

Critical Notice

ROBERT AUDI, *The Good in the Right: A Theory of Intuition and Intrinsic Value*. Princeton: Princeton University Press 2004. Pp. 244.

I

Ethical intuitionism is the label typically affixed to a cluster of distinct meta-ethical and normative ethical views. Roughly speaking, the position contains a commitment to the existence of non-inferential justification or knowledge and to some form of normative pluralism. These and related views were most famously defended in one version or another by certain late nineteenth- and early twentieth-century British moralists. By the middle of the last century, however, the philosophical fortunes of ethical intuitionism had declined considerably. The plunge was due in the main to objections directed to the putatively extravagant metaphysical and epistemological commitments of the position. The criticisms were thought to be so devastating that by the early 1960s William Frankena declared that the key meta-ethical aspects of intuitionism were all but impossible to defend. 'An intuitionist must believe in simple properties, properties which are of a peculiar non-natural or normative sort, a priori or non-empirical concepts, intuition, self-evident or synthetic necessary propositions, and so on. All of these beliefs are hard to defend in the present climate of opinion.'¹

The normative commitments of the framework fared somewhat better, though they too were attacked.² John Rawls, for instance, claimed

1 William Frankena, *Ethics* (Englewood Cliffs, NJ: Prentice-Hall 1963), 86-7

2 For example, Frankena endorsed something akin to normative intuitionism, despite his misgivings about the meta-ethical elements of ethical intuitionism.

that without some account of how the plurality of normative principles are to be weighed against one another using 'reasonable ethical criteria, the means of rational discussion have come to an end. An intuitionist conception of justice [and by extension ethics] is, one might say, but half a conception.³

Philosophical fashion is changing. The fortunes of intuitionism are now improving as various forms of the position work their way back into the philosophical mainstream.⁴ One of the leading figures in the movement to restore the respectability of intuitionism is Robert Audi. In his engaging new book, *The Good in the Right*, he aims to defend several of the account's traditional components.⁵ The book's ambition is, broadly put, to defend a moderate form of ethical intuitionism according to which there are (a) an 'irreducible plurality of moral principles that are non-inferentially and intuitively knowable' and (b) 'a set of basic moral standards ... that directly apply to daily life: principles governing veracity, fidelity, justice, beneficence, reparation, and much more' (197).

Audi's account of intuitionism is inspired in part by the ethical works of W.D. Ross. He adopts the latter's broad framework while refining and defending it. The appeal here to historical figures is not insignificant, for part of what drives the resurgence of various forms of ethical intuitionism is the renewed interest in the historical proponents of its central elements, especially Henry Sidgwick, G.E. Moore, W.D. Ross, C.D. Broad and, to a lesser extent, H.A. Prichard, Hastings Rashdall, E.F. Carritt and others. Indeed, some have alleged that the only way forward in normative ethics is to borrow from these moralists. Thomas Hurka, for example, argues that 'the ideal future of normative ethics ... lies in its past. It must entirely shed its traces of mid-century skepticism if it is to return to the levels of insight provided by G.E. Moore, Hastings Rashdall, J.M.E. McTaggart, W.D. Ross, C.D. Broad, and other early twentieth-century moral theorists.'⁶ Audi seems to agree, taking pains to link his own project to the key defenders of intuitionism. Ross and his intuitionist brethren are not the only historical figures from which Audi seeks

3 John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press 1971), 41

4 See, for example, several of the essays in *Ethical Intuitionism: Re-evaluations*, Philip Stratton-Lake, ed. (Oxford: Oxford University Press 2002), Russ Shafer-Landau, *Moral Realism: A Defense* (Oxford: Oxford University Press 2003) and Michael Huemer, *Ethical Intuitionism* (New York: Palgrave Macmillan 2006).

5 All bare parenthetical references in the text are to this work.

6 Thomas Hurka, 'Normative Ethics: Back to the Future,' *The Future for Philosophy*, Brian Leiter, ed. (Oxford: Oxford University Press 2004) 246-64, at 246.

inspiration. He thinks that an appeal to Immanuel Kant can help rescue ethical intuitionism from some of its alleged defects. His view is that Rossian-type moral principles can be clarified, unified and justified by appeal to some version of Kant's categorical imperative. He further contends that the moral principles that he endorses contribute to human flourishing. He calls the resulting view 'a value-based Kantian intuitionism' (200).

In this critical notice, I focus on Audi's defense of the epistemological aspects of intuitionism as well as his claim that some version of Kant's categorical imperative is a plausible normative structure to rely on for the clarification, unification and justification of the ethical principles that he holds to be self-evident, among others. I argue that he is unable to overcome some of the liabilities associated with epistemological intuitionism and that aspects of the normative intuitionism that involve appealing to Kant are flawed.

Ethical intuitionism contains both meta-ethical and normative ethical commitments. Meta-ethical intuitionism (MI) traditionally includes the following commitments. (1) The first is to a version of foundationalism about justification, according to which some propositions are non-derivatively justified. (2) The second is to the view that any justified normative proposition is either a foundational proposition or derived from such a proposition. This follows from the fact that normative propositions — or beliefs about what it is to do or what one to do or what is — cannot be (deductively or inductively) derived from propositions about what the case. It denies therefore the possibility that there are only normative propositions that are derived from foundational propositions that are themselves non-normative in content. The absence of foundational normative propositions would entail that there are no justified normative propositions. (3) The third commitment is to the existence of some sort of 'faculty' of intuition or 'capacity' for rational insight. The idea is that in addition to introspection, perception, and other cognate capacities, we have the capacity to know or be rationally justified in believing some moral propositions on the basis of reflection or understanding alone. (4) The fourth commitment is to a form of non-naturalism. Normative notions like 'ought' and 'right,' 'good' and 'bad' cannot be analyzed exclusively in terms of physical, psychological or other non-normative notions. (5) Finally, ethical intuitionists subscribe to some form of cognitivism, according to which moral judgements are capable of truth and falsity and such moral truths that exist are invariant with respect to our beliefs about them.

