

## COULD ROSS'S PLURALIST DEONTOLOGY SOLVE THE CONFLICTING DUTIES PROBLEM?

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**Abstract.** No matter how it is viewed, as a plausible version of anti-utilitarianism or of non-consequentialist, or even as a plausible version of deontology, the theory of *prima facie* duties certainly makes W. D. Ross one of the most important moral philosopher of the twentieth-century. By outlining his pluralistic deontology, this paper attempts to argue for a positive answer to the question of whether Ross's theory can offer a solution to the issue of conflicting duties. If such a solution is convincing, as I believe it is, it would indicate the possibility to justify within the deontological framework, i.e., without committing to the principle of good-maximizing, those "hard cases" where people should break a promise or other (*prima facie*) duty in order to prevent a disastrous outcome. The theory of *prima facie* duties might then suggest that deontology and utilitarianism would likely be reconcilable.

**Key words:** W. D. Ross, pluralist deontology, *prima facie* duty, actual duty, conflicting duties, utilitarianism.

### WHAT ARE *PRIMA FACIE* DUTIES AND HOW SHOULD ONE DEAL WITH THE CONFLICT BETWEEN THEM?

The core of Ross's pluralist deontology is the distinction between "*prima facie* duty" or "conditional duty", and "duty proper", or "actual duty"; the latter is sometimes called "absolute duty" or even "duty *sans phrase*".<sup>1</sup>

What does Ross mean by "*prima facie* duty"? The expression as such has raised several objections and Ross himself contends that it is not a very appropriate phrase, as it could lead to the misunderstanding of his conception. First, it could suggest that there would be some duties which on further reflection might appear not to be real duties. But this is not the case since, as Ross tells us, his conception does refer to a duty

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<sup>1</sup> See W. D. Ross, *The Right and the Good*, Philip Stratton-Lake (Ed.), Clarendon Press, Oxford, 2002, mainly pp. 19, 20, 28.

as a “objective fact”. Second, the phrase possibly will indicate that *prima facie* duties would not be duties at all. Such an interpretation is also wrong. For, Ross explains, he has in view those features arising from the nature of a situation in virtue of which an act is one’s duty, thus showing what should be done in that situation:

“The phrase '*prima facie* duty' must be apologized for, since (1) it suggests that what we are speaking of is a certain kind of duty, whereas it is in fact not a duty, but something related in a special way to duty. Strictly speaking, we want not a phrase in which duty is qualified by an adjective, but a separate noun. (2) '*Prima facie*' suggests that one is speaking only of an appearance which a moral situation presents at first sight, and which may turn out to be illusory; whereas what I am speaking of is an objective fact involved in the nature of the situation, or more strictly in an element of its nature, though not, as duty proper does, arising from its *whole* nature.”<sup>2</sup>

The (*prima facie*) duties stems from people’s various and complex relationship with their fellows. In this regards, Ross criticizes ideal utilitarianism<sup>3</sup> for having simplified these relationships when claiming that, “the only morally significant relation in which my neighbors stand to me is that of being possible beneficiaries by my action”. Without denying the moral relevance of the benefactor-beneficiary relation, Ross refuses to see it as the only morally important one. For him, at least as relevant are “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.” Each of these interactions is “the foundation of a *prima facie* duty” which more or less is incumbent to a person depending on particular circumstances.<sup>4</sup>

Among several duties generated by such relationships, there are some that Ross considers as mainly independent of consequences and which are included in his famous list of *prima facie* duties. It is here that the name “deontological pluralism” given to the Rossian doctrine stems from.<sup>5</sup> What makes this pluralistic view deontological is the very list of *prima facie* duties. It includes:

(1) Duties deriving from *our own* previous acts, or actions: a) keeping promises, be they explicit or implicit. For example, the implicit promise not to lie when engaging in a conversation or when “writing books that purport to be history and not fiction”; b) repaying debts, that is, making a reparation to those whom we have wronged.

(2) Duties based on *other* people’s previous acts: the duty to be grateful to those who have done a good (a service) for us.

<sup>2</sup> *Ibidem*, p. 20.

<sup>3</sup> Ideal utilitarianism is the label that Ross gives to non-hedonistic utilitarianism, illustrated mainly by G. E. Moore’s conception.

<sup>4</sup> See W. D. Ross, *op. cit.*, p. 19.

