

## **An Unconnected Heap of Duties?**

Despite its name, the school of ethical intuitionism which flourished between the World Wars, and whose greatest proponents were Prichard and Ross, was not distinguished from its competitors by a distinctive epistemology. The dispute between intuitionism and its main rival, the utilitarian tradition, revolved around the issue of whether there was more than one fundamental moral principle.<sup>1</sup> The utilitarian tradition in ethical thought can be represented as holding that there is just one fundamental duty or moral principle: the duty of beneficence. Ethical intuitionism rejected this monism as over-simple, and insisted that there is a number of distinct basic duties or moral principles.<sup>2</sup> Both parties to this debate were taken to agree that an ethical theory must be based on intuition, by which was meant no more than that the most basic ethical principles, since they could not be inferred from more basic ones, must be self-evident.<sup>3</sup>

It has become commonplace to dismiss the deontic pluralism of an ethical intuitionist such as Ross fairly briskly. The two main charges are, first, that it is unsystematic, offering us merely a 'heap of unconnected duties' with no unifying rationale and, second, that it can give nothing in the way of general guidance to the agent who is faced with a conflict of duties, because it refuses to rank duties in order of importance or stringency.<sup>4</sup> The intuitionists were, of course, aware of these objections; what I intend to show in this paper is that we can find, in the writings of W.D. Ross, who offers the most fully worked out version of the theory, a serious and sustained attempt to answer these criticisms which is, at the very least, worthy of serious attention. To the best of my knowledge, Ross's detailed defence of intuitionism has not been discussed in the standard literature. This is due, in part, to the failure of many critics to read Ross with either the care or the sympathy with which they would approach any other major writer in the subject.<sup>5</sup>

One version of the first complaint is this. Common-sense morality appeals to a large variety of moral principles, which have no discernible structure. Intuitionism does not attempt to systematise ordinary morality, but simply mirrors it. An intuitionist,

such as Ross, merely presents us with a more or less arbitrarily selected list of the more common (*prima facie*) duties, and announces them to be self-evident. Since there is no structure to this list, there seems to be no explanation of why some items are on the list and not others, and therefore no room for rational debate in the event of disagreement about what should be included. Given the unavailability of reasoned discussion we simply have one bare intuition pitted against another. Even a philosopher who admits that we may eventually have to appeal to intuition may rightly feel that this is too quick. Moral theory should facilitate reasoned debate, not forestall it. Indeed, in the absence of such structure, intuitionism, unlike utilitarianism, cannot claim to be a moral *theory* at all.

Such a criticism fails to recognise that Ross's intuitionism does systematise common sense morality, and in much the same way as many utilitarians have tried to do. For it seeks to show that the plethora of common sense duties can be reduced to a small number of basic duties. 'The general principles which it [intuitionism] regards as intuitively seen to be true are very few in number and very general in character' (Ross, 1939, p. 190). Both utilitarianism and intuitionism can therefore be seen as sharing the theoretical goal of explaining all the moral phenomena by appeal to the fewest number of most general principles. In this sense, intuitionism is as much engaged as is utilitarianism in constructing a moral theory; they only differ over how many basic principles they need to accomplish the task.

In fairness to some of his critics it must be admitted that Ross does not explicitly state that his theory has this explanatory structure, but it is implicit throughout his long and detailed discussion. He begins by offering a division of *prima facie* duties for which he does not claim 'completeness or finality' but which he maintains is not 'arbitrary' because '[e]ach rests on a definite circumstance which cannot seriously be held to be without moral significance' (p. 20). Subsequent discussion makes it clear that this list of duties is a first shot at a complete list of basic or irreducible duties. Non-basic duties are,

in a manner to be outlined shortly, derived from these basic ones. Here is my summary of the items on Ross's original list.

- 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*.