MI constitutes the core of ethical intuitionism. Versions of MI are defended by Sidgwick, Moore, Broad, Rashdall, and Ross, among others. Some of these moralists also defend normative intuitionism (NI) about either the right or the good or both. NI includes the following theses. (1) The most basic values and/or principles of ethics are plural: they are not reducible to some more basic principle or value, e.g., the principle of utility or the categorical imperative or welfare or perfection. (2) There is no explicit mechanism for adjudicating conflicts between the basic values and/or principles of morality and no explicit priority rules exist for weighing the principles or values against each other.⁷

Some defenders of MI reject NI. Sidgwick, for example, defends MI but not NI.⁸ Moore and Rashdall defend MI and NI about the good but not about the right.⁹ Broad and Ross defend both MI and NI.¹⁰ Audi's characterization of ethical intuitionism resembles the one provided above (20-2), but he departs from the traditional account. He defends a form of MI's (1) and (2)¹¹ and to a lesser extent a form of MI's (3)¹² as well as some account of (1) of NI.¹³ He says nothing much about (4) or (5) of MI,¹⁴ and he explicitly wants to reject (2) of NI in an effort to help defend Ross against objections.

7 It is important to keep these two elements distinct. Rawls, for example, defends (1) but not (2). See Rawls, *A Theory of Justice*, 42-4 & 61. He thinks that the plural principles he defends can be lexically or lexicographically ordered. This reminds us that not all pluralists are normative intuitionists.

8 Henry Sidgwick, *The Methods of Ethics*, 7th ed. (London: Macmillan 1907). Hereafter ME.

9 G.E. Moore, *Principia Ethica* (Cambridge: Cambridge University Press 1903) & Hastings Rashdall, *The Theory of Good and Evil*, vols. I & II (Oxford: Clarendon Press 1907)

10 C.D. Broad, *Five Types of Ethical Theory* (London: Kegan Paul 1930) & 'Self and Others,' *Broad's Critical Essays in Moral Philosophy*, D. Cheney, ed. (London: George Allen and Unwin 1971), 262-82, and W.D. Ross, *The Right and the Good* (Oxford: Oxford University Press 1930).

11 See 21, 74, and 76.

12 See 29 and 32.

13 See 161-96.

14 Audi claims that he does not take 'non-naturalism as *basic* in an intuitionist ethics as such' (21; italics in original). His view is that the elements of MI and NI that he sets out to defend are compatible with naturalism, empiricism and non-cognitivism (2, 34, 54-6, & 151). This explains why he spends no time defending 4 & 5 of MI, though he claims to favor a rationalist version of the view (54-5).

III

In this section, I concentrate on Audi's defense of the main epistemological aspects of intuitionism. His theory of intuition includes an account of the nature of non-inferential justification and the nature of self-evidence. According to Audi, we should understand the notion of an intuition in the 'psychological, specifically *cognitive* sense in which it is an element like (and perhaps a kind of) belief' (32; italics in original; see also 11). Such beliefs possess 'evidential weight' (47; see also 38). For a cognitive state to count as an intuition it must be (a) non-inferential: 'the intuited proposition in question is not — at the time it is intuitively held — believed on the basis of a premise' (33), (b) firmly held with a certain unspecified degree of conviction and not diffidently, (c) 'formed in the light of a minimally adequate understanding of their propositional objects' (34; see also 48), and (d) not held as either a theoretical hypothesis or on the basis of some theory (35, 36-9). Our capacity for intuition is a rational cognitive capacity, one role of which is unsurprisingly to provide us with 'direct, i.e., non-inferential, knowledge (or at least justified belief) of the *truth ...* of moral propositions' (31; italics in original; see also 44 & 48).

Audi develops a form of what he calls 'soft self-evidence' (48-54). A self-evident proposition is one such that 'an adequate understanding of it is sufficient both for being justified in believing it and for knowing it if one believes it on the basis of that understanding' (49). A soft self-evident proposition is one that is not (a) 'strongly axiomatic'; it may be further justified by appeal to other propositions (53), (b) immediately obvious, since a certain amount and degree of reflection and understanding (not fully specifiable) may be required to know such a proposition (49-50, 211n19), (c) indefeasibly justified (e.g., 30, 32, 53, 151) and (d) 'compelling, i.e., cognitively irresistible given a comprehending consideration of' it (53). Audi rightly notes that when one has intuitive knowledge of a self-evident proposition, it is the truth of the proposition — e.g., that one ought *prima facie* to keep one's promises — that is known directly, not the self-evidence of the proposition (29, 31 & 42-5).¹⁵ The notion of self-evidence is an epistemic notion, appeal to which serves to explain how a certain proposition may be justified non-inferentially and how it can be known (43-4). This epistemic status is not the object of intuition.

15 This is something that Ross and other intuitionists, e.g., Sidgwick, failed to see. For Ross's mistake, see *The Right and the Good*, chap. 2. For Sidgwick's mistake, see ME, 373 and 'Professor Calderwood on Intuitionism in Morals,' *Mind* 1 (1876), 563-6.