<sup>5</sup> Thomas Hurka sums up deontological pluralism as follows: “there is a plurality of (partly) deontological duties, with no single unifying ground for them.” See Thomas Hurka, “Underivative Duty: Prichard on Moral Obligation”, p. 2. From: [http://www.ucl.ac.uk/laws/jurisprudence/docs/2009/09\\_coll\\_prichard.pdf](http://www.ucl.ac.uk/laws/jurisprudence/docs/2009/09_coll_prichard.pdf).

(3) Duties of justice, requiring us „to upset” or “prevent” a distribution of pleasure or happiness “which is not in accordance with the merit of the persons concerned”; they guarantee that people can get what they deserve.

(4) Duties of beneficence, which “rest on the mere fact that there are other beings in the world whose condition we can make better in respect of virtue, or of intelligence, or of pleasure”.

(5) Self-improvement, both morally and intellectually.

(6) Non-maleficence, i.e., not injuring other people. Of this duty, Ross specifies that though it is “the first step on the way to the recognition of the duty of beneficence”, it is different from the latter. As a *prima facie* duty, not to harm others is more stringent and hence more obliging than the beneficence.<sup>6</sup>

Now, according to Ross, we regularly face conflicting *prima facie* duties. How should we approach a conflict of this sort? Ross claims that what we are about to do in such a case is to carefully reflect about the situation in order to decide which of these *prima facie* duties is more obligatory, i.e., the duty incumbent to us. Put it differently, we are recommended to balance the conflicting *prima facie* duties depending on their importance (stringency) in that specific situation, and to fulfill the duty that we think to be the most important (stringent) for us in those circumstances:

„When I am in a situation, as perhaps I always am, in which more than one of these *prima facie* duties is incumbent on me, what I have to do is to study the situation as fully as I can until I form the considered opinion (it is never more) that in the circumstances one of them is more incumbent than any other; then I am bound to think that to do this *prima facie* duty is my duty *sans phrase* in the situation.”<sup>7</sup>

Let us look at the conflict between the duty of keeping promises and that of beneficence. Suppose that X and Y have set a date at seven a clock today to go together to the cinema. On the way to the cinema, X sees a man wounded by a car. What is he supposed to do: keep his promise or take the man to the hospital? From the point of view of Kantian deontology, the conflict between the two duties is *always* (including this particular case) resolved in favor of the first duty, that is by ignoring the second one. The keeping of promises is for Kant a duty that has “absolute authority”, admitting no exception in favor of an “imperfect” duty, such as that of beneficence (or removing sufferance). On the contrary, for Ross, priority should be given, in *this case*, to the duty of beneficence, which again in *this case* is stronger than keeping the promise. In other words, in this *particular* situation, the promise-keeping can be broken in order to fulfill the more obliging duty of beneficence (just as, in other exceptional circumstances, its breaking is permitted in order to fulfill another stronger duty). Ross's central idea is that when facing conflicting duties, what should *absolutely* be done from a moral point of view finally depends on how important or strong is each of them.

<sup>6</sup> W. D. Ross, *op. cit.*, pp. 21-22.

<sup>7</sup> *Ibidem*, p.19.

Like Kant, Ross believes that the keeping of promises is a fundamental duty that “normally” should prevail over the beneficence. Unlike Kant, however, he concedes that the benevolent act can turn into our duty when (and only when) it is to yield a high good and the promise is relatively insignificant. Moreover, keeping the promises in such a case is for Ross profoundly wrong”.<sup>8</sup> Hence, according to his theory, there are actions that, even normally impermissible, are permissible and even obligatory in exceptional situations. In such situations, breaking promises or telling lies might turn out to be things that should be done. This view seems for many people to express what they often think of prohibitions. “Most of us, Brad Hooker claims, believe it would be right to lie to a murderer if lying is the only, or even merely the best, means of sending him off in the wrong direction.”<sup>9</sup>

Let us now detail what the process of choosing between *prima facie* duties involves. Ross claims that the *prima facie* duties can be directly revealed by a reflection on our moral convictions.<sup>10</sup> This is to say that they are self-evident moral propositions (actually, the most general ones) or *a priori* knowable, as they speak about what we all understand to be an intrinsically right/wrong thing.<sup>11</sup>

Which role do they have in choosing one’s *actual* duty from amongst one’s *prima facie* duties? Ross’s main supposition is that our actual duty, i.e. what we ought to do in given circumstances, is not *a priori* decidable deducible from general moral principles, as neither is it empirically decidable.<sup>12</sup> According to the Rossian view, these principles are only “possible premises” of, or a general guide for, our deciding whether we should or should not do something in a *specific situation*. What we ought to do in such a situation, namely which of our *prima facie* duties is overriding (hence, the duty “*sans phrase*”) is in no way self-evident. Ross clearly says that, “our judgments about our particular duties are not logical conclusions” drawn from these “self-evident premises”.<sup>13</sup>

It follows that the general moral principles can only provide us with a highly general, and so, weak foundation for determining what is a right act or decision in given circumstances – i.e., which of two or more duties should be fulfilled. Beyond this basis, any moral decision is ultimately an intuitive judgement, whose epistemological status “is never more” than a “considered opinion”. On the moral matters, Ross argues, we cannot have but “more or less probable opinions which are not logically justified conclusions from general principles that are recognized as self-evident.”<sup>14</sup> He then points to the

<sup>8</sup> See W. D. Ross, *op. cit.*, p. 19.

