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“WHO’S TO JUDGE?” A REPLY TO ETHICAL RELATIVISM *Stephen D. Schwarz*

One of the most frequent arguments confronted by those who believe in absolutes is the one summed up in Stephen Schwarz’ catch phrase, “Who’s to judge?” Sometimes a sincere question, sometimes a sneer, sometimes a direct assault, this suggestion that the confusion over logical propositions proves the absence of truth is brought into all too many conversations of a serious nature. At times the question “Who’s to judge?” or its equivalent is a casual cocktail party excuse for not risking the good ship conviviality on the hidden reefs of deep discussion. At other times, it is a clear and ultimate statement of philosophical relativism. Whatever the case, Stephen D. Schwarz provides a logical analysis here which clarifies the basic issues at stake. In so doing, he also suggests that the search for truth must go on regardless of the cost precisely because there is a truth to be found.



SOMEONE WHO BELIEVES IN A REAL MORALITY MAY BE FACED WITH THE FOLLOWING challenge:

How can you claim that there is a real morality (absolute, objective and universally binding on all people)? You say this, he says that—who’s to judge how it really is? And if no one can judge how it really is, how can you even say that there *is* a “how it really is”? Obviously morality is relative—to culture, to society, to an age, and so on. What’s right for us, isn’t necessarily right for others. It all depends on social approval. There is no really right, or really wrong. We consider slavery or polygamy wrong, but other societies consider them right. Who are we to say we’re correct while others are mistaken? Who are we to claim the right to speak absolutely? Why should our judgments be any better than theirs?

In this paper I propose to subject this challenge to a careful analysis. I hope to show that it consists entirely of false assumptions and confusions; and that once these are exposed, “Who’s to judge?” loses its force as a threat to real morality. There are, I believe, at least nine false assumptions and confusions.

I. That a judgment is needed for truth. Or, that judging must come first.

“Who’s to judge?” rests on the assumption that unless there is someone who judges that such and such is the case, such and such cannot really be the case. On the contrary, what is the case is the case whether anyone judges it or not.

What does “Who’s to judge?” really mean when it is intended as a challenge to real morality? It means, I suggest, “Who’s judgment that x is right makes x right?” And the answer to this is simple: no one’s. If x is right, then x

is right, without anyone judging it so. That is, the question has it all backwards: it assumes that judgments must come first, then things are. Rather, first things are, then they can be judged, where *first* and *then* refer to logical priority, not temporal sequence. What, then, leads people to relativism via “Who’s to judge?” It is not, as is usually supposed, the failure to settle the judging question. Rather, it is the false assumption that the judging question is primary. In fact, first there must be a right and wrong, then we can see about judging it.

A variation of the first assumption might be, “Since no one can judge how it really is regarding morality, there is no ‘how it really is’ in morality.” This is nonsense, for how it really is, in any area, cannot be affected by whether or not we can judge correctly. This alternative formulation brings to light a further assumption which we must examine, namely the phrase that constitutes its antecedent: “No one can judge how it really is in morality.” Or, “The judging question is not settled.” What do these phrases mean? Perhaps they mean that no one can judge how it really is in morality with absolute certainty. That is, the assumption:

II. That we can never know any ethical truths with absolute certainty.

But can we not know with absolute certainty that love and kindness are good and their contraries evil, or that asking for forgiveness is good, when called for? Likewise, can we not know that (as Kant emphasized)¹ we should never treat another person as merely a means, but always as an end, that sadistic cruelty is immoral, or that women are absolutely and fully equal to men in their dignity and value as persons?

Can we not know with absolute certainty that seeking the truth is good? As Pascal said: “My heart inclines wholly to know where is the true good, in order to follow it; nothing would be too dear to me for eternity.”² Nothing could be more evident, more certain, than that this is the right attitude.