This list is only provisional; Ross goes on to discuss whether it can be further reduced by showing that some of these duties are not really basic and irreducible. Before engaging in that discussion, we need to look at Ross's account of how the non-basic duties are derived from the basic ones. He writes that 'in actual experience [*prima facie* duties] are compounded together in highly complex ways' (p.27). He gives as his example, the citizen's duty to obey the laws of her country. The duty to be law-abiding stems, at least in the ideal case, from three basic duties: gratitude, fidelity and beneficence. We should be grateful for the benefits we have received from the state; we have made an implicit promise to obey by retaining permanent residence in a country

whose laws we know we are expected to obey; beneficence also requires us to obey the laws because they are 'a potent instrument for the general good'. Ross later gives another example of a compound duty: the duty not to lie. Ross claims that our duty not to lie rests on two basic moral considerations: the duties of non-maleficence and fidelity. To lie to someone is (normally) to do an injury to that person (and perhaps to others). In addition, Ross holds that communication standardly presupposes an implicit mutual undertaking by all parties that they will use language to convey their real opinions. In such cases, to lie is to breach this implicit promise.

Because these are compound duties, some of the elements may be missing in a particular instance of a derivative duty, and then the duty in question may be weakened. For example, a very bad government will not be promoting the general good, and then there will be no duty arising from considerations of beneficence to support it. In the case of lying, the presupposition that there is a mutual agreement to make true assertions can lapse. If someone is an habitual liar, then she has announced, by her actions, her refusal to be bound by this implicit contract, thus releasing others from their obligation to honour it. Similarly, if I am in a strange society and know nothing of their social practices, not even whether they are friendly or hostile, then there is no such implicit understanding. In Ross's opinion, a large part of the stringency of the duty not to lie stems from the supposed implicit promise; where it is not present then the obligation not to lie is much weakened (pp. 54-5).

Although Ross does not discuss this point, it seems perfectly possible that there might be cases where none of the considerations which normally make law-breaking or lying wrong apply. Thus, if I play a game of Cheat with my children, I must lie, because that is part of the game. On Ross's account, it seems that there is absolutely nothing wrong with lying in such cases, for the tacit agreement to tell the truth is explicitly cancelled in such games and I am, in this context, arguably doing no harm whatever to my children.<sup>6</sup>

If there are circumstances, such as playing Cheat, where the fact that saying something would be a lie does not furnish any reason whatever for not saying it, then in what sense can it be said, as Ross does, that there is a *prima facie* duty not to lie? We need to distinguish here between saying that a certain *kind* of act is a *prima facie* duty, and saying that a *particular act* is *prima facie* right or my duty in virtue of some characteristic(s). It is natural to understand the claim that a certain kind of act, such as refraining from lying, is a *prima facie* duty as saying that lying is always a wrong-making characteristic; it always counts against an action that it would involve lying. But we have seen that this claim is arguably false; it does not count at all against my playing Cheat with my children that we shall all lie as hard as we can. Nevertheless, we could, I think, still maintain of a particular act that it was *prima facie* wrong in virtue of being a lie. We might be tempted to interpret Ross's account of lying as maintaining that in a normal case, where it does count against an action that it would involve lying, the act is *prima facie* wrong, *not* in virtue of being a lie, but in virtue of its being a case of promise-breaking and causing harm. But this, I think, is a false contrast. Acts can get to be instances of promise-breaking or maleficence in a number of ways. It may be true of some particular act that it is in virtue of its being a lie (rather than, for example, the non-payment of a debt) that it is an instance of promise-breaking and maleficence. If this is right, then the fact that *this* act is a lie may make it *prima facie* wrong, even though there can be acts which, though they involve lying, are not made *prima facie* wrong by that fact. On this interpretation, lying is not a fundamental moral consideration (which is why it does not occur on the list of basic duties) but the fact that some act is a lie can still be the reason why that act is *prima facie* wrong.

These are examples of derivative duties which are compounded out of basic duties, but there could be duties which are derivative in the way that lying is but which are not themselves compound. Take the duty a child has to honour its parents; it might plausibly be claimed that this duty derives from the single basic duty of gratitude. Here

also, there could be cases where there was not even a *prima facie* duty to honour one's parents. Where the child had received nothing from its parents there would be, on this view, no duty to honour them. Ross gives another example himself in his discussion of punishment. He dissents from the common intuitionist view that there is 'a fundamental and underivative duty' to reward the virtuous and punish the innocent. Rather, he claims, the state of affairs in which the good are happy and the bad unhappy is better than the reverse. Since we have a general duty of beneficence, we have a duty to bring about the better state of affairs.