<sup>9</sup> Brad Hooker, *Ideal Code, Real World: A Rule-Consequentialist Theory of Morality*, Oxford University Press, 2002, p. 127.

<sup>10</sup> See Ross, *op. cit.*, p. 23.

<sup>11</sup> The general principles of duty are self-evident only at the maturity stage of humans’ life; their self-evidence is compared by Ross with that of mathematical axioms. See Ross, *The Right*, pp. 31, 32.

<sup>12</sup> As for the possibility of empirical decidability, Ross claims that however much relevant the empirical facts could be for deciding whether we ought or ought not to act in a certain way (even supposing that all such facts would be available), they are not concluding.

<sup>13</sup> W. D. Ross, *op. cit.*, p. 31.

<sup>14</sup> See W. D. Ross, *op. cit.*, especially pp. 19, 31.

uncertainties that any moral decision involves: "Our judgments about our actual duty in concrete situations have none of the certainty that attaches to our recognition of the general principles of duty". In fact, Ross insists, "there is no principle by which we can draw the conclusion that it is on the whole right or on the whole wrong."<sup>15</sup>

What is a right act depends therefore on intuitive judgments, which, for Ross, are of a normative type in that they express our conclusions about the *overall reason* we have for doing an act. As Philip Stratton-Lake notes, while "natural facts may provide the ground for such practical conclusions...judging that these natural facts obtain does not by itself involve explicitly drawing these conclusions."<sup>16</sup> This is the reason why the definition of rightness remains an open question. Having been content neither with "subjective theories of the meaning of right", nor with those which "reduce it to simpler objective elements", Ross is likely prepared to concede "the right" as "an irreducible notion".<sup>17</sup> According to him, it is morally wrong to simply thinking that if an act (such as keeping-promise) is right in itself or intrinsically right we automatically conclude to adopt a positive attitude towards it.

Again, in the process of choosing between *prima facie* duties, the judgement has for Ross a crucial role. Of this, Brad Hooker observes, "Ross's conflict-resolving principles hardly eliminate *the need for judgment* (emphasis added). For, obviously, such general conflict-resolving rules refer to matters of degree. Judgment will be needed to determine whether for example a particular promise is a solemn one or only a small one or something in between, and whether a particular loss is small or huge or in between."<sup>18</sup>

Ross's way of dealing with the conflict of duties is due in some measure to an Aristotelian influence. I mean his concern with particular circumstances and motives when determining an actual duty – which appears to echo Aristotle's *phronesis*. Otherwise, it might be not accidentally that in his book on Aristotle, Ross frequently gets back on some of the Aristotelian ideas meant to implicitly supporting his own theory. Thus, he is particularly interested in pointing out the two aspects describing in *Poetics* "the completely good action". And, on this, he writes,

"Aristotle here lays his finger with precision on the distinction between the two elements involved in a completely good action – (a) that the thing done should be the right thing to do in the circumstances, and (b) that it should be done from a good motive."<sup>19</sup>

Somehow similarly, Ross distinguishes between "right" and "morally good", where "morally good" means acting from a good motive, which is not the same as "that ought to be done". By revising the Kant's notion of duty, he rather engages in the Aristotelian assessment of the agent's motives. Such an evaluation is important, given

<sup>15</sup> *Ibidem*, pp. 30, 31.

<sup>16</sup> Philip Stratton-Lake, "Preface" to W. D. Ross, *op.cit.*, p. XX.

<sup>17</sup> W. D. Ross, *op. cit.*, p. 12.

<sup>18</sup> Brad Hooker, *Ideal Code, Real World: A Rule-Consequentialist Theory of Morality*, Oxford University Press, 2002, p. 133.

