Lecture #5: Presumptivism: Ross’ *Prima Facie* Duties

Intrinsicalism

- Intrinsicalism, an alternative to Utilitarianism
  - Thesis: Actions are right or wrong at least partly because of their *intrinsic nature*.
    - I.e., not just because of their consequences.
    - This is the reply to Bentham’s Challenge.
  - Two kinds of intrinsicalism
    - Presumptivism
      - Acts are only presumptively right or wrong on the basis of their intrinsic nature.
      - Their presumptive wrongness does not make them wrong in every case. One might have to choose the lesser of two evils.
    - Absolutism
      - Some acts are always wrong (regardless of their consequences).
      - For an example (killing the innocent), see Jeffrey Murphy.
      - For a theoretical defense, see St. Thomas Aquinas.

Ross’ Presumptivism: The Central Theses

- Pluralism
  - “[Not] every act that is our duty is so for one & the same reason.”
- Presumptivism (or, Conditionality)
  - The list of duties is a list of things that would be obligatory, other things being equal, or, as long as they are not over-ridden by other duties, i.e., presumptive or *prima facie* duties.
- Intuitionism
  - *Prima facie* duties are known to be such by intuition.

Thesis #1: Pluralism

- “[Not] every act that is our duty is so for one & the same reason.”
  - This is directly contradictory to utilitarianism.
- Ross’ list of reasons why an act might be right (“right-making characteristics”)
  - Fidelity, justice, self-improvement, reparation, beneficence, gratitude, non-maleficence.
  - Each is a morally significant kind of act.
  - Each is grounded in a different kind of relation towards others.
  - All are equally basic.
- Gratitude is as good a reason as beneficence for doing something.
- The plurality of duties raises the possibility that the duties might conflict.
  - What is required by one duty might be forbidden by another.

The Foundations of *Prima Facie* Duties

W. D. Ross’ Presumptivism

- Intrinsicalism
  - Intrinsicalism vs. Consequentialism
  - Two Versions of Intrinsicalism
    - Presumptivism
    - Absolutism
- Exposition of Presumptivism
- Critique of Presumptivism
Thesis #2: Presumptivism

- The list of duties is a list of *prima facie* duties.
- Explication
  - Acts are *prima facie* duties if they are obligatory, other things being equal, i.e., as long as they are not over-ridden by other duties.
  - *Prima facie* duties could also be called conditional duties or presumptive duties.
- Significance
  - “An act can fall under various categories.”
  - The existence of multiple duties can create practical contradictions—the duty to do two incompatible things.
  - The contradiction is resolved by making a distinction.
  - So the theory requires principles of conflict-resolution.

Thesis #2: Presumptivism (cont’d. 1)

- The existence of multiple duties creates practical contradictions—the duty to do two incompatible things.
  - One has an obligation not to harm others (non-maleficence)
  - One has an obligation to defend one’s country (beneficence, gratitude)
- [The contradiction is resolved by making a distinction.]
- [But the theory requires principles of conflict-resolution.]

Thesis #2: Presumptivism (cont’d. 2)

- The existence of multiple duties creates a practical contradiction.
  - The contradiction is resolved by making a distinction.
    - The duties on Ross’ list are *prima facie* duties
    - What one should do in a particular situation is an *operative* (or actual) duty (or a duty proper)
  - Its significance
    - To say that one actually has an *operative* duty to do two inconsistent things is incoherent
    - To say that one has *prima facie* duty to do two inconsistent things is a commonplace
  - Its application
    - One has *prima facie* duty not to harm others (non-maleficence)
    - One has a *prima facie* duty to defend one’s country (beneficence, gratitude)
    - What one should do in each case (one’s operative duty) depends on which *prima facie* duty is stronger
- [But the theory requires principles of conflict-resolution.]

Thesis #2: Presumptivism (cont’d. 3)

- The existence of multiple duties creates a practical contradiction.
  - The contradiction is resolved by making a distinction.
  - But the theory requires principles of conflict-resolution: Which *prima facie* duty overrides which when?
    - Ross’ resolution
      - There are no rules of conflict resolution.
      - There is no systematic priority of some duties over others.
        - It is not the case that beneficence or even nonmaleficence always take priority over other duties.
      - The most we can say is
        - Perfect duties tend to have priority over imperfect.
        - One looks at the situation and figures out what to do.
        - This *not* intuitionism, he does not claim that you know intuitively what to do.
    - Lewis & Walzer (future readings) show how this reasoning could be done.