Audi's version of intuitionism contains no commitment to the infallibility or indefeasibility of intuitions or 'to the existence of a special faculty of intuition — such as a capacity peculiar to ethical subject matter' (32). He thinks that attributions of these views to Ross are based on a misunderstanding (32). Audi does speak about a capacity for intuition and many of the traditional proponents of intuitionism have spoken about such a capacity (48). He claims that the capacity for moral intuition is part of our 'general rational capacity as manifested in grasping logical and (pure) mathematical truths and presumably other kinds of truths, ethical and non-ethical' (33; see also 150-1). This is not particularly helpful as an answer to worries about the existence of a capacity we have for arriving at directly justified moral propositions, since we are not given an account of the nature of this general rational capacity as it is manifested in the acquisition of non-ethical knowledge and we are not told whether the positing of it is even plausible in such cases. This problem is compounded by the fact that Audi does not provide an account of how similar the various manifestations of this capacity are to each other and whether their differences are more pronounced than their similarities. Moreover, Audi's answer does not give us any insight into the nature or power of this aspect of our general rational capacity and how it functions in relation to or distinctly from perceptual and cognate capacities and mechanisms. At the very least, further enquiry is required, especially given Audi's claim that 'rights and duties are not observable, yet we have intuitions about them' (37) and that 'it is doubtful that we can account for knowledge of logic and pure mathematics without some notion of self-evidence (or at least a notion of the a priori that raises ... problems)' (150-1).

This is not the matter that should most trouble Audi. The main worry about his brand of MI concerns the nature of non-inferential justification and knowledge. For Audi, the objects of intuition are plural, comprising 'particular moral judgements' (60), 'some singular moral judgements' (68; 69 & 161) (e.g., that one ought when asked to help a friend who is loading his car for a family vacation (59)), 'basic moral principles' of the variety Ross espoused (e.g., principles enjoining beneficence) (21-2; 161, 188-95), ascriptions of rights (182), claims about intrinsic goods and evils (159), and 'final duty' (159), among others. Only basic moral principles and ascriptions of certain rights are considered self-evident (in the soft sense) (33, 41, 68-9, 161, 182, 190).

The view, then, is that we can have direct, non-inferential knowledge of or justification for both self-evident and non-self-evident moral propositions. Audi does not, however, adequately account for the epistemic differences between these two sets of propositions in terms of how they are intuitively known or justified. An explanation of this is important because he thinks that in some cases 'our justified confidence

level is higher ... for singular moral judgements than for any Rossian principles that subsume them' (114) and because he holds that by appeal to intuitively known or justified singular or lower level (lower than the level of principles) judgments it is possible to amplify the epistemic warrant of self-evident propositions and higher level master theories (e.g., Kant's categorical imperative) (69, 109-12).¹⁶ These views are unique to Audi's brand of intuitionism; they distinguish him from other intuitionists, e.g., Ross and Moore, who appear to claim that self-evident moral propositions cannot be inferentially justified.

The problem is that Audi holds that for a cognitive state to be an intuition it must be 'formed in the light of a minimally adequate understanding of their propositional objects' (34; see also 48).¹⁷ He also says that a self-evident proposition is one such that an adequate understanding of it is sufficient for being justified in believing it (49). How, then, given the comprehension requirement and the nature of self-evident propositions, is it the case that not all intuitions are of self-evident propositions? It is the case that to be intuitively justified in believing a non-self-evident proposition it is merely necessary that one have some degree of understanding, while some such understanding is only sufficient for justification in the case of a self-evident proposition. It is hard to see how this could explain the epistemic difference between these two intuitions, though, especially since Audi does not state that in addition to understanding or comprehension something more, epistemically speaking, is needed for one to be justified in believing a moral proposition which is directly justified but not self-evident.¹⁸ However, if some intuitions are not of self-evident propositions, we require some sort of explanation as to how they are known or warranted directly on the basis of comprehension without reference to the notion of self-evidence, an epistemic notion used to explain how certain moral propositions are known or justified non-inferentially (43-4). What we require is an account of what more is required for direct justification of non-self-evident propositions that distinguishes them, epistemically speaking, from self-evident propositions.

16 This is the sense in which for Audi self-evident propositions are not 'strongly axiomatic.'

17 This is his 'comprehension requirement.'

18 Except of course the three other features of intuitions specified above. These are not relevant here since they are assumed to be present in the case of intuitions of self-evident propositions as well.

Audi's difficulties here can be traced in part to his failure to fully articulate the factors that ground the epistemic differences between intuitively known or justified self-evident moral propositions and intuitively known or justified non-self-evident moral propositions. He claims that singular moral propositions and cognates are not self-evident because these sorts of judgements are 'existential and depend on contingencies' (69), while self-evident propositions are knowable on purely conceptual grounds. But this is not enough. First, self-evident principles seem to be 'existential and depend on contingencies,' including those involving appeal to contingent facts about human beings (e.g., that they are sentient or capable of experiencing pleasure and pain) and involving rights to such things as free speech (182). How are specific judgements such as 'a singular moral judgement about a particular person' (69) any more or less existential and dependent on contingencies than the self-evident principles that 'we should not injure or harm people' (188) or that we 'should develop or at least sustain our distinctively human capacities' (193)?

