

W. D. ROSS

Objective *Prima Facie* Duties

W. D. Ross, a British philosopher who lived from 1877 to 1971, made important contributions to the study of Aristotle and to moral philosophy. In the latter area, he tried to systematize and defend our commonsense beliefs about morality.

Ross defended ethical intuitionism. He argued that there are objective ethical truths, that the basic ones are self-evident, and that skeptical attacks on morality fail. He further argued that our ethical intuitions are best captured neither by a utilitarianism that seeks to maximize good consequences nor by exceptionless principles, but by a set of *prima facie* duties that hold "other things equal."

As you read the selection, think about the duty to keep promises. Suppose that you make a promise to a friend. What, if anything, could justify breaking the promise? Is the duty to keep promises based on objective criteria? How do we know we have such duties?

Utilitarianism

An attractive theory has been put forward by Moore: that what makes actions right is that they produce more *good* than could have been produced by any other action open to the agent.

This theory is the culmination of attempts to base rightness on some result. The first attempt based rightness on the advantage or pleasure of the agent. This theory comes to grief over the fact that a great part of duty consists in serving the rights and interests of others, whatever the cost to ourselves. It may be right in holding that a regard for the rights of others never in the long run involves a loss of happiness for the agent. But this, if true, is irrelevant to rightness. As soon as a man does an action *because* he thinks he will promote his own interests, he is acting not from rightness but from self-interest.

Hedonistic utilitarianism supplies a much-needed amendment. It points out correctly that the fact that a pleasure will be enjoyed by the agent is no reason why he *ought* to bring it into being rather than an equal or greater pleasure to be enjoyed by another. But hedonistic utilitarianism needs a

correction. Pleasure is not the only thing that we think good in itself; we think of good character, or an intelligent understanding of the world, as good or better. A great advance is made by substituting "productive of the greatest good" for "productive of the greatest pleasure."

But when a plain man fulfills a promise because he thinks he ought to, what makes him think it right is that he promised. That his act will produce the best consequences is not his reason for calling it right. What lends color to the theory we are examining is the exceptional cases in which the consequences of fulfilling a promise would be so disastrous that we judge it right not to do so. If I promised to meet a friend, I think myself justified in breaking my engagement if by doing so I could prevent a serious accident or bring relief to the victims of one. The supporters of the view we are examining hold that my thinking so is due to my thinking that I shall bring more good into existence. A different account may, however, be given. Besides the duty of fulfilling promises, I have a duty of relieving distress, and when I think it right to do the latter at the cost of the former, it is not because I think I shall produce more good but because I think it is more of a duty. If I could bring equal amounts of good into being by fulfilling my promise and by helping someone to whom I had made no promise, the former is my duty. Yet on the view that what is right is what produces the most good, it would not be so.

There are two simple theories that offer a solution for such cases. One is the view of Kant, that there are certain duties, such as those of fulfilling promises and of telling the truth, which admit of no exception. The other is the view that there is only the duty of producing good, and that all "conflicts of duties" should be resolved by asking "by which action will the most good be produced"? But it is more important that our theory fit the facts than that it be simple; the account we have given corresponds better with what we really think, that normally promise-keeping should come before benevolence, but when the good to be produced by benevolence is great and the promise comparatively trivial, the act of benevolence becomes our duty.

The "ideal utilitarianism" of Moore unduly simplifies our relations. It says that the only morally significant relation in which my neighbors stand to me is that of being possible beneficiaries by my action. They do stand in this relation to me, and this 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, and of fellow countryman to fellow countryman; and each of these relations is the foundation of a *prima facie* duty, which is more or less incumbent on me according to the circumstances. When I am in a situation in which more than one of these *prima facie* duties is incumbent on me, I have to study the situation as fully as I can until I form the considered opinion that in the circumstances one of them is

more incumbent than any other; then I am bound to think that this is my actual duty in the situation.

