1. Two Kinds of Moral Theory

What makes an action morally right? Different moral theories give different answers to this question. The simplest answer would be that just one consideration was relevant to the rightness of an action. Consequentialism is a popular and influential theory which claims just that. According to consequentialism, the only consideration relevant to determining the rightness of an action is the effect that action will have on the amount of value in the world. Any action of any significance will affect value. In many cases, it will have some good effects and some bad ones. From the moral point of view, the more your actions can bring about good things and avoid or remove bad things the better. So the only consideration relevant to the rightness of an action is the balance of good consequences over bad. What matters, with respect to the rightness of what you do, is the extent to which your action makes things go better (or less badly) than they would have done if you had not acted (or acted in some other way). Thus, from the moral point of view, the right action is the one with the best results. Agents act rightly just if there was no other act they could do which would have made things go even better.

Consequentialism is not so much one theory as a group or family of theories, all of which share the basic premise that when we judge things from the moral point of view, we must do so by reference to the value of the consequences they produce. The view sketched in the first paragraph is the simplest and most popular version, which we might call maximizing act-consequentialism. It is a maximizing version of consequentialism, because it tells us that the right action is the one that produces the most good. Other versions, sometimes called satisficing consequentialism, make the weaker claim that an action is right if it produces enough or sufficient in the way of good consequences. It is an act-consequentialist theory, because its primary focus is on how we should judge acts rather than motives or moral rules.

Act-consequentialist theories can be further divided into those that give either a monist or a pluralist account of goodness. Monists hold that there is just one kind of thing that is intrinsically good. Thus classical utilitarians, such as Bentham and Mill, asserted that pleasure alone was good. Pluralists maintain that there are a number of distinct kinds of good thing. One might think, for example, that not only the amount of pleasure, but also the way in which it was distributed was morally important. If that is so, then fairness in the distribution of benefits and burdens would be a separate good. If there were two worlds in which there was equal pleasure, but in one the pleasures were more fairly distributed than in the other, then the fairer world would also be the better world. Some other candidates for intrinsic goods are knowledge, beauty, achievement, and self-esteem.
Although act-consequentialists may be either monist or pluralist about the *good*, they are all monists about the *right*. As we have seen, they agree that only one consideration, namely the goodness of the consequences, is relevant to whether an action is right. By contrast, *deontological* theories either deny that the goodness of the consequences of an act bears directly on its rightness, or deny that the value of the consequences is the *sole* criterion of rightness. Most, though perhaps not all, adopt a pluralist account of rightness, in that they hold that a number of distinct considerations are directly relevant to determining the rightness of an act. That one has made a promise, for example, or that one's act would involve lying, or directly harming some innocent person, are all factors that have been held to carry independent weight in determining which action would be the right one. Thus the classical way of drawing the distinction between consequentialism and deontology contrasts their different accounts of the relation between the right and the good. Act-consequentialism holds that the right is wholly determined by the good; the rightness of any action depends solely on the amount of value it will produce compared with other actions. Deontology claims, by contrast, that the right is independent of the good. The rightness of an action is not, or not simply, a function of the amount of value produced by it; other factors are relevant. Indeed, it may often be right to produce less good than one could.

1.1 Intuitionism

Intuitionism is one species of deontological theory. Like other deontological theories, it holds that there are a number of distinct considerations that bear on the rightness of any act or, as we might put it for brevity, that there are a number of distinct moral principles or duties. What chiefly distinguishes it from other deontological theories is the claim that some of these duties are fundamental or underivative. They are not grounded in, or derived from, some more general theory. When we reflect on our moral experience, we come to realize that we have such duties as a duty to keep promises, a duty not to harm, or a duty to make amends for wrongs we have done. Each of these duties is distinct from the others and distinct from any duty we may have to make the world a better place. If we ask how we know that these are our duties, the reply is that they are *self-evident*. In a rather outdated terminology (which we find, for example, in Sidgwick) such fundamental self-evident moral principles are known as Intuitions, hence the name of the theory.

Other deontological theories, while agreeing with the intuitionist that there are a number of distinct duties, reject the claim that they are self-evident. Rather, they seek to provide a theoretical underpinning for them by showing how they can be generated by some plausible account of human nature or of the nature of rational agency. Thus Kantianism starts from claims about the nature of practical reasons, and from this derives a test which any maxim, or principle, upon which an agent might act must pass if it is to be acceptable. Our various duties are then generated by seeing which maxims pass and which fail that test. Libertarianism starts from a general theory about the nature of persons from which it derives rights to self-determination and the ownership of property. Intuitionism offers no such theoretical backing for what it takes to be our most fundamental duties. They have to stand on their own feet, to be self-supporting.
The term "intuitionism" is misleading and unfortunate. It encourages various popular misconceptions, such as the view that intuitionists believe in a mysterious faculty or "moral sense," unknown to science, by which we detect moral properties. Confusion may also be caused by a change in philosophical usage. The term "moral intuitions" is now used to pick out, not ultimate self-evident principles, but rather the judgments we are inclined to make about what we ought to do in particular cases. To avoid confusion I will use the phrase "moral intuition" only in its contemporary sense.