Second, Audi does not attempt to make sense of intuitive justification, i.e., justification of non-self-evident moral propositions, not based on 'conceptual' grounds (69). The only suggestion he makes is that conceptually based justification is opposed to empirically or observation based justification (30). This does not help his case. Our knowledge or justification of singular or particular or final moral judgments does not appear to be any less conceptual than or in any way more empirical or observation based than our justification of self-evident moral principles. Third, even if we grant the distinction it appears as if Audi is working with two different kinds of understanding or comprehension, one for self-evident propositions and one for non-self-evident propositions. The first pertains to self-evident moral propositions that are 'knowable on conceptual grounds' while the second pertains to non-self-evident moral propositions that are directly knowable on some other grounds (69). This raises the issue of the nature and the power of the justification generated by each distinct kind of understanding. If the comprehension and knowledge of non-self-evident is based on matters that are 'existential and depend on contingencies,' then how is such understanding able to support the claim that 'our justified confidence level is higher ... for singular moral judgements than for any Rossian principles that subsume them' (114)?

The problem is particularly acute for Audi, since he thinks that there are many particular or singular moral and axiological judgments that are justified intuitively but not self-evident. In fact, there seems to be scarcely a moral judgment or claim that for Audi is not known or warranted non-inferentially. The most plausible intuitionist response to the above problems is to revert to the view that the only objects of intuitions are

propositions that are properly thought to be self-evident — for example, Rossian or highly abstract principles. The problems noted above may well be why some of the main proponents of MI (e.g., Ross and Sidgwick) held that it is only self-evident principles that are directly or non-inferentially known.

Furthermore, it seems rather implausible to hold that singular moral judgements are non-derivatively justified. Consider the following to illustrate. Suppose someone does you a good turn unexpectedly. It might be plausible to think that you therefore have an obligation of gratitude to the person, and we might further think that this is an instance of a singular moral obligation that is known intuitively. Yet, the fact that specific, singular moral judgements are typically heavily qualified or limited by other morally relevant factors suggests that it is plausible to construe them as at best derivatively justified moral propositions. The obligation of gratitude, for example, is qualified by degree of hardship associated with expressing it; by whether gratitude will produce further hardship; whether the good turn for which one should be grateful is morally permissible; and whether the effect on the person toward whom the gratitude will be expressed will be beneficial; and so on. The qualifications are many and significant and to such a degree that the best explanation of the status of this claim is that its moral force resides in a more superior principle. Indeed, this is the best explanation for why we tend to think that in such cases that there is only at best a reason to express one's gratitude.

It would restore the respectability of intuitionism to hold that only self-evident principles or propositions stating such principles are the objects of intuition. This would solve (to some extent) the worries above, and it would limit Audi's implausible inflation of intuitions. This leads to the issue of whether any of the self-evident principles he puts forward are in fact self-evident. Unfortunately, even a casual survey reveals that none of the principles he takes to be self-evident look in fact to be so. Indeed, he should have devoted much more of his book to dealing with the principles that he thinks are self-evident, for the ones that he does endorse are so completely vague and unspecific that it remains far from clear that they are self-evident. He holds as self-evident the following principles: 'We should not lie,' 'we should not injure or harm people,' 'we should keep our promises,' 'we should not treat people unjustly and should contribute to rectifying injustice and to preventing future injustice,' 'we should make amends for our wrong-doing,' 'we should contribute to the good (roughly, the well-being) of other people,' 'we should develop or at least sustain our distinctively human capacities,' among others (188-95).

These principles are plausible, but their self-evidence has not been demonstrated. Consider, for example, the principle of beneficence, ac-

ording to which ‘we should contribute to the good (roughly, the well-being) of other people’ (191). Audi notes that ‘we also have a prima facie obligation to contribute to the welfare of non-human animals’ (237n23). He leaves reference to this obligation out of his principle because it raises issues he cannot answer and, he holds, it ‘has a lesser claim to be in any way self-evident’ (237n23). This leaves the original principle looking rather arbitrary, however, and this in turn threatens the claim that the principle is self-evident.

Audi might attempt to respond to this argument by pointing out that he is not excluding from his view the claim that we have obligations to non-human animals. Instead, he is claiming that it is not self-evident that we have such obligations. He is claiming merely that it is self-evident that we have obligations to promote the welfare of people. But this response raises more questions than it answers. Is the principle that we should contribute to the good of other people known on the basis of the concepts it includes (30)? If so, how is it known in this way? If not, then how is it known? Is the principle existential and dependent on contingencies? Is the fact that it has a greater claim to self-evidence just a reflection of certain of our speciesist prejudices?¹⁹ Does it seem more likely to be self-evident because we (or at least many of us) antecedently take it to be obvious? Who is covered by this principle? What counts as a human for the purposes of the principle? Does it cover foeti, concepti, embryos, rational or self-conscious creatures only? Without an answer to these questions Audi invites the charge that principle is not after all self-evident or intuitively known.²⁰

This discussion points to the fact that there are deep disagreements about Audi’s intuitions. Some have argued that the best explanation of this fact is that there are no self-evident propositions or intuitions whatsoever. To this objection — the ‘dissensus objection’ (60) — Audi has a number of responses, the most of important of which I will discuss

19 One referee argues that the charge of speciesism here is dubious because ‘the claim that we should contribute to the good of other people — where ... this does not imply that we should contribute only to the good of other people — cannot reflect speciesist ideas.’ True, but this is not my point. I am arguing that perhaps the reason why this principle seems to have a greater claim to self-evidence is because of speciesist tendencies humans typically have.

20 One referee contends that it is not correct to think that the ‘only propositions suitable for self-evident knowledge are ones completely without vagueness in their concepts.’ I do not claim this against Audi. Instead, my contention is that Audi’s are so vague that they do not seem even on the face of it to be self-evident.

here.²¹ The clearest account of it is captured in the following statement. 'Kantians and utilitarians may respond in similar ways [to the same circumstances], each judging that there is, say, an obligation to give a terminally ill patient a true diagnosis, despite their differing accounts of the basis of the obligation. Intuitionism builds on this similarity, and its appeal is in part due to the sense that at the level of agreement in reasons, thoughtful people tend to have the makings of a common starting point' (62).