And, indeed, relativism itself must recognize this. It must acknowledge that seeking the truth is good, and that avoiding it because it hurts is bad. No one could reasonably doubt this, for any reasonable doubt (*i.e.*, where the evidence is insufficient) presupposes the importance of truth, the importance of seeking the truth, as expressed by Pascal. Doubt, where reasonable, means hesitation out of respect for truth. Truth is thus absolutely basic to reasonable doubt. Doubt therefore cannot touch truth itself, since it essentially presupposes it. Likewise, it

cannot touch the objective value of seeking truth. That must be held with unshakable conviction, as an absolute certainty. If relativism doubts this, it has lost all contact with reason; if it does not doubt this, if it accepts it as an absolute certainty, the assumption is refuted. Finally, relativism must recognize the importance of seeking truth on the part of its listeners, for it tries to persuade them that relativism is true. Again, the assumption is refuted.

“Love and kindness are good and their contraries are evil.” “Seeking the truth is good.” Obviously, if we can know these and other moral truths with absolute certainty then “Who’s to judge?” loses its force. For the assumption on which it rests (“We can never have absolutely certain knowledge about ethical matters”) has been shown to be false. We can have absolutely certain knowledge about these ethical matters. It is not true that “the judging question is not settled”; the moral datum in these cases is clearly given.

It may be objected that all this is refuted by the uncertainty that prevails through much of ethics. Should a person break a promise to help another person in need? Is war ever justified? Can one let an incurable person die by not continuing extraordinary means for keeping him alive? Should one person ask another person for forgiveness if it will have damaging effects (“give him the wrong idea”)? Can one tell a lie to prevent a great evil? Can one cooperate in a small injustice in order to prevent a much greater one? Should one repay a debt if he knows the person will put it to evil use? These are just some of the questions which can be raised.

These dilemmas (uncertainties) do not refute what was said previously. Rather, they only confirm it, in a new way. Examination shows that the uncertainty is constituted simply by the fact that one is pulled in opposite directions at the same time. One should keep a promise and one should help another in need. But what if both cannot be done? How does one select the right one? That is the problem, the uncertainty. Note that it is rooted in the two moral values that pull in opposite directions: *e.g.*, the keeping of the promise and the aid to the other. If it were not for those two moral values, there would not be an uncertainty at all. That is, uncertainty about what to do logically presupposes a clear awareness—the clear awareness of the two or more moral values which tug in opposite directions, thereby constituting the uncertainty. This same clear awareness is, of course, enough to refute the assumption underlying “Who’s to judge?” that “the judging question is not settled.”

Thus the uncertainty exemplified by these cases rests on a more fundamental certainty. One is uncertain

whether to do *A* or *B*—but only because he recognizes that each one is, as such and by itself, a moral value. If he did not recognize this, with absolute certainty, there would be no dilemma at all. Hence: a) there are uncertainties in ethics (shall I do *A* or *B*; e.g., keep my promise or help another); b) these uncertainties rest on more fundamental certainties—that *A* is as such a moral value, and likewise *B*; and, c) since we have certainties, the assumption “We can never have absolutely certain knowledge about ethical matters” has been refuted.

A final point here is that the very nature of uncertainty refutes relativism. Suppose someone is uncertain about an ethical matter, called *x*. What is uncertain is whether *x* is really right or really wrong. Thus uncertainty refers to—and essentially presupposes—a really right and really wrong. But to acknowledge that there is a really right and really wrong in ethical matters (whether known or not) is to reject relativism. For relativism is precisely a denial of this.

Perhaps the phrase “No one can judge how it really is in morality” means that no one can judge infallibly. Thus:

III. Since no one can judge infallibly in moral matters, there can be no ethical truth, no “how it really is” in morality.

Unfortunately, the possibility of error plagues all men, in all pursuits of truth. That we are sometimes in error on ethical matters does not show that we can never attain truth in ethics, still less that there is no truth in ethics. In fact the very notion of error already presupposes the notion of truth, for error is a failure to attain truth. If there were no truth, there would also be no error. So, any talk of fallibility, and of a danger of falling into error, makes sense only if one first acknowledges the existence of objective truth, which is just what relativism denies in the realm of ethics. Hence, the third assumption turns out to be flatly self-contradictory. A further problem arises, however, when it is seen that the phrase “No one can judge how it really is in morality” (or, “The judging question is not settled”) can mean several other things, all centering on the notion of disagreement. It can mean, first:

IV. People disagree about what is right and wrong. Therefore right and wrong are nothing but what people consider right and wrong.