Intuitionism flourished in England between the World Wars, although its roots go far back into eighteenth century moral philosophy and beyond. After the Second World War, it became unfashionable, and remained so until very recently. Few people bothered to read its proponents Prichard, Ross, Broad and Ewing carefully or sympathetically and consequently it was often caricatured. In the immediate aftermath of the Second World War that neglect was unsurprising, since the prevailing orthodoxy rejected the idea that there could be objective moral truths and moral knowledge. Even after 1970, while interest in objectivist moral theories like Kantianism revived, intuitionism continued to be regarded as a "non-starter." No doubt the over-hasty dismissal of the theory stems in part from the failure to study the classic intuitionist texts carefully, but that failure itself needs explanation.

2. Objections to Intuitionism

Intuitionism has been, I think, often prejudged to be not worth studying because it is taken to be fundamentally non-explanatory. Here's why. We begin moral theorizing by reflecting on our everyday moral thought and experience. Armed with only a rather disparate collection of moral principles culled from various sources, we find ourselves in a variety of morally perplexing situations. Faced with these difficulties we might hope a moral theory would deliver four things. First, that it would reveal some systematic structure in our moral thought. Second, that it would tell us how to deal with moral conflicts, where competing considerations pull us in different directions. Third, it should offer a plausible account of how moral knowledge is possible (if it is). Fourth, a moral theory should say something about why morality matters.

Intuitionism has been accused of failing to deliver the goods in all four respects. First, critics claims intuitionism is unsystematic: an unconnected heap of duties with no underlying rationale. Second, intuitionism is held to have nothing helpful to say about the resolution of moral conflict. Third, intuitionism is held to be unable to explain moral knowledge. Critics say that, in response to the question "How do we know an action is right?", the intuitionist can only answer: "by intuition". But this might be seen as "not really an answer at all, but a confession of bewilderment got up to look like an answer" (Warnock 1967: 7). Fourth, critics claim intuitionism cannot explain why we care about morality. Even if we could know moral truths "by intuition", why should such knowledge play any role in motivating our conduct?

To its critics, intuitionism stops just at the point where the real philosophical work should start. While it is conceded that it gives a pretty accurate sketch of much of our everyday moral thought,
the theory, appraised as a contribution to philosophy, seems deliberately, almost perversely, to answer no questions, to throw no light on any problem. One might almost say that the doctrine actually consists in a protracted denial that there is anything of the slightest interest to be said. (Warnock 1967: 1213)

In short, it looks as if intuitionism should scarcely be dignified with the title of theory at all.

3. Defending Intuitionism

These criticisms can all be met. In many cases, they rest on misunderstanding. All that is needed to rebut these charges is a clear exposition of the resources that intuitionism has at its disposal. It will emerge that intuitionism is a great deal more systematic and explanatory than its critics admit. Nevertheless, there is an element of truth in the claim that intuitionism is anti-theoretical. Intuitionists characteristically believe that many philosophers have had unrealistic expectations about what moral theory can deliver. Some people hoped moral theory could supply definitive answers to at least some of the many disputed, troubling and puzzling moral problems that face us. Intuitionists are sceptical about the power of abstract moral theory to answer all moral questions. They typically hold, with Aristotle, that we cannot expect more precision in ethics than the subject is capable of. It is a mistake to suppose that difficult moral issues can be definitively resolved with a high degree of certainty. Thus, the failure of intuitionism to supply a theory which will help us resolve our moral quandaries stems not from a perverse refusal to answer sensible questions, but from a principled scepticism about the pretensions of moral theory to perform such a task.

I shall attempt to make good some of these defensive claims in what follows. If this defense is successful then intuitionism will be in good shape as a moral theory. We have seen that even its critics concede that intuitionism does a good job of delineating the outlines of our ordinary moral thinking. This is certainly a strong point in its favor, since many concede that a crucial test for an adequate moral theory is that it does not deliver moral verdicts too far out of line with everyday moral judgments. If the four objections just sketched can be rebutted then it will have been shown that it fulfils the other criteria for a good moral theory: it is systematic, it offers a plausible account of moral knowledge, and it can explain why we care about morality. Although I cannot argue the point here, it could be claimed that intuitionism does at least as well as its rivals in all these crucial respects.

4. How Systematic Is Intuitionism?

Of all the different versions of intuitionism, by far the most systematic and best-known account is that of W. D. Ross, which I will use as the starting point for discussion. As we have seen, intuitionism adopts a pluralist stance about the right. There are, it claims, a number of distinct and fundamental moral considerations which bear upon whether an act is right. That immediately raises the question of what happens when there is a conflict between such considerations. What determines whether the act is right or not? Ross's answer to this question is justly famous, but since it is often misunderstood, we need to look at it in some detail.
4.1 Ross's Conception of "a Prima Facie Duty"

Any theory that holds that there is more than one moral principle has to offer an analysis of what happens in cases of moral conflict; cases where, whatever we do, we shall breach a moral principle. It would be unfortunate, to say the least, if the theory maintained that, in every such case, one could not avoid acting wrongly. Some writers do indeed make the controversial claim that there can be tragic dilemmas in which, whatever the agent does, she will have acted wrongly. Tragic dilemmas, if they are possible at all, are by their very nature exceptional. So even if we admit their possibility, a pluralist deontology has to tell us what we should do when two duties conflict. Some deontological theories try to resolve the problem by claiming that some duties are absolute or exceptionless, and thus take precedence over all others. (Of course, if there is more than one absolute duty, then the theory must be constructed so that the absolute duties cannot conflict, on pain of the problem reappearing.) Another possible solution would be to place all duties in a lexical order, as we order words in a dictionary, so that the highest always took precedence over the next highest, and so on. The difficulty with this suggestion is that it plainly runs counter to our moral intuitions. On one occasion, for example, we may think our duty to keep a promise should take precedence over our duty to help others, yet in a different situation we will judge the opposite if it all depends on how serious the promise, how great the good to be achieved, and the context in which the conflict occurs. No principle or duty systematically trumps another, though some may be thought to be particularly weighty.