Our basic duties

I suggest "*prima facie* duty" to refer to the characteristic which an act has, in virtue of being of a morally significant kind (e.g. the keeping of a promise), which would make it an actual duty if it were not at the same time of another morally significant kind. Whether an act is an actual duty depends on *all* its morally significant kinds.

There is nothing arbitrary about these *prima facie* duties. Each rests on a circumstance of moral significance. Of *prima facie* duties I suggest, without claiming completeness, this division.¹

1. Some duties rest on my previous acts. (a) Some rest on a promise or an implicit promise, such as the implicit promise not to tell lies which seems implied in the act of conversation. These are duties of fidelity. (b) Some rest on a previous wrongful act. These are duties of reparation.
2. Some rest on previous acts of other men, i.e. services done to me. These are duties of gratitude.
3. Some rest on the possibility of a distribution of pleasure or happiness not in accord with the merit of the persons concerned; there arises a duty to upset or prevent such a distribution. These are duties of justice.
4. Some rest on the fact that there are other beings in the world whose condition we can make better in virtue, intelligence, or pleasure. These are duties of beneficence.
5. Some rest on the fact that we can improve our own virtue or intelligence. These are duties of self-improvement.
6. We should distinguish from (4) the duty of not injuring others. Non-maleficence is a distinct duty of a more stringent character. We do not in general consider it justifiable to kill one person to keep another alive, or to steal from one to give alms to another.

Ideal utilitarianism does not do justice to the personal character of duty. If the only duty is to produce the most good, who is to have the good – whether myself, my benefactor, a person to whom I have made a promise, or a stranger – should make no difference. But it does make a difference.

To the objection that this catalogue of duties is unsystematic, it may be replied that it makes no claim to be ultimate. It classifies duties which reflection seems to reveal. If I have not misstated them, the list will be correct

as far as it goes though not necessarily complete. If further reflection discovers a better classification, so much the better.

It may be objected that our theory in cases of conflicting *prima facie* duties leaves us with no principle to discern our actual duty. But this objection is not one which the rival theory can bring forward. For when we have to choose between the production of two goods, say knowledge and pleasure, the "ideal utilitarian" theory can only fall back on an opinion that one of the goods is the greater; and this is no better than that one of two duties is the more urgent.

There is no reason to anticipate that every act is a duty for the same reason. What makes me sure that I have a *prima facie* duty may sometimes lie in the fact that I have made a promise; in another case, it may lie in the fact that I have done a wrong. And if on reflection I find that neither of these reasons is reducible to the other, I must not assume that such a reduction is possible.

We may attempt to arrange the duties in a more systematic way. It seems self-evident that if some things are intrinsically good, then it is a *prima facie* duty to bring them into existence as much as possible. There are three main intrinsic goods – virtue, knowledge, and, with limitations, pleasure. Since a virtuous disposition, for instance, is good whether it is in myself or in another, it is my duty to bring it into existence in both cases. Pleasure is difficult; for while we recognize a duty to produce pleasure for others, it is not so clear that we recognize a duty to produce pleasure for ourselves. If there are things that are bad in themselves we ought, *prima facie*, not to bring them upon others; and on this fact rests the duty of non-maleficence.

Duties are compounded together in complex ways. Thus the duty of obeying the laws of one's country arises partly (as Socrates contends in the *Crito*) from the duty of gratitude for the benefits one has received from it; partly from the implicit promise to obey which seems involved in our residence in the country and in invoking its laws for our protection; and partly (if we are fortunate) from the fact that its laws are instruments for the general good.

I need to talk about the relation between *prima facie* and actual duties. If it is sometimes right to break a promise, there must be a difference between *prima facie* and actual duty. When we think ourselves justified in breaking a promise to relieve someone's distress, we continue to recognize a *prima facie* duty to keep our promise, and this leads us to feel, not shame or repentance, but compunction, for behaving as we do; we recognize, further, that it is our duty to make it up somehow to the promisee for the breaking of the promise. Any act contains various elements in virtue of which it falls under various categories. In virtue of being the breaking of a promise, for instance, it tends to be wrong; in virtue of being an instance of relieving distress it tends to be right. Being one's duty belongs to an act in virtue of its whole nature.