It may well be correct that 'thoughtful' people often have similar points of departure, but it is not clear how this helps succour intuitionism in so far as it is devoted to intuitions, self-evident or otherwise, from the dissensus objection. For it is possible that the above is true of both Kantians and utilitarians and for intuitionism to be false, i.e., it is possible for there to be the kind of agreement that Audi points to and false that there are self-evident propositions or intuitions of any variety. After all, the Kantian and the utilitarian presumably do not or may not agree that the obligation in question is known directly or self-evident. Of course, Audi does argue that there is a 'wide agreement in moral practice' about what we ought to do, and that 'the truth and non-inferential justifiability of the relevant principles explains, or at least comes closer to explaining than any competing hypothesis, the high degree of consensus among people in wide segments of their everyday moral practice' (63). However, this too is far from straightforward, since it may well be the case that the consensus is better explained by the fact that Rossian-style principles are the best means to promoting certain desirable ends (e.g., truth telling might be a way both of promoting well-being and respecting autonomy) or that these principles are the object of some sort of compromise or contractual agreement. At the very least, more needs to be said.

Despite these problems I do not think that the dissensus objection is the most devastating objection to Audi's intuitionism. A wide variety of plausible views about moral justification rely on something like intuitions for use in assessing moral theories, whether they are characterized as 'beliefs of a credibility to some extent independent of their relation to other beliefs,'²² 'moral beliefs about which we

21 For a more in-depth discussion of this matter, see Roger Crisp, 'Intuitionism and Disagreement,' *Rationality and the Good: Critical Essays on the Ethics and Epistemology of Robert Audi*, Mark Timmons, John Greco, Alfred R. Mele, eds. (Oxford: Oxford University Press 2007).

22 James Griffin, *Value Judgement: Improving Our Ethical Beliefs* (Oxford: Oxford University Press 1996), 13

confidently agree,²³ 'spontaneous' judgments that possess normative authority but that are 'not the result of conscious inferential reasoning,²⁴ 'considered judgments' or 'common-sense intuitions.'²⁵ All of these are objects of disagreement, and therefore Audi's view fares no worse on this score than other views with which it competes. However, Audi is still left with two problems, namely, that he has not properly explained the nature of the warrant we have of the intuitions that he holds that we have of non-self-evident moral propositions, and that he has not really demonstrated the self-evidence of the moral propositions that he thinks are self-evident.

In chapter I of *Practical Rationality and Preference*, Audi examines the intuitionist views of Sidgwick, Moore, Prichard, Broad, and Ross. One important but non-essential component of this tradition that Audi does not discuss in detail concerns the issue of the possibility and desirability of building a unified and complete moral system. Ross, Moore, Prichard, Rashdall and Broad all defend some version of pluralism. Ross, Prichard and Broad defend pluralism about the good and the right, while Rashdall and Moore defend pluralism about the good but monism about the right. Despite their disagreements their reason for defending some form of pluralism is the same. In his discussion of the question 'What things are goods or ends in themselves?' Moore mentions the fact that his value pluralism does not 'display that symmetry and system which is wont to be required of philosophers.'²⁶ In response, he claims that we should not automatically expect our morality to exhibit system or unity. In fact, he says, 'to search for "unity" and "system," at the expense of truth, is not, I take it, the proper business of philosophy, however universally it may have been the practice of philosophers.'²⁷ In other words, one should not sacrifice intuitive accuracy in order to achieve theoretical simplicity or

23 Brad Hooker, *Moral Particularism* (Oxford: Oxford University Press 2001), 16

24 Jeff McMahan, 'Moral Intuition,' in *Moral Particularism*, ed. Hugh LaFollette, (Oxford: Blackwell 2000) 92-110, at 94

25 Rawls, *A Theory of Justice*, 46-53, esp. 51; and Norman Daniels, 'Wide Reflective Equilibrium and Theory Acceptance in Ethics,' *Ethics* (1979) 256-82

26 Moore, 222

27 Moore, 222

unity. Ross echoes Moore's sentiment. He notes that it may be objected that his 'catalogue of the main types of duty is an unsystematic one resting on no logical principle.'²⁸ In reply, he maintains that 'loyalty to the [moral] facts is worth more than a symmetrical architectonic or a hastily reached simplicity.'²⁹ After his discussion of a brand of normative intuitionism that he favours, Broad notes that in light of the fact that many moral decisions will require careful balancing and judgement, his view compares 'ill with the sweet simplicity of Utilitarianism.'³⁰ In response, he contends that 'perhaps we may say that Utilitarianism is at once too simple in theory and too difficult in practice to satisfy either the philosopher or the plain man for very long.'³¹

This view of the moral philosopher's role is fundamentally at odds with the view advocated by Sidgwick. He argues that the moral philosopher's job is to seek 'unity of principle, and consistency of method,' even if this entails revisions to common-sense morality.³² So serious was Sidgwick's commitment to unity and system that he argued that we should accept happiness or well-being as the sole foundation of morality (at least in part) because he found no answer to the question: 'If we are not to systematize human activities by taking Universal Happiness as their common end, on what other principles are we to systematize them?'³³

Audi hopes to overcome the difficulties that are said to plague the pluralist versions of intuitionism, especially the ones that espouse both (1) and (2) of NI, in a way that seems to favour the Sidgwickian approach over the Moorean or Rossian approach. Audi's search is for the 'unification' of Ross's principles of duty (among others) by reference to 'a comprehensive moral theory of a kind that provides an adequate basis for ... disparate principles' (80). His aim is to move intuitionism beyond the reliance on Rossian 'practical wisdom' in adjudicating conflicts of

28 Ross, 23

29 Ross, 23; see also 19.

30 C.D. Broad, *An Introduction to Moral Philosophy*, 223; see also C.D. Broad, 'Some of the Main Problems of Ethics,' *Proceedings of the Aristotelian Society*, D. Cheney, ed. (London: George Allen and Unwin 1971) 223-46.