Ross characteristically maintains that our ordinary moral thought is to be respected, here as elsewhere. He holds that each moral consideration is relevant to determining the rightness (or wrongness) of an action, but the presence of any one consideration cannot, in the case of conflict, guarantee that the act will be right, because it may be outweighed by competing moral considerations which count the other way. Which one wins out in any one instance depends upon the particular details of the case. He expressed this thought, not entirely happily as we shall see, by saying that our various duties to keep promises, to help others etc. are *prima facie duties*.

It is important to note that though one prima facie duty might be *outweighed* by another duty, the defeated prima facie duty is not thereby removed or canceled. If, for example, I ought to break my promise to take my son to the circus in order to visit my mother who is ill, the fact that I have made a promise remains morally relevant, and can still affect what I ought subsequently to do. I should do something to make amends to my son, even though I was justified in breaking my promise to him. A defeated consideration can linger, bringing its influence to bear on later decisions.

Ross was understandably unhappy about his own terminology, which he regarded as doubly misleading. To say that, *prima facie*, something has a certain characteristic suggests that it appears, at first sight, to have that characteristic but that subsequent investigation might show the appearances to be misleading. But this is not what Ross means. As we have seen, Ross needs a term which suggests that certain characteristics always count in favor of an action’s being right, even when the action, because of other facts about it, turns out to be the wrong thing to do. The term "*pro tanto, *" first suggested by Broad (1930: 282) better conveys the thought. To say that showing
gratitude to someone is pro tanto right, is to say that, in virtue of the fact that an act expresses gratitude, it is right, so far as that goes, which carries the implication that other things not yet taken into account may yet make that act not the right one. An alternative, suggested by Ross in The Foundations of Ethics (1939: 85), is to abandon the term duty, which he also thinks of as misleading, and speak instead of responsibilities.

Why did Ross think that the term "duty" was misleading? Because he holds that, strictly speaking, only a particular act can be my duty; the term is misapplied in describing a type of action, such as the general duty to keep promises. My duty is that act which, when we have taken all morally relevant considerations into account, is the one we ought to do. Talk of prima facie duties unfortunately suggests that "what we are speaking of is a certain kind of duty, whereas it is in fact not a duty, but something related in a special way to duty" (1930: 20). I think we use the word "duty" perfectly properly in both ways. To avoid confusion, I shall restrict my use of the term to general duties, such as the duty to keep promises. Instead of saying that a particular action is my duty, I shall talk instead of it being the right action or the one I ought to do.¹

What exactly is the relation, then, between the prima facie or pro tanto duties and an action's being right (or wrong)? Philip Stratton-Lake (1999) has suggested that we should think of the contrast as one between evidence and verdict. A prima facie duty is best seen as a fundamental evidential consideration, which must always be taken into account in reaching the final verdict on the rightness or wrongness of the act. This is true, as far as it goes, but the relation is closer than the terms evidence and verdict suggest. Something can count as evidence for a thing's having a certain property without its being what makes the thing have that property. What makes an action right, however, are the characteristics which count in its favor, that it is the keeping of a promise, or the bringing about of some good thing, etc. The relationship appears metaphysical rather than epistemic. The action is right in virtue of these considerations; they are reasons for the act's being right. They are not merely reasons for reaching the verdict that the action is right. Of course, only the features on the winning side make the act right. Where an action is right, any features that count against its being right, cannot be what makes it right. Nevertheless, as we saw, a defeated consideration can remain relevant to what I ought subsequently to do.

Ross is not, in his doctrine of prima facie duties, yet offering us an account of how we decide which way any particular conflict is to be resolved. He is simply spelling out how we are to understand moral conflicts, and how it can be that a moral consideration can bear on the rightness of an act without necessarily determining it.

4.2
Imposing Order on Our Moral Intuitions

I turn now to the charge that intuitionism is unsystematic because it does not impose any order or structure on the plethora of moral precepts which permeate moral thought. There are, no doubt, a number of ways in which a theory might seek to impose structure. One familiar model is provided by act-consequentialism. It tries to show that the multitude of considerations which appear to bear on the rightness of an action can be reduced to one the production of good consequences. This does not,

¹
however, leave the other moral principles which we espouse with no role. No consequentialist thinks that we should, on each occasion, decide what to do by weighing up the total value of all the consequences of all the possible courses of action open to us, if for no other reason than that it would not be productive of the greatest good to spend so much time calculating and so little time acting. So we must appeal to secondary principles to guide our day to day choices. The choice of these derivative principles is, of course, determined by the overriding aim to maximize the good.

It is not commonly realized that Ross's Intuitionism is systematic in much the way that consequentialism is. The disagreement between the two theories concerns primarily the number of basic or underivative moral considerations there are. Consequentialism holds there is just one. Ross thinks this an over-simplification; there is a small number of fundamental moral considerations which cannot be reduced any further. All other moral principles are derived from these basic ones.

In *The Right and the Good* (1930: 21) Ross famously offers the following division of *prima facie* duties, while noting that it may need further refinement. It is a first shot at a list of fundamental and underived duties, which can be summarized as follows.