This, in brief, is the famous Variations Argument for relativism. If anyone is tempted by this argument, let him consider a parallel case. An accident occurs. Witness *A* says car *x* hit car *y*. Witness *B* says car *y* hit car *x*. Along comes a relativist who argues: “People disagree about what happened. Therefore what happened is nothing but what people consider happened.” This is exactly the same argument as the Variations Argument above. The only change is substitution of “happened” for “is right and wrong.” And this change has nothing to do with the logical structure of the argument, which alone determines its validity or invalidity.

Not only does the conclusion of relativism not follow from the premise of variations (disagreement about *x* says nothing about how *x* really is), it seems rather that the opposite conclusion is warranted. That is, the relativist suggests that if people disagree about what is really right, there is no really right. On the contrary, there must be a “really right” for them to disagree about. Otherwise the disagreement could not be meaningful. And surely ethical disagreements are meaningful. Each side claims “so it really is.”



V. Disagreements about ethical matters imply that no one is entitled to assert: so it really is.

This is a strange view. It suggests that I can legitimately assert a proposition only as long as the whole world agrees with me. If one person dissents, I must be silent. On the contrary, agreement or disagreement has absolutely nothing to do with the legitimacy or illegitimacy of asserting a proposition. That depends entirely on the proposition and its evidence. If the evidence (including self-evidence, where appropriate) for a proposition guarantees its truth, or makes it probable then I am warranted in asserting it. What other people do or say, or do not do or say, is totally irrelevant.

The relativist may object: “But suppose you assert a proposition and then discover that a number of people do not agree with you. Wouldn’t you try to find out why? What their reasons were?” It all depends. If by “reasons” are meant merely psychological reasons, I might not. For these psychological reasons are logically irrelevant to the question at hand: Is the proposition true? But if logical reasons are meant, or at least reasons that can claim to

be logically valid, then, of course, I would take a look at these reasons, at the evidence they represent. It is the evidence that counts, not the people. That is, the disagreement (or agreement) is in itself quite irrelevant to the question of warranted assertions. But what lies behind a disagreement may be quite relevant—the reasons in support of the proposition in dispute, or the reasons offered against the proposition. Suppose two people disagree on a proposition: one says it is true, the other says it is false. The mere fact that there is a disagreement has no bearing on the question of whether or not I am warranted in asserting the proposition, and should not influence me in this regard. But the reasons each side offers for its position (assuming they are relevant logical reasons, or at least can claim to be) are relevant and should be considered.

Thus, if one finds that a number of people do not agree with him that a proposition is true, he should try to find out why. He should examine the logically relevant reasons offered against the proposition. But if he examines the *reasons* for or against the proposition, then he abandons the “Who’s to judge?” approach. He looks at the proposition itself, and the evidence for it. He asks “Is it really true?” which is, of course, precisely what “Who’s to judge?” and relativism fail to do. Relativism is an explicit denial that the question “Is it really true?” is meaningful. Put another way, “Who’s to judge?” abandons the quest for reasons. It shifts attention away from a proposition itself and the reasons for it, to the question of agreement—or disagreement—which is logically irrelevant here.

Finally, people disagree on whether relativism is true or not. If this disagreement implies that no one is entitled to assert “Relativism is true”, or “It is really the case that there is no absolute morality”, then relativism is doomed;³ if the disagreement does not imply this, then the original assertion, or argument, is doomed. Closely related to the above is the assumption:

VI. If I cannot convince you of the truth of an ethical proposition, then I cannot know it myself, or cannot legitimately assert it myself.

A likely source of confusion here is the failure to distinguish two very different questions: a) can I know an ethical proposition to be true with certainty; and, b) can I convince another of this? What matters is *a*; *b* is quite secondary. Thus, I may not be able to convince someone that *x* is right or *y* is wrong, and this could misleadingly suggest that no one can judge. But this failure has absolutely nothing to do with whether I can still know

the proposition to be true, with absolute certainty, on the basis of evidence—regardless of whether I can convince anyone of this.