The duty of reward and punishment seems to me to be ... derivative. It can be subsumed under the duty of producing as much good as we can (p. 58)

There may be cases where no good would come of punishing (perhaps because the wrongdoer has suffered enough) and here punishing would not be even *prima facie* right.

In all the examples of derivative duties at which we have looked so far we have found that they pick out some characteristic which normally, but not necessarily always, counts for (or against) doing an action. It seems possible, although Ross does not specifically draw this contrast, that there might be duties which are in some sense derived from those on the basic list, but which pick out some characteristic that is *always*, and not just usually, a right- (or wrong-) making characteristic. Thus it is plausible to hold that the duty to pay one's debts rests on the duty of fidelity. But here one may be unable to imagine a particular case where debt-paying was not *prima facie* right, because one would not be in debt unless one had made an (implicit) promise to repay. The explanation of this appears to be that the characteristic of debt-paying is a specific instance of the more general characteristic of promise-keeping, so there couldn't be an instance of debt-paying which was not also an instance of fidelity. Debt-paying does not figure on Ross's list of basic duties because it is insufficiently general; it is subsumed under the wider duty of fidelity.

I am not here concerned to defend Ross's analysis of any of these duties; I cite them merely to illustrate his general approach. With the distinction between basic and derivative duties in place we can now see how one might make a case for amending Ross's list. Since it is intended to be a list of all our basic and underivative duties, it can be challenged in two ways. It may be claimed either that the list needs shortening because it contains some duty that is not really basic, or that the list needs lengthening because it leaves out a basic duty.

The list needs shortening if it can be shown either that one putative basic duty is just a particular instance of a more general basic duty, or that two of the putative basic duties are just instances of one wider inclusive basic duty, or that one of the putative basic duties is derivative in the way that, on Ross's view, the duties not to lie or break the law are derivative. Immediately after drawing up his initial list Ross embarks on a discussion to see if it can be made more 'systematic'. His conclusion is that the list does need shortening. He provides an example of the second kind of challenge when he considers whether beneficence and self-improvement are distinct duties (pp. 24-6). The main reason for thinking that they are lies in the fact that, while we have a duty to give others pleasure, as well as to make them knowledgeable and virtuous, we normally think we have no corresponding obligation to give ourselves pleasure. Ross discusses whether the belief that we have no duty to give ourselves pleasure arises merely from the fact that it is redundant to require us to do something which we are already (too) strongly motivated to do. If we think, as Ross is inclined to, that there is in fact a duty to give ourselves pleasure, a duty which it is rarely if ever necessary to invoke, then categories (4) and (5) can be merged under the wider head of universal beneficence. Similarly, Ross's discussion affords an instance of the first kind of challenge when he argues that the duty of justice is just a specific instance of the duty of beneficence for, as we have seen, the distribution of goods in accord with merit is a specific kind of good. So Ross's final list is whittled down to beneficence, non-maleficence, fidelity, gratitude

and reparation.

The other way to criticise the list would be to claim that the list has failed to include a duty which is basic, in that it cannot be derived from other duties on the list. Any candidate could only be included if it could be shown that Ross had omitted a distinct and fundamental moral consideration which could not be seen as derivative in any of the ways I have outlined. I hope I have already shown that there is plenty of room, in trying to settle such disputes, for reasoned argument. There is no need, at this stage, to resort to a blank appeal to intuition. Nor, as Ross points out on p. 30, should we imagine that intuitionism of this stripe need be conservative. Nothing in Ross's procedure prevents moral criticism of the prevailing duties in a society.

It may, of course, be that there is no one way of structuring these duties which will be uncontroversially the right one. That is not, however, a matter that can be determined in advance. Moreover, the discovery that there were, say, two ways of carving up the territory between which it was hard to decide, would itself be an important advance.