1. Duties resting on a previous act of my own. These in turn divide into two main categories:
   (a) duties of *fidelity*; these result from my having made a promise or something like a promise
   (b) duties of *reparation*; these stem from my having done something wrong so that I am now required to make amends.

2. Duties resting on previous acts of others; these are duties of *gratitude*, which I owe to those who have helped me.

3. Duties to prevent (or overturn) a distribution of benefits and burdens which is not in accordance with the merit of the persons concerned; these are duties of *justice*.

4. Duties which rest on the fact that there are other people in the world whose condition we could make better; these are duties of *beneficence*.

5. Duties which rest on the fact that I could better myself; these are duties of *self-improvement*.

6. Duties of not injuring others; these are duties of *non-maleficence*.

To offer such a list of fundamental morally relevant considerations is only, of course, to make a start on a systematic intuitionist theory. To complete it we need a principled method for determining what should be on the list and an account that explains how other duties are derived from these fundamental ones. The solution to the second issue will enable us to tackle the first. Unfortunately, Ross is not as explicit about the relation between the fundamental and the derived duties as he might be, and the skeleton of his theory has to be pieced together from scattered remarks. After
reviewing and revising his list, he writes (1930: 27), "These seem to be, in principle, all the ways in which *prima facie* duties arise. In actual experience they are compounded together in highly complex ways." What these ways might be we have to work out from various examples he discusses. The duty to obey the laws of one's country, Ross suggests, "arises from" three basic duties: gratitude, fidelity and beneficence. Standardly, we owe a debt of gratitude to our country for benefits received; we have made an implicit promise to obey by living in it; and we should be law-abiding because things go better for society if we are. Similarly, there are two fundamental principles that count against lying: non-maleficence and fidelity. Lying normally inflicts an injury on the person lied to, and undermines an implicit undertaking, underlying day-to-day communication, to tell the truth (1930: 545).

In these examples, the duty that is not basic may be said to arise from or rest on one or more basic duties in the following sense. An action which we have a derivative duty to perform (e.g., not lying) will normally be an action which falls under one or more fundamental duties (in this case, fidelity and non-maleficence). It is because lying is standardly harmful and a breach of an implicit undertaking that it is wrong. However, Ross makes it clear, in discussing these examples, that there can be special circumstances in which one or more of the fundamental considerations which count against acting in these ways do not obtain. In such cases, the force or bindingness of the derivative duty may be weakened. Ross holds, for example, that the implicit undertaking to tell the truth cannot hold where I am an utter stranger to a society, and have had no chance to reach agreements, implicit or otherwise, with its members. Since he holds that a large part of our duty not to lie stems from the supposed implicit promise, its absence greatly weakens our duty not to lie.

Although Ross does not discuss this point, it seems perfectly possible that there might be cases where *none* of the considerations which normally tell against lying or law-breaking apply. A government may be so oppressive and unjust that neither gratitude nor beneficence dictate that its citizens should obey. And if, like the old Soviet Union, it refuses to let dissidents emigrate, then any argument from tacit consent to the government also lapses. In these non-standard circumstances, the fact that an act is illegal would not count *at all*, from the moral point of view, against doing that act. If that is right, then these kinds of duty are derivative, and not fundamental, because the characteristics by which they are picked out are not ones that are themselves *always* relevant to the rightness of acts. The *mere* fact that an act is illegal, or a lie, does not count against doing that act.

Being underivative, in the sense just defined, is not, however, sufficient for inclusion in Ross's list of basic duties, for he is also striving for as high a level of generality as possible. If one duty is just a specific instance of a more general kind of duty, then it will not be basic. Thus it is plausible to hold that we can only be in debt if we have borrowed money on the understanding (explicit or implicit) that we will repay. So the duty to repay debts is just a specific instance of the more general duty of fidelity, the duty to keep our undertakings. If that is right, then the duty to repay our debts is not derivative in the way that the duty to obey the law is, since the fact that an act will be the repaying of a debt *always* counts in its favor. Debt repayment does not get into the list of basic duties, not because it is not itself always morally relevant, but because it is insufficiently general.
I am not here concerned to defend Ross's analysis of any of these duties; I mention them because they illustrate the structure of his theory. With the two distinctions between derivative and underivative duties and between more and less general underivative duties in place, we can now see that Ross offers a systematic structure into which every possible duty can be assigned a place. Challenges to Ross's particular list can come from one of two directions. It may be claimed either that the list needs shortening because it contains a duty that is not really basic, or that it needs lengthening because it leaves out a basic duty.

In fact Ross himself thinks that he can shorten his original list. He holds that both self-improvement and justice may be seen as more specific instances of the duty of beneficence. Ross is a pluralist about the good, as well as a pluralist about the right. There are three kinds of good for Ross: virtue, knowledge, and pleasure (at least where it is merited). His original reason for distinguishing self-improvement from beneficence is that, while we have a duty to give pleasure to others we tend to think that we have no such duty towards ourselves. But our inclination to believe that we have no such duty may arise merely from the fact that it seems redundant to require us to do what we are already so strongly motivated to do. If that is so then self-improvement is merely a species of beneficence. Similarly, Ross thinks that justice, as he understands it, can be shown to be a specific kind of beneficence, for the distribution of benefits and burdens in accordance with merit is itself a specific kind of good.