<sup>19</sup> Sir David Ross, *Aristotle*, Routledge, London and New York, Sixth edition, 1995, pp. 203-204.

that, for him, unlike Kant, the motive is not included in the content of duty. Contrary to Kantian theory, which makes the sense of duty the (only) motive from one ought to act, (one's duty is to act always from a *certain* motive, namely the sense of duty) Ross holds that one's duty is "to do certain things, not to do them from the sense of duty". By amending the Kantian notion of duty, he also hopes to undermine the utilitarian theory, which erroneously "holds that motive of any kind is included in the content of duty."<sup>20</sup>

Ross is thus lead to claim that an act owes its positive or negative value to the nature of its motive, and not to its rightness or wrongness. Accordingly, whether an act is morally good or bad does not derive necessarily from its rightness or wrongness, without knowing the reason for doing it. The knowledge of agent's reasons becomes relevant for determining the morally goodness or badness of his act, given that the value of an act and the moral status of the motives are two different things. Suppose that *A* has promised to *B* to meet with him in order to break together into a bank. According to Ross, *A*'s bad motive makes his act (of keeping his promise) morally bad. In other words, it voids this particular promise keeping of moral worth. This is the reason why we should not always adopt a positive attitude towards such an act. One's promise keeping cannot be admirable as long as a bad motive is behind it. Consequently, "the only acts that are morally good are those that proceed from a good motive".<sup>21</sup>

Ross is very responsive to the Aristotelian way of conceiving the role of practical wisdom. To him, two things appeared to be the most essential about practical wisdom as defined by Aristotle. First, that it is "a kind of perception", or "direct apprehension of individual fact, i.e. something that makes us able to grasp the details of particulars. Second, that practical wisdom "is found in those who have had a certain experience of life even if they cannot formulate general principles". It is easy to recognize here Ross's "plain man" as heir of Aristotle's "well brought-up people", for whom "good is a kind of common sensible".<sup>22</sup> It might be then that under the influence of Aristotle's methodology that he was lead to doubt the possibility of laying down general rules for estimating the relative stringency of one's *prima facie* obligations. For, according to Ross, while much of stringency belongs to the duties of "perfect obligation" (keeping promises, repaying debts and so on), the final decision on what ought to be done still rests for him, as for Aristotle, on direct apprehension or perception:

"This sense of our particular duty in particular circumstances, preceded and informed by the fullest reflection we can bestow on the act in all its bearings, is highly fallible, but it is the only guide we have to our duty."<sup>23</sup>

Ross makes apparent his abandoning of Kantian universalism. The passage above sums up his conviction, rather Aristotelian, that it is the rightness of particular acts that is apprehended when people decide what to do, i.e. about their actual duties. In other words,

<sup>20</sup> See W. D. Ross, *The Right and the Good*, pp. 5, 6.

<sup>21</sup> *Ibidem*, p. 4.

<sup>22</sup> W. D. Ross, *Aristotle*, p. 227. See also pp. 226 and 228.

<sup>23</sup> W. D. Ross, *The Right and the Good*, pp. 41-42.

the rightness or wrongness of an individual act is in the end intuitively apprehended, and never deducible from its falling or not falling under an universalizable rule.

### PLURALIST DEONTOLOGY AS A COMPROMISE BETWEEN DEONTOLOGY AND CONSEQUENTIALISM

Maybe it would not be wrong to say that the Aristotelian moral philosophy has in part helped Ross to conceive his ethical theory as one able to “accommodate, as Philip Stratton-Lakes puts it, the fact that we sometimes ought to break a promise in order to prevent a bad outcome without conceding everything to the consequentialism.”<sup>24</sup> In this sense, the theory of *prima facie* duties indeed appears to be a *middle way* between Kantian deontology and utilitarianism, as neither of them has been satisfying to Ross.

Again, the main reason of his discontent with Kant's ethical theory is its notion of right acts as intrinsically valuable, which means that the value of acts is deducible from their being right or wrong. Hinting at this theory, Ross claims the following:

“[...] In so far as a right act has value, its value is not intrinsic. [...] if we contemplate a right act alone, it is seen to have no intrinsic *value*. [...] Whatever intrinsic value, positive or negative, the action may have, it owes to the nature of its motive and not to the act's being right or wrong;”<sup>25</sup>

Accordingly, Kant would have wrongly reduced all valuable motives to a single one, namely, the good will. By doing so, his deontology would have simplified the moral life which, in Kant's view, would reside in a “contest between one element which alone has worth [i.e., the good will] and a multitude of others which have none.” Furthermore, Ross is convinced that utilitarianism, in its turn, has also simplified the moral life by thinking of the benefactor-beneficiary relationship as the only morally significant. In so doing, the utilitarianists were misled in merely equating the positive or negative value of actions with their goodness or badness.