The same distinction may be found in natural laws. As subject to gravity, each body tends to move in a particular direction with a particular velocity; but its actual movement depends on *all* the forces to which it is subject. It is only by recognizing this distinction that we can preserve the absoluteness of laws of nature, and only by recognizing a corresponding distinction we can preserve the absoluteness of the principles of morality.

What in ethics is self-evident

That an act, as fulfilling a promise or promoting the good of others, is *prima facie* right, is self-evident; not that it is evident from the beginning of our lives, or as soon as we attend to it for the first time, but in the sense that when we have reached sufficient mental maturity and have given sufficient attention to the proposition it is evident without any need of proof or evidence beyond itself. It is self-evident just as a mathematical axiom, or the validity of a form of inference, is evident. The moral order expressed in these propositions is as much part of the fundamental nature of the universe (and of any possible universe with moral agents) as is the numerical structure expressed in the axioms of arithmetic. Our confidence in these propositions involves the same trust in our reason as does mathematics; and we have no justification for trusting it in the latter and distrusting it in the former. Both cases deal with propositions that cannot be proved but that need no proof.

Judgments about actual, concrete duty have none of this certainty. A statement is certain only when it is either self-evident or a valid conclusion from self-evident premises. Our judgments about particular duties are neither. (1) They are not self-evident. Where an act has two characteristics, in virtue of one of which it is *prima facie* right, and in virtue of the other *prima facie* wrong, we are not certain whether we ought to do it; we are taking a moral risk. Any act will probably in the course of time bring much good or evil for many human beings, and thus have a *prima facie* rightness or wrongness of which we know nothing. (2) Judgments about particular duties are not logical conclusions from self-evident premises. The judgment as to the rightness of a particular act is like the judgment as to the beauty of a work of art. A poem is in respect of certain qualities beautiful and in respect of others not; and our judgment as to the beauty it possesses on the whole is never reached by logical reasoning. In this and the moral case, we have probable opinions which are not logical conclusions from self-evident principles.

There is much truth in the description of the right act as a fortunate act. We cannot be certain that it is right. This does not, however, make the doing of our duty a matter of chance. There is a parallel with personal advantage. We never *know* what act will in the long run be to our advantage. Yet we are more likely to secure our advantage if we estimate to the best of our ability

the probable tendencies of our actions, than if we act on caprice. And similarly we are more likely to do our duty if we reflect to the best of our ability on the *prima facie* rightness or wrongness of various possible acts, than if we act without reflection. With this greater likelihood we must be content.

The principles of duty are not self-evident from the beginning of our lives. They come to be self-evident as mathematical axioms do. We find by experience that this couple of matches and that couple make four matches; by reflection on this and similar discoveries we come to see that two and two make four. In a similar way, we see the *prima facie* rightness of a particular act of fulfilling a promise, and then of other such acts, and when we have reached sufficient maturity to think in general terms, we apprehend *prima facie* rightness to belong to any fulfillment of promise. What comes first in time is the apprehension of the *prima facie* rightness of an individual act. From this we come to apprehend the self-evident general principle.

Rightness and the best consequences

“Right” and “optimific”² might stand in either of two relations. (1) It might be self-evident that any act that is optimific is right and any act that is right is optimific. Moore thinks that the coextensiveness of “right” and “optimific” is self-evident; he rejects any proof of it. Or (2) we might establish that they are invariably connected by an inductive inquiry.