A critic of Rossian intuitionism might now complain, rather more cautiously, that the theory is unstructured at least to the degree that there is no connection between the basic duties; they do not form any sort of a system. So put, the criticism fails: it is as if we were to criticise Euclidean geometry as not being a system because it employs five basic axioms. It is systematic because it covers the territory; the axioms work together.<sup>7</sup> So the complaint is merely, perhaps, that the basic duties are unconnected because distinct; they are not derived from some single basic duty. If this is the complaint then clearly a pluralist cannot show the basic duties have the kind of connectedness which deontic monism offers without abandoning his pluralism. Nevertheless, there might be other ways in which an intuitionist could show connectedness between the basic duties. There may be further structure without reducibility. I shall look briefly at three suggestions.

One way in which Ross might be thought to supply further structure to his list of basic duties is that he supplies a formal framework to which he then gives content, for he divides some duties into contrasting pairs: those which rest on previous acts of my own, those which rest on previous acts of others, those which rest on the fact that there are other people in the world whose lot could be improved, and those which rest on the fact that I could better myself.<sup>8</sup> I do not think that this formal structure provides much, if anything, in the way of explanatory unity among the basic duties. Firstly, it is structurally incomplete: it fails to cover non-maleficence. Secondly, in his later discussion of the list Ross collapses the second contrasting pair. Thirdly, such a classification can do no more than provide boxes into which duties can be put; it does not determine either that those boxes have members, nor how many members they have. Thus the first category contains two members and the second only one. Nor does there seem any *a priori* reason why this is so. Why should the second category not have contained, for example, duties resting on the previous harmful acts of others as well as duties resting on their previous generous acts?<sup>9</sup> If there is no duty of revenge, as we are now inclined to think, this fact is not determined by the formal structure of the boxes. Lastly, and most importantly, the fact that a duty belongs in a particular box does not supply any reason why we ought to perform it.

A second approach looks rather more hopeful. A list of basic duties would have further unity if it were the case that all of them rested on structurally similar features of the agent's relation to the world. In a famous passage in which he criticises utilitarianism as over-simple, Ross suggests such a possibility.

[Utilitarianism] says, in effect, that the only morally significant relation in which my neighbours stand to me is that of being possible beneficiaries by my action. They do stand in this relation to me, and this relation is morally significant. But they may also stand to me in the relation of promisee to promiser, of creditor to debtor, of wife to husband, of child to parent, of friend to friend, of fellow

countryman to fellow countryman, and the like; and each of these relations is the foundation of a *prima facie* duty (p. 19).

At first glance, it might seem that Ross is here claiming that all *prima facie* duties do have something in common, in that they are founded on an existing personal relationship of some specific kind. This unity is more apparent than real, however, for there is a significant difference between beneficence and the other duties, which do rest on existing personal relationships. The relationship on which beneficence rests is that of *possible* benefactor to *possible* beneficiary. Although this is a *relational* fact about them, it does not in any way constitute a personal *relationship*. So Ross's theory is reduced to making the much weaker, but not completely trivial, claim that all duties are founded on some relational fact.<sup>10</sup>

A third possibility, one which Ross does not explore, is to seek unification of the list of basic duties, not by reducing them to one basic duty, but by inferring them from some common theoretical base. The model here may be Kant, who seeks to justify distinct duties by subjecting each to the one categorical imperative test: can the maxim of one's action be a universal law? Audi, who canvasses this possibility, points out that Ross could allow the possibility of

epistemically overdetermined moral knowledge. There can be a moral theory that both explains and provides inferential grounds for moral propositions which, given sufficient reflection, can also be seen, non-inferentially, to be true. (Audi, 1993, p. 305)

I agree with Audi on the epistemology; what might trouble a deontic pluralist is the question of whether such inferential justification from *one* theoretical base allows one to keep the sense that the basic duties are nevertheless distinct. To explore that question would, however, take me beyond the scope of this paper.