Logically, the two are absolutely distinct. But psychologically they may get mixed up. Two people are debating an ethical question. Neither can convince the other that his position is true. This is failure regarding *b* above. One debater may ask, “If you can’t convince me that the proposition is true, how can you claim to know it yourself?” The reply is simple: I may have insight without powers of persuasion. Or, you might be unwilling or unable to accept a new truth. That is, a person can know something which he is unable to communicate. Knowledge and persuasion are absolutely distinct. Thus, if the phrase “the judging question is not settled” is used, we must be on our guard, and ask whether it refers to *a* or to *b*. It should not begin by referring to the impossibility of convincing someone and then slip over to the impossibility of knowing it oneself. The failure to persuade another has nothing to do with the status of a person’s knowledge or legitimacy of his assertion.

The last three arguments are well summarized by Dietrich von Hildebrand: “The truth of a proposition does not depend upon how many people agree to it, but solely upon whether or not it is in conformity with reality.”⁴

Now suppose someone really feels puzzled about an ethical question: he does not know how to answer it. He feels he cannot make a valid judgment, and the question “Who’s to judge?” comes to mind. In such a case, it is important to distinguish clearly two fundamentally different questions, both concerned with “Can I know?” The first question is whether I can know *what* is morally right or morally wrong. The second question is whether I can know *that* there is a moral right and wrong.

As long as I ask merely the first question, there is no danger of falling into relativism. In fact the very meaningfulness of this question essentially presupposes the falsity of relativism. One cannot meaningfully ask what is right or wrong unless there is a right and wrong. To ask this question is to wonder how it really is, which presupposes that there is a “how it really is”, contrary to relativism. And this, of course, answers the second question. I can know indeed that there is a moral right and wrong.

Logically, there is no basis for relativism in a “Who’s to judge?” that arises out of puzzlement regarding an ethical question. But let us try to see what happens psychologically. Two things seem to happen: a) a

confusion between the first and the second question—one begins with the former but ends with the latter, without noticing the shift; and then, b) one answers the latter negatively without realizing that this negative answer (relativism) is absolutely inconsistent with the basis for asking the former question. That is, asking *what* is morally right or wrong presupposes *that* there is a moral right and wrong.

A closely related confusion is the following. “Who’s to judge?” is sometimes meant to express the question “Can I know that there is a moral right and wrong?” and sometimes as a negative answer to this question. In one tone of voice “Who’s to judge?” means: can I know? In another tone of voice it means: no I can’t. As already indicated, there is no justification for this negative answer.

Obviously, the former (“Can I know?”) is not relativism. Relativism is a thesis, and a question can never be equivalent to a thesis. But the latter (“No I can’t know whether there is a moral right and wrong”) is not relativism either, though it may be psychologically confused with it. Rather, it is a form of scepticism, scepticism on the issue that divides relativism and belief in absolute morality. That is, the relativist says “There is no absolute, objective and universally binding morality.” His opponent says “Yes, there is.” The sceptic says “I don’t know which it is; I don’t know whether or not there is an absolute moral right and wrong.”

Thus we have several interrelated confusions. First, “Who’s to judge?”, which refers to the question of what is morally right, is too often used to refer to the question of whether or not there is a moral right or wrong. Second, when “Who’s to judge?” should express the legitimate question “Can I know that there is a moral right and wrong?”, it is too often used as expressing a negative answer to that question. Third, the negative answer, “No, I can’t know that there is a moral right and wrong,” which really expresses scepticism on the issue of relativism and absolutism, is too often used as expressing relativism itself. These three confusions round out the nine false assumptions referred to in the beginning.

CONCLUSION

What, then, can one say in reply to someone who challenges us with “Who’s to judge?” We can ask if this is meant as an *argument* for relativism, or as a *question*, or as the expression of an *attitude* of despair. If it is supposed to be an argument, we can easily show that it is a very bad argument. If it is meant as a question, we can

easily reply to it: “No one and everyone.” That is, no one needs to judge that x is right in order for x to be right. If it is right, then it is right, whether anyone judges it or not. Judgments are not needed for being. But on the question of whether x really is right, everyone must judge, alone or with others. And such judging—far from overturning absolute morality—essentially presupposes it. If there is nothing to judge, there cannot be any judging.