It might seem as if the constant connection of the two attributes was self-evident. It might seem absurd that it could be right to do what would produce consequences that are less good. Yet this is not absurd. Suppose that one has made a promise. *Prima facie* it is our duty to fulfill the promise. A slight gain in the value of the total consequences will not justify us in doing something else. Suppose that the fulfillment of a promise to *A* would produce 1,000 units of good³ for him, but that by doing some other act I could produce 1,001 units of good for *B*, to whom I have made no promise, the other consequences being of equal value; do we think it self-evident that it is my duty to do the second act? I think not. Only a much greater disparity of value between the total consequences would justify us in violating our *prima facie* duty to *A*. Promises are not to be treated so lightly as this theory would imply. A promise constitutes a serious moral limitation to our freedom of action.

The coextensiveness of the right and the optimific is, then, not self-evident. There remains the question whether it can be established inductively. Such an inquiry would have to be thorough and extensive. We should have to take a large variety of the acts which we, to the best of our ability, judge to be right. We should have to trace their consequences into an unending future. But no such inductive inquiry has been carried through. Utilitarians have been so

persuaded of the self-evident connection of “right” and “optimific” that they have not attempted an inductive inquiry.

Utilitarianism tries to show that the sanctity of promises rests on consequences. When you break a promise you not only fail to confer a certain advantage on your promisee but you diminish confidence in the fulfillment of promises. You thus strike a blow at a very useful practice – and you tend to bring about a state wherein each man, being unable to rely on the keeping of promises by others, will have to do everything for himself, to the impoverishment of human well-being.

Utilitarians say that the case I put never arises – the case in which by fulfilling a promise I shall bring into being 1,000 units of good for my promisee, and by breaking it 1,001 units of good for someone else, the other effects of the being of equal value. The other effects, they say, never are of equal value. By keeping my promise I strengthen the system of mutual confidence; by breaking it I weaken it; and the difference is enough to outweigh the slight superiority in the *immediate* effects of the second act.

But let us suppose the good effects of the second act to be assessed not at 1,001 but at $1,000+x$ (where x makes up for the deterioration of mutual confidence). Then its good effects are slightly greater than those of the fulfillment of the promise; and the utilitarian has to say that the promise should be broken. Now, is that the way we think about promises? Do we really think that the slightest total advantage, no matter who enjoys it, by the breach of a promise frees us from the obligation? To make a promise is not merely to adapt an ingenious device for promoting well-being; it is to put oneself in a new *prima facie* duty to him, not reducible to the duty of promoting the well-being of society. Also, the effect of a single promise in strengthening or weakening the fabric of mutual confidence is greatly exaggerated. And if we suppose two men dying together alone, do we think that the duty of one to fulfill a promise made to the other would be extinguished if neither act would have any effect on the general confidence? Any one who holds this has not reflected on what a promise is.

So “right” and “optimific” are not identical, and we do not know by intuition or induction that they coincide. However, when we are under no special obligation, such as to a promisee, we ought to do what will produce the most good.

Evidence for ethical principles

In what has preceded, a good deal has been made of “what we really think” about moral questions; a theory has been rejected because it does not agree with what we really think. It might be said that this is wrong; that we should not be content to expound our present moral consciousness but should

criticize it in the light of theory. Now our moral consciousness has undergone a good deal of modification at the hands of moral theory. But if we are told that we should give up our view that there is a special obligatoriness to keeping promises, because it is self-evident that the only duty is to produce as much good as possible, we have to ask ourselves whether we really, when we reflect, *are* convinced that this is self-evident, and whether we *can* get rid of our view that promise-keeping has a bindingness independent of producing the maximum good. In my own experience I find that I cannot; and most people will find the same, and that they cannot lose the sense of special obligation. It seems, on reflection, self-evident that a promise, as such, is something that *prima facie* ought to be kept, and it does *not*, on reflection, seem self-evident that production of maximum good is the only thing that makes an act obligatory.

“What we think” about moral questions contains a considerable amount that we know. This forms the standard by which the truth of any moral theory has to be tested, instead of having itself to be tested by reference to a theory.