31 *Practical Ethics*, 223; see also 283-4.

32 Sidgwick, *The Methods of Ethics*, 6. How much deviation Sidgwick allows from common-sense morality is a matter of dispute. For discussion, see Robert Shaver, *The Moral Philosophy of Henry Sidgwick* (Cambridge: Cambridge University Press 1999) and my 'Schultz's Sidgwick,' *Journal of Business Ethics* (2007) 91-103.

33 Sidgwick, *The Methods of Ethics*, 406

duties.³⁴ The comprehensive moral theory that he favors is Kantian in inspiration. He thinks that by appeal to a version of the categorical imperative he can unify, clarify and (in some sense) justify certain of Ross's principles enjoining duties.

One initial difficulty with this suggestion is that it may appear to be providing help to those who may find it wrongheaded. There is, moreover, no explicit defense of the idea that unity or system is more important than, say, intuitive adequacy or fidelity to what we think, especially where the two collide. What is required is a defense of the unity and system sought by, for example, Sidgwick and Rawls, against the Moorian and Rossian claims that we should leave ordinary thought immune from theoretical revision at the hands of system. It seems that the best way to test whether Audi is right to think that some sort of unification is desirable in moral philosophy is to examine his attempt to unify by Kantian means the self-evident principles that he and Ross defend. This is the task of the next section.

Audi favors a version of the categorical imperative that he calls the 'intrinsic end formulation' (91), according to which one is obliged to 'Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end' (90).³⁵ The main function of this formulation of the imperative is to select, formulate, unify and in some way justify 'Rossian principles and subsidiary rules' (91). It is important to be clear that this is the reason behind the employment and adoption of the categorical imperative. Audi claims at the outset of chapter three of that he introduces the categorical imperative in order to move his brand of ethical intuitionism 'beyond a Rossian application of practical wisdom in dealing with conflicts of duties' (84). However, he admits later on in the chapter that 'practical wisdom is required to apply the categorical imperative' (93), and that even within the confines of his own Kantian intuitionism 'there is still no bypassing practical wisdom' (120). In other words, although his aim in defending the categorical imperative is to

34 Hence, he explicitly rejects (2) of NI above.

35 He notes that this version is not identical to those found in Kant's ethical writings, but since his aim is to defend some kind of Kantianism rather than Kant himself, this does not worry him.

help with selecting, formulating, justifying and unifying Rossian duties, he does not think that this is done *sans* practical wisdom. This makes the role the categorical imperative plays more precise, but it also makes unobvious the advantages such a framework has over Ross's own view, especially as regards the issue of dealing with conflicts between *prima facie* duties and their precise formulation.

It is important to add to this the complaint that even with this clarification the exact epistemic relationship between the intrinsic end formulation of the categorical imperative and the self-evident *prima facie* duties that Audi accepts is rather imprecise. He holds that it is not possible to strictly deduce Rossian-style principles or their like from his version of the categorical imperative. Rather, 'we may be able to achieve only a weaker derivation of Rossian duties: a justificatory rationale for them rather than a strict deduction of them' (102). This is vague, and the more imprecise Audi's claim is the less it looks like he has anything resembling a real justification of the Rossian principles. Indeed, the weaker the claim he makes about providing a rationale for the self-evident principles he endorses, the more likely it is that those who hold that self-evident propositions cannot be inferentially justified may accept it. For instance, Sidgwick thought that the basic elements of utilitarianism were self-evident and incapable of inferential justification, yet he also thought that some kind of 'proof' could be given of them in the sense that he could furnish opponents of the view with considerations that are, in J.S. Mill's words, 'capable of determining the intellect either to give or withhold its assent to the doctrine.'³⁶ Therefore, he can agree that it is possible to give some kind of rationale for self-evident propositions without endorsing a version of soft self-evidence.

Audi's problems are compounded by the fact that he neglects to provide us with much reason to believe that the categorical imperative is the correct mechanism to rely on to justify and clarify the Rossian principles that he adopts, calling it merely 'reasonable' to believe (112). He needs more than this in light of the fact that he rejects potential rivals without much by way of argument. He rejects utilitarianism as the correct framework for systematizing, clarifying and justifying Rossian duties because it provides the needed justification 'only by invoking auxiliary assumptions that are both contingent and quantitative' (104). He does not explain what he means by 'contingent' or why such justifications are problematic, and it remains rather less than obvious that he

36 J.S. Mill, *Utilitarianism*, Roger Crisp, ed. (Oxford: Oxford University Press 1998), chap. 1, paragraph 5. See also Sidgwick, ME, Book IV, chapter II and 'The Establishment of Ethical First Principles,' *Mind* 4 (1879) 106-11.

eschews reliance on auxiliary assumptions that are 'contingent' in his attempted justification of Rossian and other duties.