In reaction to Kant, Ross holds that people fulfill their duties such as promise-keeping from various motives (whose knowledge, as we have already mentioned, allows to determine, though without certainty, whether an act is or is not good): “The truth is rather that it [the moral life] is a struggle between a multiplicity of desires having various degrees of worth”.<sup>26</sup> The problem is whether by assuming such

<sup>24</sup> Philip Stratton-Lake, “Preface” to W. D. Ross, *The Right and the Good*, p. xxxvii. Ken Cooley regards Ross's ethics as rather involving “a synthesis of Aristotle and Kant, which uses Kant's view to ‘correct’ Aristotle.” This, I think, may go well together with my interpretation of Rossian theory. See Ken Cooley, “Sir David Ross's Pluralistic Theory of Duty”. From <http://www.manitowoc.uwc.edu/staff/awhite/ken95.htm>

<sup>25</sup> W. D. Ross, *The Right and the Good*, pp. 132-133.

<sup>26</sup> Cited by Skelton, Anthony, “William David Ross”, *The Stanford Encyclopedia of Philosophy* (Summer 2012 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2012/entries/william-david-ross/>>.

pluralism, involving the taking into account, besides *deontic* considerations, others ones, Ross is still true to deontology. Following I will attempt to show that he indeed is, in other words, that the Rossian weakening of the Kantian over-demanding prescriptions does not turn him into an utilitarian proper.

To begin with, when speaking of what makes people fulfill their duties, Ross does have in view various motives, or considerations. But to him the sense of duty is not simply a motive among others, as it would be for an utilitarianist; on the contrary, it is the main one. It would be even “paradoxical, Ross insists, to hold that we ought to act from some other motive but never ought to act from a sense of duty, which is *the highest* (emphasize ours) motive.”<sup>27</sup> It is in virtue of this fact, Ross suggests, that we can explain why people take their *prima facie* duties as intrinsically valuable. This is to say that a duty such as promise keeping, without being obligatory in all circumstances, continues to have a normative status, so that we still see it as an obligation, even when we fail to fulfill it.<sup>28</sup> This is a point worthy to be underlined. Failing to do what we ought to do, e.g., keeping our promises, does not mean for Ross that the *oughtness* lost its moral force or significance for us. Rather, such a failure invariably brings about feelings like “compunction” – a sign that an unfulfilled duty indeed keeps its moral weight.

The choice between conflicting *prima facie* duties is a difficult one and even a right decision (i.e. when the thing to be done has been done) comes with the agent’s regret, thus indicating the existence of what has been called *moral residues*:

“When we think ourselves justified in breaking, and indeed morally obliged to break, a promise in order to relieve some one’s distress, we do not for a moment cease to recognize a *prima facie* duty to keep our promise, and this leads us to feel, not indeed shame or repentance, but certainly compunction, for behaving as we do; we recognize, further, that it is our duty to make up somehow to the promisee for the breaking of the promise.”<sup>29</sup>

Then, while Ross does not regard the promise keeping as being always obliging, he assigns to it a genuine value. For, how would people feel any regret for breaking their (solemn) promises if they would not value keeping them?

On Stratton-Lake opinion, this kind of motivational pluralism would avoid the turning of “each moral conflict into tragic moral dilemma”, by allowing us “to think of moral conflict not as a conflict of duties, but as a conflict of moral reasons, which is, I believe, how things are.” See Philip Stratton-Lake, *op.cit.*, p. xxxviii.

<sup>27</sup> W. D. Ross, *The Right and the Good*, p. 6.

<sup>28</sup> Here, Ross agrees with Kant that “ought” implies “can”. Nonetheless, to him, the “ought’s” role is rather to stimulate than to obligate one to act:

“I can act from a certain motive only if I have the motive; if not, the most I can do is to cultivate it by suitably directing my attention or by acting in certain appropriate ways so that on some future occasion it *will* be present in me, and I shall be able to act from it. My *present* duty, therefore, cannot be to act here and now from it.” See Ross, *The Right*, p. 5. However, in *The Foundations of Ethics*, Ross concedes that “when we use ‘right’ of acts, as opposed to emotions, we usually think of them as being in the agent’s power” (Cited by Philip Stratton-Lake, in his Preface to *The Right and the Good*, p. 174, Note 5).

<sup>29</sup> W. D. Ross, *The Right and the Good*, p. 28.