Thus the *no one* aspect deals with the being of morality: moral right and wrong exist, whether anyone judges them or not. Judgments are not needed for morality to exist. Being is logically prior to judging. But judgments are needed for us as human beings. To live is to be involved in the world of moral good and evil. That includes, among other things, making moral judgments. Hence, the *everyone* aspect deals with our knowledge of morality. And, of course, morality must first be, before we can know about it (in logical priority, not temporal sequence).

Both aspects refute relativism. No one needs to judge morality for it to exist. It stands on its own, independently, objectively. But everyone must judge about morality, as to what is right and what is wrong. And one can do so only if there is a right and wrong, a real, objective right and wrong.

If “Who’s to judge?” is taken as an expression of despair, we must ask a further question. Is it despair at finding out what is morally right and wrong or despair that there is a moral right and wrong? Despair regarding what is right and wrong presupposes that there is a right and wrong, contrary to relativism. Despair that there is a right and wrong probably stems from one or more of the confusions discussed earlier.

But there is still a further, perhaps, deeper, point: the very notion of despair in this context is a contradiction of relativism. Why would someone despair at finding the truth in ethics? The reason one hesitates to accept what someone says is that it is contradicted by what someone else says, and *vice versa*. That is, one may fear that each thesis is in error. But one fears error and acts on that fear for one reason only: respect for truth! Truth is too important to just accept blindly. One must proceed carefully. The absolutist agrees with this, for it expresses the value of truth, and the importance of finding it. But in order to find the truth, one must seek the truth. Therefore, it becomes clear again that one ought to seek the truth, to be open-minded, ready to change former opinions if the evidence calls for it. The conclusion here is perhaps obvious. To accept the value of truth, the moral goodness of seeking the truth, of conforming the mind

to it, and of being ready to change views if necessary is to accept moral values about truth. And to accept such moral values is to abandon relativism.

A final point ought to be made regarding despair. If one says that an ethical proposition is true while another says it is false, despair should not result. The correct approach is to examine the evidence, including self-evidence where appropriate. Both sides should be asked for reasons. The reasons should be examined. Then a judgment should be made. One may be able to judge with absolute certainty or may not be able to. One may in fact judge correctly or fall into error. This is the typical human situation, in all areas. There should be no special despair in the one area of ethics.

There is much else that can be effectively said in reply to relativism.⁵ One major point must suffice: relativism cannot be lived. It is purely a theory, forgotten the moment a person comes down to the real world, the world in which moral good and evil manifest themselves every moment.⁶ Even the act of saying “Who’s to judge?” is an instance of this. For it is often meant to be taken seriously as a challenge: “You ought to worry about ‘Who’s to judge?’ If you do not, you are not being intellectually honest.” An examination of what is being said here reveals an important “You ought”, a real moral ought “being intellectually honest”. If this is a real moral virtue, the very act of saying “Who’s to judge?” implies the contradiction of relativism.

NOTES

¹*Fundamental Principles of the Metaphysics of Morals*, Second Section (Liberal Arts ed., pp. 45-48).

²*Pensees*, no. 229 (Dutton ed., p. 64).

³This is essentially the same argument as that of Alice von Hildebrand: “Mr. Fletcher [author of *Situation Ethics*] seems to base his unconditional acceptance of ethical relativism on the ground that ‘there are no universal laws held by all men everywhere at all times, no consensus of all men’ (p. 76). But if truth is based upon universal consensus, *Situation Ethics* [a form of ethical relativism] is doomed.” See Dietrich and Alice von Hildebrand, *Morality and Situation Ethics* (Franciscan Herald Press, 1966), p. 184.

⁴Dietrich von Hildebrand, *Ethics* (Franciscan Herald Press, 1972).

⁵See von Hildebrand, *Ethics*, especially Ch. 9, *Relativism*. Also C.S. Lewis, *Mere Christianity* (Macmillan, 1960), Book I. And *The Abolition of Man* (Macmillan, 1965). Lewis shows that relativism would be “the abolition of man.”

⁶For example, certain relativists “were full of indignation about Hitler’s atrocities and racism, notwithstanding the fact that according to their theory there could be no basis for any indignation.” See von Hildebrand, *Ethics*, p. 116. See also C.S. Lewis, *Mere Christianity*, p. 19.