I turn now to my second topic, the issue of ranking moral duties in cases of conflict. Ross rejects what he calls 'out-and-out intuitionism' which says that there are

absolute duties which should be fulfilled irrespective of the consequences (Ross, 1939, p. 79). So all duties are *prima facie* for Ross; where they conflict we have simply to decide, in each particular case, which is here the weightiest. Now Ross's view commits him to the wholly plausible claim that the stringency of a duty can vary from one occasion to another. Some promises, for example, are solemn and binding, and ought only to be broken, if at all, in the most serious circumstances; others are less weighty and can more easily be overridden by other considerations. One may feel, however, that there is a position midway between the complete generalism of absolutism (which gives no consideration to the circumstances of the particular case) and a doctrine of *prima facie* duties which makes the outcome of any conflict depend solely upon the wholly individual circumstances of the particular case. The midway position, which is in fact Ross's, would allow us to say something about the ranking of duties in general which fell short of absolutism: namely that some kinds of basic duty might be thought to be, in their intrinsic nature, more weighty than others.<sup>11</sup>

Ross claims that, while there can be no rule saying that one duty always takes precedence over another, some *prima facie* duties are, as it were, intrinsically weightier than others. This does not mean that the less weighty duty will never win out, only that it starts with an initial handicap which it will have to work hard to overcome. In deciding what to do, on this picture, we must take into account not only the general weight to be given to each *prima facie* duty, but also the weight each instance of that duty has in the particular case before us.

This doctrine is hard to grasp in the abstract, and the metaphors need cashing out if we are to make sense of it. Ross gives us a couple of examples which are supposed to illustrate his contention. He claims, firstly, that the duty of non-maleficence is more stringent than the duty of beneficence. 'We should not in general consider it justifiable to kill one person in order to keep another alive, or to steal from one in order to give alms to another' (p. 22).<sup>12</sup> Secondly, the duty to keep promises is likewise more

urgent than that of beneficence.

We . . . think . . . that normally promise-keeping, for example, should come before benevolence, but that when and only when the good to be produced by the benevolent act is very great and the promise comparatively trivial, the act of benevolence becomes our duty (p. 19).

In these passages we find, I shall argue, not one but two thoughts, only the second of which requires him to claim that one duty can be intrinsically weightier than another.

The first thought concerns the way in which the duty of beneficence and the other duties interact in a case of moral conflict. Beneficence, as Ross construes it, is the duty to produce as much good as possible. It is thus identical with the sole duty which the utilitarian, or any consequentialist, recognises. Ross holds, however, that there are several duties distinct from beneficence which may also have to be taken into account. In any choice I make, considerations of beneficence are always relevant, because what I choose will have an influence, however small, on the total amount of value. Where beneficence is the only relevant duty then, of course, the right action is completely determined by the amount of good I can produce: the right action is the one which brings about the best state of affairs. If two courses of action produce the same amount of value then, from the point of view of beneficence, there is nothing to choose between them.

Now suppose that, in choosing between two courses of action, some other *prima facie* duty has also to be taken into account, and that it weighs in one side, but not on the other. Since it is a distinct duty it must carry independent weight in determining which action is my duty proper, though what weight it will have in the particular case will depend on the circumstances. Two consequences follow. First, where the balance of good between the two courses of action is (roughly) equal, the other duty will be decisive, because beneficence will not favour one course over the other. Second, where the balance of good, and therefore beneficence, counts morally in favour of one course

of action, but some other duty, say the duty to keep promises, counts against doing it, then beneficence will only win out if it has sufficient weight to outweigh the other duty in this case. But the weight that we should give, as Ross conceives it, to the duty of beneficence in any particular case depends solely on the surplus of good produced by following one course of action rather than another. So beneficence will only win out over the duty of fidelity if the course of action favoured by beneficence will produce a considerably better state of affairs than that which will result if we keep the promise. In fact, it will have to produce a surplus of good sufficiently large for us to judge that, in this case, the good to be achieved outweighs all the weight against that course which stems from the fact that it would involve a breach of fidelity.