4.3 Critical Reflections on the Structure of Ross's List

It is possible to raise questions both about the structure of Ross's list of fundamental duties and about particular items on it. Let me begin with a structural issue. We have seen that some of the original items on Ross's list justice and self-improvement got subsumed under the duty of beneficence. We might wonder what prevents the other duties being thus subsumed, and the whole theory collapsing back into consequentialism. Of the four other types of duty which remain on Ross's pared down list, the first three, fidelity, reparation and gratitude, are what are sometimes called "duties of special relationship". In each case the duty rests on some previous act either of my own or of others. It is because something morally significant has already occurred in the relationship between us that the other person has a claim on me. The other is not just an instance of someone whom I could benefit; he has a claim in virtue of our prior relationship to a benefit, and often to a very specific benefit, arising from the nature of my promise, or the sort of kindness he did me, or the wrong I did him. Others who don't stand in these relationships do not have these claims. As Ross says:

The essential defect of the "ideal utilitarian" theory [i.e., consequentialism] is that it ignores, or at least does not do full justice to, the highly personal character of duty. If the only duty is to produce the maximum of good, the question who is to have the good whether it is myself, or my benefactor, or a person to whom I have made a promise to confer that good on him, or a mere fellow man to whom I stand in no such special relation should make no difference to my having a duty to produce that good. But we are all in fact sure that it makes a vast difference. (p. 22)

The consequentialist cannot capture this thought by pointing out that, if promise keeping, gratitude and reparation are such good things then consequentialism will
certainly endorse our encouraging and promoting such acts. For as well as the general duty I may have to encourage widespread promise keeping, I also have a specific duty to benefit you, because it is to you that I made the promise. And it is precisely the personal nature of this claim which consequentialism cannot allow to be intrinsically morally significant. The consequentialist will indeed claim that I should adopt a policy of keeping my promises, but that is only because such a policy will tend to promote the general good. But this distorts the way we think about promising as a personal tie. In virtue of having promised you some good thing, I (rather than someone else) have a moral reason to give you (rather than someone else) the promised benefit. That this obligation is distinct from any general duty to promote the good can be seen by reflecting on the following example. Suppose I have made a promise to you to help you to move house, and suppose that a neighbor has made a similar promise to a friend of his. Assuming that the benefits are roughly proportional, then I would be at fault if I were to neglect my promise to you in order to help my neighbor fulfil his.

What about the duty not to harm? Is this a duty which consequentialism could accommodate? It depends on how we understand that duty, and here Ross is not as clear as he might be. He claims that it is wrong to inflict a certain level of harm on someone in order to produce a similar, or slightly larger, benefit for someone else. But this might be because bringing about a harm of a certain sort produces more disvalue than failing to give a benefit of a similar sort. Generally speaking, taking away something someone already has seems far worse than failing to give them that thing when they lack it. If that is so, then consequentialism can accommodate the thought by simply recognizing the greater disvalue in depriving someone of an existing good.

But there seems to be more to the duty not to harm than this. We tend to think it wrong to inflict a harm directly on some (innocent) person, even to prevent a similar harm being perpetrated against another innocent person. This suggests, though the issue is disputed, that the fact that the act would involve my directly harming another person is a reason for me not to do it, even if the disvalue would be the same whatever I do (since if I refrain from harming, someone else will be harmed). There are things we owe it to others not to do to them, even to prevent other people doing similar awful things. Clearly the consequentialist could not allow the thought that it would be I, rather than someone else, doing the harming to be a morally significant reason. There is nothing, of course, to prevent a consequentialist claiming, as before, that a policy of trying to avoid harming people oneself might have beneficial long term consequences. And, as before, this appears to fail to capture the intuition that somehow I owe it directly to my potential victim not to harm him.

Ross is opposed to consequentialism insofar as he believes that there are duties of reparation, gratitude, fidelity, and non-maleficence, which sometimes require us not to bring about as much good as we can. But in another respect Ross agrees with consequentialism, for he construes the duty of beneficence as requiring us to make everyone's lives go as well as possible. And that leaves him open to some of the criticisms which have been leveled against consequentialism. First, it means that good deeds are always obligatory and never supererogatory. We typically think that there are saintly or heroic actions which go well beyond the call of duty and for which people receive especial praise. But on the view of beneficence which Ross and the consequentialist share the duty to do good has no upper limits. Second, it means that
every choice is a moral choice. There is always the opportunity to do good, so there can never be morally indifferent choices. Ross's uncritical acceptance of the consequentialist conception of beneficence leads him into uncharacteristic conflict with normal reflective ethical thought.

We appear to operate with a more limited conception of beneficence, but capturing that conception is tricky and defending it difficult. We seem to think that each of us has the right to devote some time and resources to our own personal projects, even if we could do more good elsewhere, and that it is proper to allow personal preference a role in deciding which good causes to endorse. Articulating such an account in a perspicuous and defensible way is an important task for an intuitionism which respects our moral intuitions.  

I have said that Ross's account of beneficence makes every choice a morally significant one. One might object that Ross over-moralizes our choices in another way, by apparently insisting that the only thing that can outweigh a prima facie duty is another prima facie duty. There are two worries here. First, one might hold that there can on occasion be good and pressing reasons for not fulfilling a prima facie duty which are not themselves reasons of duty. I promised to mark this student's essay by tomorrow. I'm very tired and nothing disastrous will happen if I am a day late. So I go to bed, and with good reason. But that reason is not one on Ross's list of duties. Second, any moral reason in favor of an act, however slight, becomes a duty unless overridden by a more pressing moral demand. But there are surely cases where I have some moral reason to act in which the reason has not got the kind of strength which constitutes duty. I have reason to be grateful to you for a minor favor. It would be good to show my appreciation. But do I have a duty to do so, unless some other obligation trumps it? That seems too strong.