In the remainder of this notice I will put these worries to one side to examine and evaluate two ways in which Audi puts his favored version of the categorical imperative to work. He uses the categorical imperative to tackle what he calls the 'beneficence problem' and the problem of vagueness that afflicts Ross's principles and their cognates. I will begin with the second problem.

Audi argues that both the categorical imperative and the Rossian principles ban illuminate each other (105-12). In the event that we wish to fully clarify Rossian principles, we can rely on the key notions in the categorical imperative, namely, the ideas of what it means to treat someone as an end and what it means to treat someone merely as a means (107; see also 109-12). For Audi, to treat someone as an end is 'above all for the relevant acts toward the person (the 'treatment') to be motivated by a concern with the good, say the physical or psychological well-being, of the person for its own sake' (91-2). To treat someone as a means only, on the other hand, is 'for the relevant acts toward the person to be motivated only by instrumental concerns and accompanied by an indisposition to acquire any non-instrumental motivation toward the person' (92).

The claim that the categorical imperative clarifies Rossian duties is problematic. The two elements of the categorical imperative that are to be relied on for clarification of the principles at issue seem to lack sufficient content to perform the task. In Audi's view, we have a clear sense regarding treating someone merely as a means. It is an idea we acquire from, among other things, 'our understanding of instrumental relations among both animate and inanimate things' (107). Our understanding of what treating something as an end consists in is gleaned from examining the writings of Kant and Ross (109-10).³⁷ However, even with this understanding, the notions of what it is to treat a person as an end and what it is to treat a person as a means exclusively are slight and it is hard to see what help they will be to us in clarifying the Rossian duties that Audi argues we have. How will these notions help us determine what justice is or what a promise is or what a lie is and the conditions under which a lie or a promise is morally binding? How will these notions help us make sense of the Rossian duty of self-improvement? Do we really treat ourselves as a means only or not as an end when we voluntarily neglect to promote our own good or improve ourselves? Do

³⁷ The appeal here to Ross seems to make his view circular, but let us ignore this complication for the moment.

the notions in the categorical imperative help us determine whether our own pleasure is something at which we should aim or whether we should aim at more than our own pleasure. Do these notions help me to determine whether it really is the case that when you are invited to my house for a drink but leave without thanking me that you h've failed to treat me as an end?

It might appear that the categorical imperative provides us with some insight into why we have a duty or obligation of non-maleficence. Yet even this is far from straightforward, since it seems that part of the reason that we think it wrong to treat people as a means only by, say, harming them to save or help others, is because it entails harming them or violating their most basic desires, and the like. The best explanation of our views about the wrongness of treating people as means and ends turns on precisely what this entails doing. Moreover, nothing in the above notions takes us closer to the justification of the idea that 'at least when other things are equal the avoidance of treating one group as a means [only] takes priority over treating another group as an end' (93). Again, it seems that the justification of this claim emerges from a reflection on just what non-maleficence comprises rather than on the notions of what it is to treat people as ends and/or means only. These notions, it seems, function as no more than a spare wheel.

I now turn to Audi's discussion of what he calls the 'beneficence problem.' One of the most frequent criticisms of intuitionism is that it is incomplete or deficient because it has no rational and explicit mechanism for adjudicating conflicts between principles. One of the most serious such conflicts is the one between Ross's requirement to maximally promote the good and the other duties to which he subscribes, e.g., the duty to keep one's promises, the duty of non-maleficence, the duty of gratitude, and so on.³⁸ The difficulty is that since the demands of beneficence are great and 'all of us normal adults do have weighty natural duties of beneficence which do not depend on our autonomously undertaking them' (97), there will be constant conflicts between this duty and the others on Ross's and Audi's lists. Indeed, given the pressing need, in all likelihood the duty of beneficence would always and nearly everywhere outweigh the other duties.³⁹ The view will then look more like agent-neutral consequentialist or utilitarianism in nature.

38 Ross, 27 & 39

39 This follows from the fact that, as Ross puts it, 'the tendency of acts to promote general good is one of the main factors in determining whether they are right' (39).

To avoid the 'beneficence problem,' Audi again appeals to the intrinsic end formulation of the categorical imperative. He thinks that by appeal to this imperative he can 'clarify' and 'rationalize' the Rossian idea that because of the 'highly personal character of duty'⁴⁰ 'even a large contribution to the welfare of humanity does not *necessarily* outweigh all duties of (say) fidelity or of self-improvement' (94). The categorical imperative can help determine the grounds, scope and stringency of the demand of beneficence. The main worry for Audi concerns the moderation of the demand of beneficence, and this will be my focus.

Audi argues that to be morally bound to take the maximization of the good to be one's only or overriding aim is tantamount to treating oneself or threatening to treat oneself 'merely as a means' (97). This follows from the fact that if one was bound to maximally promote the good, then 'one's personal commitments and talents might not matter at all' (97). Such views ignore the fact that 'our own interests as rational beings have considerable moral importance' (99), and 'giving it [benevolence] such high and virtually invariable priority ill-befits our dignity as persons' (99). This suggests that such a view is 'prima facie wrong and commonly repugnant' (98) and not something rational persons would agree to (98). Audi may be right about this, but the problem is that these remarks are not much of an advance over previous objections to such views as utilitarianism and consequentialism, and they seem capable of standing on their own without Kantian aid.

There are two responses to Audi's argument here. First, it is not clear given the outline he has provided of what treating oneself merely as means consists in that adopting the above views regarding benevolence (e.g., utilitarianism or consequentialism) would entail that one is treating oneself merely as a means. It is not obvious that these views require that one be motivated only by instrumental concerns for oneself or that one have 'an indisposition to acquire any non-instrumental motivation' toward oneself (92). It is an open question what sort of disposition a utilitarian or agent-neutral consequentialist requires of agents, and neither view requires one to see oneself as an instrument when acting in accordance with these views, since one is required to consider one's own good when determining what maximizes the good, and hence when determining what to do.

