceiving is what we are in fact perceiving, we presume that we have enough experience dealing with others to be quite reliable when it comes to summing them up (we are all ‘street wise’, ‘savvy’, ‘in the know’). In fact, this latter presumption can cause havoc. Many people do, unfortunately, have long and bitter experience dealing with their fellows, and it is a truism that the older you get, the more bitter and cynical you tend to become. But it would be a mistake to project that cynicism far and wide, viewing all human behaviour through a bottle of vinegar—as though there had to be a wicked motive behind every deed and every

person was simply not to be trusted. The same applies to any individual who has experienced a series of disappointments in life.

Being prone to vice as we all are, we tend to spread it around liberally. If I am vicious, finding pleasure in all sorts of wrongdoing, surely I will be surprised if others don't find the same enjoyment? And won't I find it too much of a reproof to think that although I cheated in these circumstances, and someone I know was in the same situation, they did not cheat as well? Many people, for all sorts of reasons, bear within themselves hatred, envy, malice, anger: for them it will take only the slightest provocation, no matter how objectively trivial, to judge someone else guilty of this or that moral outrage. Furthermore, it is likely that people who have a particular character flaw are more prone than those without it to find the same flaw in others. One reason would be the natural tendency we have not to think of ourselves as unusual in some significant respect—abnormal or singular. Another is the barely conscious thought that by taking our vices to be common, we somehow minimise their seriousness. Again, these inclinations can significantly skew our judgment of others.

One of the most promising ways of reversing this imbalance in our attitudes to other people, the strong presumption of innocence aside, is to reflect carefully on our own case. Before making a judgment about someone else, it is useful to ask how we would want to be judged by others in a similar case. If we judge rashly, can we complain if others judge us equally rashly? If we would wither at the self-application of our own standard of judgment, why should we apply it with equal rigour to our fellows? Only special pleading could make for a difference. Perhaps more important, though, is the simple fact that we can on the whole do far more good to ourselves and society by devoting the vast majority of time we currently spend on judging others to meditating on, with a view to correcting, our own faults. Clearly, we are far more likely to *succeed* in correcting ourselves than in correcting others, except perhaps for those totally under our authority—children, in particular. So if it is good for people to be good, and you can do your part to help make people good, it makes perfect sense to start with yourself. And given that this is a lifetime project for most of us, we are unlikely to have much time left over for reflecting on the faults of others.

Note that this recommendation is not to be construed as an invitation to narcissism. It is not a question of endless self-analysis but of endless self-correction. Psychoanalytic speculations aside, it does not usually take much reflection to work out our faults, vices, and weaknesses. Knowing what they are is not the problem so much as doing something about them. And doing something about them is essen-

tially tied to outward behaviour, involving practical implementation of techniques for improving ourselves and, as a necessary consequence, our actions toward others.

Furthermore, having suggested that we should not be more severe with others than we would be with ourselves, I am still allowing that we might be more severe with ourselves all the same. This is something we ought to consider as a natural consequence of our self-knowledge. True, we might crumple at a level of self-judgment we rightly refrain from applying to others, but it still may be a price worth paying for our own benefit, if it leads to self-improvement rather than self-paralysis.

THE DAYS OF NOAH?

What if I have built all of the foregoing considerations on an overly rosy view of human nature? What if the strong presumption of goodness, on which the right not to be judged rashly depends, is itself an illusion? Most people might have been mostly good once, but maybe now they are mostly bad? (Recall the disappearance of all those wonderful terms for referring to people of bad character.) This is not the place to assess the truth of extreme moral-cultural pessimism. The question here is simply whether it would affect the ethics of judgment.

On this I will make only a couple of brief remarks. First, if things—rather, people—really are that bad, then what would have counted as rash judgment had the situation been as I have outlined above, would no longer do so. Moreover, a situation so dire would involve the notoriety of much vicious behaviour, so both the presumption of goodness and the appeal to non-notoriety would vanish. So much for the principle; but, secondly, would this impose an obligation of judgment? If the situation is as I have suggested earlier, judgment is the exception, not the rule. Its obligatoriness derives not just from the duty of believing what is true, but from the salutary and corrective effects of such judgment—warning potential victims, preventing or reversing injustice, helping the subject of judgment overcome their faults, and so on. But when, due to universal, manifest vice, judgment becomes the rule, not the exception, what interests are served? Would we seriously expect anyone to benefit, except in occasional cases? Would hearts so hardened against virtue be responsive to correction? Is there much to be gained by telling the thief that he is about to be robbed by someone else, while at the same time you expose yourself to being pillaged by both? Does anyone seriously think that by painting over a world of vice with a thin layer of ‘righteous’ judgment mankind could pull itself back from the brink? The reader may

not take the story of Noah to be more than that — a story, albeit edifying all the same. She should still, however, take note: Noah did not spend his time judging all the reprobates soon to be swallowed up in a torrent. Instead, he built an ark.

CONCLUSION

The preceding discussion has undoubtedly raised as many questions as it has attempted to answer. I do not pretend to have said anything close to the last word on a much-neglected topic. On the contrary, that the morality of judging others has been so little discussed, at least among contemporary ethicists, leaves the field open to debate — over both first principles and their application. It will be enough for present purposes to have persuaded some readers that judgment as I have defined it is not a taboo subject for ethical speculation; that, on the contrary, it is important for many reasons; and that it is possible to work out something like a framework of rules for handling the cases that come under it. As practical ethicists we should, I submit, not read the adjective ‘practical’ so narrowly that we confine ourselves, as we nearly always do, to the ethical assessment of outward behaviour only.

Acknowledgements: I am grateful to an anonymous referee for many helpful comments that have greatly improved this paper, and to the editors of the Journal of Practical Ethics for their invitation to contribute.