On the other hand, Ross points out the existence of right acts such as promise keeping that could be not morally good (due to the wrong motives behind them, as in my second example, where *A*'s motive of his promise-keeping to meet *B* is to break together into a bank). This leads him to defend what seems to be the central thesis of his pluralist deontology. According to it, there is no *conceptual* or *necessary* link between the rightness and the moral goodness of one's act. The link between them is only *factual*.

It is this idea that separates Ross from Kantian deontology as well as from utilitarianism. For, in contrast to both, he holds that "a morally good action need not be the doing of a right act, and the doing of a right act need not be a morally good action." To him, moral goodness remains "distinct from and independent of rightness". Thus, while the rightness or wrongness are assigned to acts "in virtue of the nature of what is done" (and not "in virtue of the motives they proceeded from"), the moral goodness or badness belong to actions in virtue of the nature of "the motives they proceeded from" (and not in virtue of the nature of what is done).<sup>30</sup>

Having granted that the two ethical theories have "some justification" in stressing *the thing done* and, respectively *the motive* from which it is done – since 'the right act' and 'the morally good action' as well "are notions of the first importance in ethics" – Ross, nevertheless, breaks with both.<sup>31</sup>

In his attempt to free ethical theory from "the confusion" between the right and the morally good, Ross seems to have been again following the Aristotelian way. The inclusion of the self-improvement in his list of *prima facie* duties is obviously revealing the influence of the Aristotelian notion of good character:

"[...] it seems clear that a man is morally good by virtue of having a character of a certain kind, and that an action or a feeling is morally good by virtue of proceeding from a character of a certain kind".<sup>32</sup>

In the Rossian theory, the good character matters not only to a human's effort of becoming an excellent person, but also, as Christopher Meyers observes, for helping us to better discern and "determine actual duty and the motivation to act accordingly."<sup>33</sup> What motivates our doings, ultimately revealing *who we are*, becomes, under Aristotelian inspiration, morally relevant. As for Aristotle the difference between the self-seeking friendship and the genuine one has moral significance, so, for Ross, to give a poor man the last money in one's pocket to move one's friends is morally

<sup>30</sup> *Ibidem*, p. 156.

<sup>31</sup> Ross believes that each of the two ethical theories is a misleading guide of people's life. For, they would allow one to say that, "so long as our motive is good it does not matter what we do" or, on the contrary, that so long as we produced good results, it does not matter the motive of our doings. See W. D. Ross, *The Right and the Good*, p. 156.

<sup>32</sup> W. D. Ross, *The Right and the Good*, p. 155.

<sup>33</sup> Christopher Meyers "Reappreciating W. D. Ross: Naturalizing Prima Facie Duties and a Proposed Method", *Journal of Mass Media Ethics: Exploring Questions of Media Morality*, Volume 26, Nr. 4, 2011, p. 318. From <http://dx.doi.org/10.1080/08900523.2011.606009>

different from giving the man money to just offer him help. In Ross's hands, the Aristotelian principle of moral worth gets somehow the meaning of a principle of rightness, in that it guides us to act from certain motives.<sup>34</sup>

Now, quite often Ross's project of relaxing the Kantian absolute constrains is interpreted as leading him to embrace utilitarianism. In a recent paper, Francesco Orsi suggests that the Rossian view would be somehow contradictory in that while Ross claims to reject ideal utilitarianism, his conclusion about the conflict of duties is the same as the utilitarian "verdict".<sup>35</sup>

It is true that, rather as an anti-Kantian, Ross holds that even if the keeping of promises is a fundamental *prima facie* duty, it is not necessarily our *actual* or *absolute* duty to do so.<sup>36</sup> In line with ideal utilitarianism, his deontology indeed allows the unfulfilling of a *prima facie* duty. It seems, however, that this is not enough for purely call Ross utilitarian without qualification. For, Ross's justification of breaking a general moral rule, of the unfulfilling of a *prima facie* duty, is not in utilitarian terms. On the contrary, in terms of his own theory, the breaking of *X*'s engagement (in my first example) is justified not because by doing so, *X* "shall bring more good into existence", but because he thinks the relieving of distress as the thing to do, or his actual duty in those circumstances. Of this issue, Ross's explanation is fully clear,

"A different account [from the ideal utilitarian one] may, however, be given of the matter, an account which will, I believe, show itself to be the true one. It may be said that besides the duty of fulfilling promises I have and recognize a duty of relieving distress, and that when I think it right to do the latter at the cost of not doing the former, it is not because I think I shall produce more good thereby, but because I think it the duty which is in the circumstances more of a duty."<sup>37</sup>