These consequences follow simply from the fact that, on Ross's view, the other duties are *distinct* from beneficence. In weighing up what to do, one must take account not only of how much good will be produced, as the duty of beneficence requires, but also of the independent weight of the other duties.<sup>13</sup> There is no need to bring in any doctrine about one duty being weightier than another at the general level in order to explain, for example, why it is wrong 'to kill one person in order to keep another alive, or to steal from one in order to give alms to another'. We think it wrong to kill one person to save another, but that may simply be because, given that the benefit to one is roughly counterbalanced by the loss to the other, the duty not to harm tells against killing the one, but not against failing to save the other.<sup>14</sup> What is more, similar remarks will be true, not just of conflicts between fidelity or non-maleficence and beneficence, but of a conflict between beneficence and any other duty.

Much of what Ross says about his examples can be explained by appeal to the fact that distinct duties carry independent weight. This view allows for the fact that their weight will depend on the circumstances of the particular case: the more solemn the promise, or the more serious the harm, the greater the balance of good must be before beneficence can outweigh these duties. No doctrine about the comparative

general weight of duties is required. Nothing in this account rules out the possibility that beneficence might win out in a conflict, even when the duty on the other side was very weighty.

One remark of Ross's which I have already quoted does, however, suggest a stronger view than this. In the case of a conflict between fidelity and beneficence Ross apparently claims that not one but two conditions have to be met before the beneficent act becomes our duty proper. Not only must the good to be produced by the beneficent act be very great, but also the promise must be 'comparatively trivial'. How this remark is to be understood will depend on what is being compared with what. It may just be the thought we have already met, that the strength of the *prima facie* duty to keep this promise must be weak compared with the strength of the pull of beneficence, if the latter is to be our duty proper. But it is more naturally interpreted as meaning that the promise must be of a trivial kind *compared with other promises*. So understood, this would impose an additional condition that must be met before it could be our duty to break a promise. Not only must the balance of good greatly favour the breaking of the promise, but the promise itself must not be of a particularly serious, solemn or binding kind. If that is Ross's view then, where a promise is particularly solemn and binding, no amount of good to be achieved, however great, could make it our duty to break it.

Such a view would yield a sense in which, for example, the duty of fidelity is intrinsically weightier than that of beneficence. We can spell it out this way. We might produce separate rankings of instances of both duties in order from the least to the most weighty instances, and then make the following comparative claims. First, the duty to keep a promise which came fairly low down in the order of bindingness of promises could only be outweighed by an instance of beneficence which came quite high up on the scale of beneficent acts. Second, where a promise is very important, where it ranks quite high in the scale of promises, no instance of the duty of beneficence, however pressing, could outweigh it. Since the stringency of a duty is not just a function of the

good produced, there is nothing in Ross's system which prevents him claiming that serious cases of promise-breaking could have a moral weight which could not be outweighed by any amount of good to be achieved on the other side.

Ross's remarks are too brief for it to be clear whether he held this view. It is a position which does not seem to me very attractive with regard to promise-keeping. Most of us feel that there are situations in which it would be right to break a promise, however solemn. In the case of non-maleficence, however, there does seem a case for claiming that it is intrinsically weightier than benevolence in the sense just defined. For while it can be right to inflict some comparatively slight harm in order to secure a great good or avert a disaster, it may be that it can never be right to inflict a very serious harm, such as killing an innocent child, to achieve a good end. Here the end really cannot justify the means in any circumstances.

By a pleasing irony, such a position makes room, within a system of *prima facie* duties, for something like an absolute constraint against killing the innocent.<sup>15</sup> For, while the duty not to harm in general is only *prima facie*, the duty not to inflict certain serious kinds of harm, such as killing the innocent, would be one that cannot be overridden.

To sum up. The nub of both complaints is, I think, that intuitionism is a profoundly anti-theoretical ethical view. A moral theory seeks, among other things, to perform three interrelated tasks. The first is to improve on the rather unstructured nature of our ordinary moral thought, so as to render it more systematic and orderly. The second is to justify that moral system by displaying its ground. The third is to use that moral system to guide us in making difficult moral choices. My claim has been that Ross either does, or could do, more than his critics realise in all three of these areas.