This leads us to the issue (and this is the second response) of whether or not Audi is right that views that take benevolence to be the only or the highest obligation ultimately lead to individuals using themselves

40 Ross, 22

as a means only. In determining what we ought to do, both utilitarianism and agent-neutral consequentialism operate with realistic assumptions about human beings and their psychological make-up, including certain facts about human attachments and motivation. In light of these facts, some proponents of these views have put forward a set of moral requirements that are most likely to promote their goals over the long run. Consider the suggestion by Peter Singer, according to which each of the wealthy families living in the Western industrial nations of the world is required by morality to donate all monies earned above US\$30,000 to the relief of absolute poverty and its cognates.⁴¹ This is by most standards a radical requirement, but it is the requirement that he thinks follows from utilitarianism. However, it is far from clear that acting on it entails that we are using ourselves as a means exclusively or that it entails not treating others or even friends as ends. If it is far from obvious, then it is unclear what sort of view Audi's objections target.

Furthermore, surely Audi cannot maintain that we should never adopt the attitude that is constitutive of someone who treats or is willing to treat others or oneself as a means only. In war, for example, it might be necessary and desirable. It may also be required in cases where this is the only way in which to avoid harming someone to a significant degree or to promote one's goals in accordance with respecting the requirement of non-maleficence. If it is sometimes permissible, then we need to know when, and this information does not appear to be forthcoming from the categorical imperative. In addition, it is possible even within Ross's view where benevolence is not the only and not the most important duty that one may be compelled to treat oneself as a mere means. For example, consider a soldier in a battle. He or she may be required to kill him or herself in order to save many of his comrades from dying by jumping on a grenade she or he has accidentally dropped, and in order to do this it might well be the case that he or she has to acquire the motivations that are constitutive of treating oneself merely as a means. This seems to suggest that there is a difference in degree rather than kind between this position and maximizing consequentialism and other benevolence based views. Indeed, the differences might not be great in light of what many indirect consequentialists and utilitarianisms

41 Peter Singer, 'The Singer Solution,' *The New York Times Magazine* (5 September 1999), 60-3. See also Peter Singer, 'What Should a Billionaire Give — and What Should You Give?' *New York Times Magazine* (17 December 2006).

have stated about how to accommodate objections of the variety that Audi launches.⁴² Regrettably, Audi does not address these suggestions.

Audi also claims that having benevolence as the overriding or main moral aim would entail that we would often 'fail to treat certain others, such as a promisee or our friends, as ends' (101). This might be right and a plausible reason for at least modifying utilitarianism or unrestricted forms of consequentialism.⁴³ Yet it is not straightforward how this intuition is supported by the intrinsic end formational of the categorical imperative, for it does not state that friends are more important than strangers or that one has a more stringent obligation to friends than to strangers or those one is less intimately connected to. Audi does state that such an intuition is supported by a 'personal reading' of the intrinsic end formulation of the categorical imperative, according to which whether or not one fails to treat someone as an end depends in part on one's relationship to the individuals whom one is said to be failing to treat as an end. On this reading 'you cannot fail to treat people's ends if there is no way you "treat them," since you do not have any personal relationship to them' (100). But this reading is not argued for, and it is a veritable statement of the Rossian idea regarding the personal nature of duty and how this entails that 'even a large contribution of contribution to the welfare of humanity does not necessarily outweigh all duties' (94). However, since the categorical imperative was employed in the first instance to 'clarify and rationalize' (95) such claims, we are left without an account of how and how much the Kantian notions add to the plausibility of Ross's complaints.

It seems that the only way out of the beneficence problem for Audi is to do one of two things, give greater priority to self-interest or the personal point of view or some analogue, or take the requirements of benevolence and related duties (e.g., justice) less seriously. Neither of these options is particularly appealing to Audi and neither seems all that plausible. The former undermines his hope that he can solve the beneficence or analogous problem without giving 'automatic or *a priori* preference' (101) to one's own interests or point of view, while the latter undermines or at least threatens his idea that we all have weighty duties of benevolence, justice and the like. Whatever the case may be it is not obvious that an appeal to Kant helps out with the beneficence problem

42 See Peter Railton, 'Alienation, Consequentialism, and the Demands of Morality,' *Philosophy and Public Affairs* 13 (1984), 134-71, and R.M. Hare, *Moral Thinking* (Oxford: Oxford University Press 1981).

43 See the references in the previous note.

or with related problems. Indeed, it seems to make matters more rather than less complicated.

VI

In closing it should be noted that this book provides the most sophisticated and nuanced account of ethical intuitionism, a theory that is more than due for reevaluation and refurbishment. In this critical notice, I have been unable to do justice to all of the arguments and subtleties of Audi's *The Good in the Right*. Instead, I have focused on and raised worries about aspects of Audi's epistemic intuitionism and about his reliance on Kantian notions in an effort to sort out theoretical problems with Rossian-inspired intuitionism. There are many elements of this book that I have not touched on but that remain worthy of attention, including his discussion of the nature of the good and his attempt to ground the Rossian principles in an axiological foundation. In addition, the initial chapters outlining the recent history of intuitionism, its features and their compatibility with different epistemologies and meta-ethical frameworks are unparalleled. For these reasons, this book is required reading for all those interested in the history and philosophical viability of ethical intuitionism and related issues.⁴⁴

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