By stressing again this difference, Ross maintains that the unfulfilling of a *prima facie* duty is only justified in order to fulfill what, in given circumstance, appears to be a far more significant duty. He denies that we have an absolute duty to keeping our promises but he also refuses to accept that what maximizes the good is always morally right. Ross definitely opposes the utilitarian principle that "any, even the slightest, gain in the value of the total consequences will necessarily justify us" in breaking a promise and "doing something else instead". He makes it clear what separates him from utilitarianism. "Suppose, Ross says, [...] that the fulfillment of a promise to *A* would produce 1,000 units of good for him, but that by doing some other act I could produce

<sup>34</sup> Charles Sayward objects to such a transformation, by arguing that: "acting from a certain motive is not the sort of thing that is a duty". In his view, a principle of action is incorrect if it is construed, as Ross did, to direct what a person ought to do, or more precisely, as guiding us to act from certain motives. See Charles Sayward, "W. D. Ross On Acting From Motives", *Journal of Value Inquiry*, Volume 22, Nr. 4, 1988, p. 300.

<sup>35</sup> See Francesco Orsi, "David Ross, Ideal Utilitarianism, and the Intrinsic Value of Acts", *Journal for the History of Analytical Philosophy*, Volume 1, Number 2, 2012, p. 1.

<sup>36</sup> W. D. Ross, *The Right and the Good*, p. 34.

<sup>37</sup> *Ibidem*, p. 18.

1,001 units of good for *B*, to whom I have made no promise, the other consequences of the two acts being of equal value; should we really think it self-evident that it was our duty to do the second act and not the first?"<sup>38</sup> Contrary to utilitarianism, Ross thinks that the answer is *not*. According to him, failing to fulfill our *prima facie* duty to *A* can be only justified by "a much greater disparity of value between the total consequences." In other words, the breaking of a promise is only permissible in "the exceptional cases in which the consequences of fulfilling a promise (for instance) would be so disastrous to others that we judge it right not to do so".<sup>39</sup>

Deontologists and utilitarianists possibly make the same judgements on the keeping of promises. The considerations involved in their judgements are nonetheless different. Ross may agree with utilitarianists, even with Bentham's followers, about the keeping of promises; but they disagree over which reasons are taken into account when justifying the "oughtness" of such an act. To Bentham, what people have in their minds when fulfilling their promises is always the overall good outcome of the act; the benefit for the whole number makes people to concede that they should keep their promises: "But, after all, for what *reason* is it, that men *ought to* keep their promises? The moment any intelligible reason is given, it is this: that it is for the *advantage* of society they should keep them; and if they do not, that, as far as *punishment* will go, they should be *made* to keep them. It is for the advantage of the whole number that the promises of each individual should be kept."<sup>40</sup>

Consequently, the *obligatoriness* of the promise-keeping is explained by utilitarianism in terms of an overall benefit, or, as Michael Stocker, puts it, "in terms of considerations such as happiness or security". On the contrary, in order to justify it, Ross takes into account the intrinsic rightness of this duty.<sup>41</sup> In our decision whether to fulfill a promise, the fact that we have made a promise counts much more than the outcomes we might get by fulfilling it. Of this, Ross said,

"When a plain man fulfills a promise because he thinks he ought to do so, it seems clear that he does so with no thought of its total consequences, still less with any opinion that these are likely to be the best possible. He thinks in fact much more of the past than of the future. What makes him think it right to act in a certain way is the fact that he has promised to do so – that and, usually, nothing more. That his act will produce the best possible consequences is not his reason for calling it right."<sup>42</sup>

Therefore, Ross's pluralist deontology maintains a sort of priority of 'the right' over 'the good', even if it works only in general. This priority is expressed by the requirement to not break a moral principle, i.e. a *prima facie* duty, merely for the sake of the good, irrespective of the amount of that good. We may remain true to the

<sup>38</sup> *Ibidem*, *The Right*, p. 35.

<sup>39</sup> *Ibidem*, *The Right*, p. 18.

<sup>40</sup> Jeremy Bentham, *Criticism of the Social-contract Theory. The Utilitarian Basis of Political Society*, in Francis William Coker, *Readings in Political Philosophy*, Macmillan, New York, 1938, p. 699.

<sup>41</sup> See Michael Stocker, *Plural and Conflicting Values*, Oxford University Press, Oxford, 1989, p. 101.

<sup>42</sup> W. D. Ross, *The Right and the Good*, p. 17.

deontology, Philip Stratton-Lake holds, even if we give up the absolute obligations, or constrains of the categorical imperative type. Giving them up does not mean necessarily to embrace consequentialism; similarly, denying the consequentialism does not automatically involve a commitment to absolute constrains.