These are genuine worries about Ross's system, but easily accommodated. We could construe Ross's list as a list of morally relevant reasons without supposing either that only a moral reason can trump a moral reason, or that every moral reason will lead to one's having a duty unless a stronger moral reason can be found on the other side.

5. Intuitionist Epistemology

5.1 Methodology

How are we to determine if a particular moral consideration meets the criteria for being a distinct, fundamental and underivative prima facie duty? Ross's answer, which is implicit in the previous discussion, is that we should appeal to our reflective judgments about carefully constructed cases involving the duty or duties whose status as fundamental is in dispute. We should devise specific moral examples in which we attempt to isolate the influence of the supposedly fundamental moral consideration. Thus, as we have seen, we determine whether fidelity is independent of beneficence by thinking about a case where I can produce equal amounts of good either by keeping or by breaking a promise. We will judge, so he claims, that we have a duty to keep the promise (see Ross 1930: 18). Similarly, were someone to suggest that our duty to be truthful is fundamental rather than derivative, the test would be to construct
a case where lying was insulated from its usual accompanying wrong-making features. Such a case might be playing a game of Cheat with my children, where lying did no harm and was not in breach of any tacit agreement or understanding. We then have to judge whether, in this case, the fact that the game involves lying counts against playing it.

This answer is in keeping with his general methodology (Ross 1930: 3941). For Ross, the material from which we build any moral theory is the reflective judgment of thoughtful people. If the deliverances of a theory conflict with those judgments, then so much the worse for the theory. This does not mean, Ross hastens to add, that theoretical reflections can never influence our moral judgments. Where, however, theory tells us that some consideration cannot be morally relevant, but reflective scrutiny of crucial cases leaves us convinced that it is relevant, then it is the theory that must be rejected. If, for example, consequentialism tells us that

we should give up our view that there is a special obligatoriness attaching to the keeping of promises because it is self-evident that the only duty is to produce as much good as possible, we have to ask ourselves whether we really, when we reflect, are convinced that this is self-evident, and whether we really can get rid of our view that promise-keeping has a bindingness independent of productiveness of maximum good. (p. 40)

Ross claims we cannot perform this feat. If theory requires that we abandon our reflective moral judgments, then what theory demands is unreasonable.

[T]o ask us to give up at the bidding of a theory our actual apprehension of what is right and what is wrong seems like asking people to repudiate their actual experience of beauty, at the bidding of a theory which says "only that which satisfies such and such conditions can be beautiful". (p. 40)

We should not abandon our moral beliefs in the face of theoretical objections because, on Ross's view, we have direct insight as to what is morally relevant in the particular case. Further reflection or experience can lead us to change our minds. But in ethics, as in aesthetics, the crucial test of a theory is whether reflection on it changes our apprehension of the particular case.

So what is the nature of this direct insight, and in what cases can we have moral knowledge?

5.2
Certainty and Probable Opinion

It is often supposed that intuitionists think that there is a special, utterly mysterious, and possibly infallible, moral sense (intuition) by which we detect the presence of moral properties. This is pure invention on the part of intuitionism's opponents. To the best of my knowledge, no intuitionist has ever postulated such an occult moral faculty. Insofar as we can know moral truths, we know them in ways that are familiar from our knowledge of other truths.

Nor should we conclude that, for an intuitionist, all moral truths are obvious. There are many of which we cannot be sure, and about which we should be diffident. Ross draws a sharp distinction between "our apprehension of the prima facie rightness of certain types" (1930: 29) and our judgment about the overall rightness or wrongness of particular acts. Claims about prima facie rightness (or wrongness) are self-evident. That an act is, for example, prima facie right in virtue of being the keeping of a
promise, is something that we can know a priori, by reflection. It cannot be proved, but it requires no proof. It is something of which we can be certain. By contrast, judgments about what we should actually do in some particular case lack this certainty. For we cannot be certain in any case where there are conflicting moral considerations on each side. Even where we can only see considerations supporting one conclusion, we cannot be certain that there are not things to be said on the other side.

5.3
Self-Evidence

The fundamental *prima facie* principles are, however, known with certainty. Ross does not suppose that moral agents are aware of them from the moment they first make a moral judgment. We can come to know them by a process of *intuitive induction*. Particular moral truths come first in the order of judging. We take some act to be right in virtue of being, say, an act of promise-keeping. After reflecting on a number of acts involving promise-keeping, we come to the conclusion that promise-keeping is a right-making characteristic. If this were simply an inductive inference, then its strength would depend on the number and variety of cases I had considered. But, Ross holds, having formed the principle, we can then come to have direct insight into its truth (see Ross 1939: 16873). It is a necessary truth, knowable *a priori* because self-evident and thus requiring no proof. A truth is self-evident if understanding it is sufficient for being justified in believing it. One knows the proposition provided one believes it on the basis of understanding it (see Audi 1996: 114).