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## NOTES

1. This point is made with clarity and force by Prichard's pupil, J.O. Urmson (1975, pp. 111-112).
2. Philip Stratton-Lake has pointed out to me that, at least in the case of W.D. Ross, whose work is the subject of this paper, it is misleading to talk of there being distinct duties. For Ross regards these basic moral principles as *prima facie* duties which, as Ross points out (p. 20) are not strictly duties at all, 'but something related in a special kind of way to duty'. It might be better to say that his claim is that there are a number of fundamental and distinct moral considerations, whereas the utilitarian thinks there is only one. I shall, however, with this proviso understood, continue to use the familiar terminology. I shall also sometimes omit the prefix '*prima facie*' when talking of duties.
3. Ross puts these points with great clarity in *Foundations of Ethics*, p. 82. Perhaps it is even now necessary to lay to rest the old *canard* that intuitionists believed in some mysterious faculty of moral intuition or 'sixth sense', quite distinct from other epistemic abilities, which enabled people to detect (non-natural) moral properties. There is not a trace of this view in Prichard, Ross or Broad, nor in any Intuitionist known to me; nor indeed in Moore who, though belonging to the utilitarian tradition, shared with the Intuitionists a belief in the need for a foundational moral intuition in ethical theory.
4. [This footnote will contain some juicy examples of those who have made this charge.]
5. My discussion will focus on chapter 2 of *The Right and the Good*. All otherwise

unattributed page references are to this work.

6. I say 'arguably' because it might be said that I am doing harm to them by encouraging them in the bad habit of engaging in an activity which is normally seriously wrong. This is a very weak argument, for it supposes that habits (and children) are indiscriminating.

7. I owe this point to NN.

8. NN drew my attention to the formal aspects of Ross's division.

9. I owe this point also to NN.

10. Ross went on to develop a relational theory of rightness in *The Foundations of Ethics*. Ross marks this distinction between beneficence and other duties by calling the former a general obligation and the latter special obligations. Note also that this paragraph is not exclusively concerned with *basic* duties; most of the relationships cited there, if they are foundations of a *prima facie* duty are not foundations of a basic one.

11. Few even notice that Ross held this view. As careful a commentator as Audi misses it. "[Ross] seems committed to the view that ethical generalizations do not *independently* carry evidential weight in such conflicts. One should not, e.g., appeal to a second-order generalization that duties of justice are stronger than duties of fidelity" (Audi, 1993, p. 297). Gaut (1993, p. ) is an honourable exception.

12. Nor did Ross change his view in his later work; see Ross, 1939, p. 75.

13. Ross does claim that the distinctness of fidelity and beneficence is sufficient to account for the fact that

[I]f ... I could bring equal amounts of good into being by fulfilling my promise and by helping someone to whom I had made no promise, I should not hesitate to regard the former as my duty (p. 18).

So Ross here thinks that the distinctness of duties is sufficient, in the case of fidelity, to account for the first of the consequences outlined in the previous paragraph but it is not clear if he thought that he needed the doctrine of added weight to account for the second. His remarks about non-maleficence are less clear. He precedes his claim that we do not consider it justifiable to kill one person in order to save another by saying that the 'duty of non-maleficence is recognised as a distinct one [from that of beneficence], and as *prima facie* more binding' (p. 22, my emphasis). It is thus unclear which of these features of non-maleficence is supposed to explain our moral intuition.

14. Ross assumes that the amount of good produced by an action is not dependent on what kind of action produced it. Thus, in the case where I consider killing one to save another then, all else equal, the good of one living who would otherwise die is equal to the bad of someone dying who would otherwise live. Ross does not consider the possibility that, all else equal, a deliberately inflicted death or injury might be worse than an accidental death or injury, and to consider it here would take me beyond the scope of this paper. For discussion see my ...

15. Moral considerations on the other side would not be *silenced* however. On Ross's view, the fact that killing an innocent person would do good will always be a reason in its favour, it will just be that it will never be strong enough to override the duty of non-maleficence in this case.