It would be a mistake to found natural science on what thoughtful and well-educated people think about the subject before they have studied it scientifically. Such opinions are often misinterpretations of sense-experience; and the man of science must appeal to sense-experience itself. In ethics no such appeal is possible. The moral convictions of thoughtful and well-educated people are the data of ethics just as sense-perceptions are the data of natural science. Just as some of the latter have to be rejected as illusory, so have some of the former; but as the latter are rejected only when they conflict with other more accurate sense-perceptions, the former are rejected only when they conflict with other convictions which stand better the test of reflection. The moral convictions of the best people is the cumulative product of the moral reflection of many generations; and this the theorist should treat with the greatest respect. The verdicts of the moral consciousness of the best people are the foundation on which he must build; though he must first compare them with one another and eliminate any contradictions they may contain.

Study questions

- 1 According to Moore, what makes actions right? What two approaches does his view improve upon and why is it an improvement?
- 2 Explain the example about a promise to meet a friend. How do the views of Moore and Kant lead to counterintuitive results about one's duty to keep promises?
- 3 How does utilitarianism oversimplify our moral relationships to others?

- 4 What is a *prima facie* duty?
- 5 Ross's first duty in his list could be expressed as the command "Keep your promises." Express his other duties as commands.
- 6 Are the duty to do good (beneficence) and the duty not to harm (non-maleficence) equally strong?
- 7 What kinds of things are good in themselves?
- 8 What does Ross mean by calling a moral principle "self-evident"? Does this mean it is evident from the beginning of our lives, or as soon as we attend to it?
- 9 How do we come to recognize axioms of mathematics and ethics? Why are both equally worthy of our trust?
- 10 Consider Ross's example about the amount of good produced by breaking or keeping a promise. Could it be right to do an act that would bring about consequences less good than those of some alternative act?
- 11 In what two ways could the truth of utilitarianism be evident to us? How do both ways fail?
- 12 How do some utilitarians object to Ross's criticism of their view based on promise keeping? How does Ross respond?
- 13 What is our ultimate evidence for ethical principles?

For further study

This selection has excerpts, sometimes simplified in wording, from William David Ross's *The Right and the Good* (Oxford: Clarendon Press, 1930), pages 16–41; for more on his approach, you might consult this book or his later *Foundations of Ethics* (Oxford: Clarendon Press, 1939). For the views that Ross was attacking, see G. E. Moore's *Principia Ethica* (Cambridge: Cambridge University Press, 1903) and *Ethics* (Oxford: Oxford University Press, 1912), and Immanuel Kant's *Groundwork of the Metaphysics of Morals* (New York: Harper & Row, 1964 translation by H. J. Paton, originally published in 1785). Harry Gensler's *Ethics: A Contemporary Introduction* (London and New York: Routledge, 1998) discusses Ross's intuitionism in Chapter 4 and his non-consequentialism in Chapter 11.

Related readings in this anthology include Moore (who also defends intuitionism and self-evidence); Ayer, Mackie, and Sartre (who attack it); Mill, Singer, and Smart (who defend utilitarianism); Williams, Rawls, and O'Neill (who attack it); and Brandt (who offers a rule utilitarian alternative).

Notes

- 1 I am *assuming* the correctness of our main convictions on *prima facie*

duties. To me it seems as self-evident as anything could be that to make a promise is to create a moral claim. Many readers will say that they do not know this to be true. If so, I cannot prove it to them: I can only ask them to reflect again, in the hope that they will ultimately agree that they know it to be true. The main moral convictions of the plain man seem to me to be, not opinions for philosophy to prove or disprove, but knowledge from the start; I find little difficulty in distinguishing these essential convictions from other moral convictions which I have, which are merely fallible opinions. [Note from Ross]

- 2 Ross uses "optimific" to mean "having the best consequences."
- 3 I am assuming that good is objectively quantitative, but not that we can accurately assign an exact measure to it. Since it is of a definite amount, we can *suppose* that its amount is so and so, though we cannot with any confidence *assert* that it is. [Note from Ross]