Such truths are self-evident, but that does not mean that they are obvious. They are evident to those with sufficient mental abilities and experience who have reflected properly about them. Ross's analogy here is with our knowledge of mathematical axioms and forms of inference. It may not be immediately obvious that some basic form of inference is valid, but reflection leads us to see that it is. We may go through several examples of reasoning using this pattern of inference before we come to see that it is a universally valid pattern. When we do grasp its validity, however, it is by thinking about the pattern of inference itself. We do not hold it on the basis of an inference from some premisses external to it. These self-evident axioms and principles are not analytic; that is, they are not true in virtue of the meanings of the terms employed in them. Ross is thus committed to there being synthetic propositions which can be known *a priori*. The possibility of synthetic *a priori* knowledge is disputed but and this is the important point in defending intuitionism against its detractors Ross is not claiming that moral principles are known by some special and mysterious faculty. The only faculty involved is reason itself. Ross is here placing himself squarely in a mainstream philosophical tradition which holds that there are substantial claims whose truth we can know by direct rational insight.

5.4
Does Ross Claim More Than He Need?

Robert Audi suggests that Ross sometimes expresses himself in ways that make his claim sound stronger, and thus less plausible, than it need be. It is not, for example, necessary in order to apprehend the truth of a proposition that is self-evident, that one apprehends its self-evidence (Audi 1996: 106). So Ross need not, and perhaps does
not, hold that we have intuitive knowledge that the fundamental moral principles are self-evident. What we do have intuitive knowledge of is the moral principles themselves. Nor should we be misled by Ross's claiming that we can be certain of the general principles of duty into thinking that we could not be mistaken about them. By "certain" Ross means "self-evident" (1930: 30) and one can certainly be mistaken about a self-evident proposition. Moore was certainly right when he said that by calling some propositions intuitions he means

merely to assert that they are incapable of proof. . . . [I do not] imply . . . that any proposition whatever is true, because we cognize it in a particular way. . . . I hold, on the contrary, that in every way in which it is possible to cognize a true proposition it is also possible to cognize a false one. (Quoted in Audi 1996: 108)

Further reflection can lead one to change one's mind, as Ross changed his on the question of whether we have a prima facie duty to give pleasure to ourselves.

As Audi further points out (1996: 117) Ross also makes a stronger claim than he needs (perhaps under the influence of the analogy with simple logical and mathematical axioms) when he says not only that these self-evident principles need no proof, but also that they cannot be proved. Though we can know them without evidence, that does not mean that there can be no further evidence for them. The intuitionist does not think that the principles are in need of additional evidence, so will not think they require extra support in order to be credible. But the fact that further support is not needed does not mean that it cannot be provided. While I think that this is a theoretical possibility, I am more skeptical than Audi about the possibility of any other theory providing independent support for a list of duties of Ross's kind. Kantianism, for example, appears to hold that some principles are exceptionless, and not prima facie.

If we could appeal to the confirmatory support of another theory, however, that might strengthen intuitionism in other ways. Take, for example, the worry some have that intuitionism lacks the unity desirable in a theory because the basic duties which Ross arrives at are not connected to each other: they are simply distinct and none is derivable from any other. If we could find a theory under which we could see them all as, for example, expressions of some common recognizably moral attitude, then such a connection would have been made. In Kantianism, we find, perhaps, such a unifying motif. What underlies all moral principles is respect for persons, and the Rossian duties might all be seen as various expressions of that overarching respect.

6. Believing and Caring

I turn now to the fourth objection raised against intuitionism. Moral beliefs have practical import: they should and do make a difference to how we live. But how, it was often said, can intuitionism explain this? It claims that we can know certain moral facts, but why is such knowledge of practical and not just of theoretical importance? Why might not someone simply notice these moral facts and carry on regardless?

This hoary old objection to intuitionism is a complete non-starter. Facts can, in appropriate contexts, supply us with reasons, either reasons to believe something or reasons to do something. That a large lorry is hurtling towards you is a reason to
move out of its path. That she is honest and reliable is a reason to believe what she says. We can, of course, recognize that some fact obtains without recognizing that it gives us a reason to act. In such a case, of course, we are not going to be moved to act by our recognition of that fact. But we often realize not only that a fact obtains, but that its obtaining gives us a reason to do something. That realization will, at least in normal circumstances, motivate us to act. Indeed, it would be surprising if it did not. The intuitionist claims that we are able to recognize that certain kinds of fact, such as that I have made a promise, or that this person needs help, provide us with reason to act. So the objection now becomes: the intuitionist cannot explain why my belief that I have reason to act moves me to act. But one might reasonably wonder what the force of this complaint is. I surely have explained why someone is motivated to act if I explain that they believed there were good reasons to act. And if a mystery does remain, it is surely not a problem for intuitionism alone, but for any account of reasons for action (or belief) which takes them to be facts.7

7. The Place of Moral Principles: Generalism or Particularism?

There has been considerable discussion of late about the codifiability of our moral judgments. Some moral philosophers have held that the task of moral thinking is to refine and qualify our moral principles to the extent that the decision about what to do in any particular case can be "read off" from the principles. Critics of this view doubt not only whether such a degree of codification is feasible, given the complexity of our moral thought, but also whether it is desirable. Such an approach, they maintain, seriously distorts the nature of moral thinking, by downplaying the central role of judgment and imagination in the morally sensitive person's evaluation of all but the most straightforward situation. In each case, you need to discern, firstly, which features are relevant and, secondly, how they interact with each other and what weight is to be given to each in the light of the others. Finally, one needs sensitivity in deciding just what response is appropriate. Appeal to general principle is of little help in determining, for example, whether this is an occasion for tact or plain speaking, or a combination. Nor will it help you recognize just what would be the most tactful way of making the point, where tact is required.