Thesis #3: Intuitionism

- *Prima facie* duties are known to be such by intuition.
  - Intuition is a basic insight into the nature of things (i.e., one not based on argument)
  - This thesis is severable from the other two; one could hold that there are a number of duties, each of which holds only prima facie, but deny that they are known by intuition.

Thesis #3: Intuitionism (cont’d. 2)

- Kinds of knowledge alleged to be intuitive
  - Mathematics—the intuitionists’ stronghold
    - 1+1=2
    - Any straight line segment can be extended indefinitely in a straight line.
    - A straight line segment can be drawn joining any two points.
  - The basic principles of philosophical & scientific knowledge
    - The Law of Non-contradiction: Nothing can be & not be in the same way at the same time.
    - The Principle of Causality: Every event has a cause.
  - Ethics
    - Ross’ *prima facie* duties
The Case of Daniel M'Naghten

M'Naghten murdered Edward Drummond, secretary to Tory Prime Minister, Sir Robert Peel. He told police that he had intended to murder the Prime Minister himself since “the Tories in my city follow and persecute me whenever I go, and have destroyed my peace of mind. They do everything in their power to harass and persecute me; in fact they wish to murder me.” He was judged “not guilty” by reason of insanity.

II. Applying the Principles of Presumptivism

Moral deliberation is determination of which prima facie duties are relevant to the situation, & which duties override which in the situation. Moral discourse is the demonstration of the same.

III. Objections & Replies

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<tr>
<th>Objection</th>
<th>Reply</th>
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<tbody>
<tr>
<td>1. Intuitionist theories tend to bias in favor of the status quo since contemporary practice will seem intuitively proper.</td>
<td>Intuition only provides knowledge of the most general truths of morality. It does not provide any immediate knowledge of the rights of particular practices (e.g., war or slavery).</td>
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<td>2. A simpler (monistic) theory would be preferable, (e.g. all the duties could be derived from a single fundamental duty such as the utility principle</td>
<td>&quot;Loyalty to the facts is worth more than a... hastily reached simplicity.&quot; It is simply not true that all duties are reducible to utility or any other duty. The duty to keep one's promises is not just our duty because it promotes utility; these are equally basic insights into what is right.</td>
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III. Objections & Replies (cont'd.)

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<td>3. Ross' theory is radically incomplete—it does not tell us how to resolve conflicts of duties.</td>
<td>This is a remediable defect. There are ways to assess how stringently a duty holds in a particular situation. E.g., the stringency of fidelity (promise-keeping) depends on what was said or understood when the promise was made (&quot;I'll meet you at 3,&quot; vs. &quot;I promise to meet you...&quot;, vs. &quot;I solemnly swear to meet you...&quot;)</td>
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<td>4. Some acts are absolutely forbidden, not just forbidden prima facie.</td>
<td>This is a more serious objection: The kinds of actions which are said to be absolutely forbidden are fairly specific (e.g., killing the innocent, adultery) where Ross' prima facie duties are fairly general. Nevertheless, presumptivists generally do not believe that actions which absolutists forbid are always wrong. See Ross &amp; Walzer on killing the innocent.</td>
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Other Versions of Presumptivism

- The key idea in presumptivism is that moral considerations (e.g., one's own duties, the rights of others) can be overridden by other considerations.
  - Such a theory must give a list of rights, duties, or prohibitions that constitute its principles
  - Some idea of how one principle comes to override another
- Many different theories might be of this type, e.g.,
  - Jefferson (Declaration of Independence) & Locke (2d Treatise on Government)
    - Everyone has a right to life, liberty & the pursuit of happiness (Jefferson) or property (Locke)
    - These rights are not absolute, but can be overridden
      - A person's right to life may not protect him from capital punishment for a serious crime
      - A person's right to property may not protect him from state's use of eminent domain to take his property
  - Walzer (upcoming reading) on non-combatant immunity & its limits
    - People have a prima facie right not to be killed.
    - So, non-combatants have a prima facie right not to be killed in war.
    - But in a supreme emergency, this right is overridden.
      - Innocent civilians may be killed in such a case.

Rights & their Limits

- How might one justify not treating someone in a way that he has a right to be treated or not allowing him to do something he has some kind of right to do?
  - Some rights are limited either inherently or by the existence of strong duties not to exercise them in a certain way
    - A citizen's right to speak his mind is limited by laws against slander
    - A citizen's right to walk the streets might be overridden by considerations of public safety (imposition of a curfew).