This is a debate about the extent of codifiability; there is as yet no suggestion that moral principles have no place in moral thinking, only that they may have a limited role. In that debate, Ross sides with those who think their role is very limited. Firstly, Ross's principles are remarkably general and, with some of them at least, judgment is clearly required in deciding whether some action falls under them. The most striking example is the duty of non-maleficence. Deontologists have spilled much ink trying to provide a watertight account of when one is in violation of the duty not to harm. Ross appears to have almost no interest in providing such an account, indeed he gives the impression that little more can be done, at a general level, to make the harm principle more precise. Secondly, very little general guidance can be given for resolving conflicts of duty. Ross offers some very general remarks about the comparative stringency of the prima facie duties that fidelity is more pressing than beneficence, for example but that is all. For the rest, Ross says, citing Aristotle, the decision rests with perception.
This sense of our particular duty in particular circumstances, preceded and informed by the fullest reflection we can bestow on the act in all its bearings, is highly fallible, but it is the only guide we have to our duty. (1930: 42)

Many have seen intuitionism's insistence that nothing more can be said about how to resolve moral conflict as a weakness, but I see it as a strength. There is no suggestion that the task is easy, or that one should just plump for whichever solution seems most attractive. There is hard thinking to be done, but it is (nearly) all by thinking about the particular case and comparing it with others.

As we have seen, Ross is skeptical about the weight we should give in moral thinking to abstract theoretical considerations. Moral reflection can continue perfectly well in its own space. We are able to recognize which features of action are morally relevant without the aid of abstract theory, and where theory conflicts with intuitive insight it is theory that should give way. Could, and should, an intuitionist be even more radical in his rejection of theory? Ross retains one, albeit minimal, theoretical commitment. He assumes that underivative moral considerations carry the same valency wherever they occur. So, if fidelity is a basic duty, that I have promised to do something should always count in favor of my doing it. We might doubt whether this is true. Does a promise to do a wicked deed give me any reason to do it? Other principles might be open to similar doubt. If my benefactor helped me only by perpetrating some horrendous crime, do I owe her any duty of gratitude?

There are two possible responses to these doubts. Those who think there must be general moral truths insist that the principle has not yet been fully captured. It must be further refined, in the way Ross apparently eschews, until we find a version of the principle which holds in all cases. The moral particularist denies that there must be a general principle backing our judgments in any particular case. ³ She gives up the search for exceptionless principles. What motivates that search is an atomistic rather than a holistic conception of reasons. For the atomist, if a consideration counts as a basic or underivative reason for something in one place it must so count everywhere. Its status as a reason does not depend on what other factors may be present in this particular case; it is context-independent. On the holistic conception, whether a consideration is a reason depends not only on what other features are present in a particular case but on the way they are interrelated. So there is no expectation that we will necessarily uncover a moral reason that always counts in the same way in every situation.

If we abandon Ross's generalism, won't we greatly weaken the case for intuitionism? The defense against the charge of being unsystematic rested on Ross's claim to supply a method for uncovering the fundamental moral principles from which all others were derived. Drop that claim and you abandon the defense. Should this worry the particularist? Only if the only way a moral outlook can be coherent and structured is by resting on a few general moral principles. But why suppose that? That the judgments someone makes in different cases can have a shape, hang together, and be consistent only if they are underpinned by general principles is itself a generalist prejudice. Many things can have a coherent structure. Not only mathematical and logical systems, but also narratives, works of art, and human lives. To suppose that moral thought must be modeled on the former rather than the latter is to be in the grip of the wrong picture.
As Ross rightly saw, moral thought begins with the recognition that certain features are salient in particular situations. He thought that we were then able, by intuitive induction, to come to apprehend that certain of these features were morally relevant in all cases. But these general principles do no epistemic work in normal fully reflective moral judgment. We do not need to infer from general principles the presence of the right- or wrong-making features in any particular case, because we can become aware of them directly. The role of the general principle is metaphysical rather than epistemic. The existence of general principles underpinning our thought is there to provide a guarantee of underlying consistency as we move from one individual judgment to another. The particularist denies the need for such a guarantee.

I have tried to show that ethical intuitionism can, in a slightly modified version of Ross's account, satisfactorily meet objections, especially the claim that it is not really a theory at all. So far as that goes, I think it the best moral theory around. But I am also inclined to believe that it does not go far enough in rejecting a conception of moral theory as a search for general moral principles and I have suggested how a more radical particularist intuitionism might look.

Notes

1. For a contrary view, see Stratton-Lake (1997).

2. In *The Foundations of Ethics*, Ross reverted to his original view. Indeed, he goes so far as to describe the fact that "we have a duty to produce pleasure for others, and have not a duty to produce it for ourselves" as "one of the most certain facts in morals" (1939: 75).

3. Some of the material in this section is drawn from McNaughton (1996).

4. Both duties of special relationship and the constraint against harming are held by some to be agent-relative. For discussion see Nagel (1986, ch. 9) and McNaughton and Rawling (1991).

5. For a recent discussion see Wiggins, Dancy and Darwall in *Utilitas*, 1998.

6. Perhaps the best-known and most influential account on these lines is found in Mackie (1977, ch. 1). Audi (1996) cites other examples.

7. For recent discussion, see Stratton-Lake (1999).

8. For advocacy of particularism, see Dancy (1983) and (1993), chs 1012; Little (1995); McDowell (1979), and McNaughton (1988), ch. 13.

9. I am grateful to Eve Garrard and Hugh LaFollette for detailed comments on earlier drafts and to Jonathan Dancy and Philip Stratton-Lake for many discussions of these topics.
References