A moderate deontology (as well as a moderate utilitarianism) would then imply rejecting both of the following extreme theses: (a) the consequentialist thesis stating that the morally right act “is always the one that produces the most good”; (b) the Kantian thesis according to which “it is always wrong to lie, or break a promise, or even to kill, no matter what the circumstances.”<sup>43</sup> This way, the deontological view seems not to be undermined, given that certain duties, e.g., keeping promises, telling the truth, or repaying debts are still valued in themselves, as intrinsic reasons of human action, i.e., generally independent from its consequences. Neither is it apparently undermined by the taking into account of other considerations than the deontic ones, that is, utilitarian. For, as noted before, when determining what is or is not morally right, the *prima facie* duties remain more stringent considerations than those pertaining to the good maximization. By summing up his strategy of dealing with conflicts of *prima facie* duties, Ross claims, “normally promise-keeping, for example, should come before benevolence, but 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”.<sup>44</sup> This is to say that a duty such as keeping a promise will not be automatically superseded for the sake of even an insignificant increase in an overall good. Can it possibly be workable Ross’s strategy? – asks himself Stratton-Lake. Whether or not it can be, he claims, “it is the strategy that we should adopt”.<sup>45</sup>

Pluralist deontology is the result of Ross’s effort to find the possibility of a compromise between deontology and utilitarianism. While in their radical forms these theories contradict each other, in Ross’s conception they seem to be compatible, as this conception gets rid of the two extremes theses mentioned before. It is for that reason that the theory of *prima facie* duties could be read as both a moderate version of deontology and a moderate version of utilitarianism.

Ross has tried to reconcile the Kantian supposition that man has “a right to have the promises made to him fulfilled” with the utilitarian belief that man “has a right to just treatment.” For him, human being has both of these rights. Justice and benevolence are not opposed concepts. They are, obviously, different things and Ross repeatedly stresses the difference between them. To treat a man justly means “doing certain things to him (paying our debts to him, and the like), irrespective of the spirit in which we do them” (no matter whether with or without goodwill), while to treat him benevolently is “doing certain things to him from goodwill.” Nevertheless, Ross refuses to accept that only the first one – treating others justly – is a duty. To treat others beneficently is not, from his viewpoint, “to go beyond our duty.” Doing *the right thing* is a duty and doing

<sup>43</sup> Philip Stratton-Lake, *Kant, Duty and Moral Worth*, Routledge, London and New York, 2000, p. 124.

<sup>44</sup> W. D. Ross, *The Right and the Good*, p. 19.

<sup>45</sup> Philip Stratton-Lake, *Kant, Duty and Moral Worth*, p. 124.

*the good thing* is a duty as well: "it is our duty to do what is beneficent, as it is our duty to do what is just."<sup>46</sup>

But due to our inherently epistemological limitations, we can only estimate but never certainly know "the tendencies of our actions" and "the *prima facie* rightness or wrongness of various possible acts." All that we could expect of our cognitive abilities in this regard is to supply us with probable judgments. Therefore, we have no choice but to be content with this kind of likelihood. This is not a skeptical conclusion, however. Ross's lesson is not to abandon, but to do the effort to estimate, "to the best of our ability", what is our actual duty and to act according to it. Acting on our thoughtful judgments (evaluations), more or less probable, is, in any case, far better than acting "on caprice" or "without reflection."<sup>47</sup> When acting in the latter way, we are justly blamable. An act that we cannot be blamed for, i.e., a morally good one, is an act that: (a) we reasonably think to be our actual duty; and (b) that we have done "for that reason, or from other morally good motive".<sup>48</sup> Then, a morally good act satisfying the two conditions is also a right one. This conception is indeed, a compromise – even if not fully satisfactory, Ross admits – between the notion of "the right act" and that of "the morally good action".

#### **SOME CONCLUDING REMARKS ON THE CONTEMPORARY SYGNIFICANCE OF ROSS'S DUTY-BASED THEORY**

Having referred to Ross's significant place in contemporary moral philosophy, Anthony Skelton emphasizes two major contributions. First, Ross's *theory of prima facie duties*: his effort to outline a view meant to reconcile utilitarianism and Kantian deontology by simultaneously avoiding "the alleged deficiencies" of the former and "the alleged excesses" of the latter – an endeavor which was to be resulting in "one of the most plausible forms of deontology". Second, "Ross's moral epistemology: "his unique contribution" to grasping and recovering "the main elements of common-sense morality" as a source of some self-evidently true ethical principles. Such general principles, Ross suggests, should not be disregarded by the ethical theory if it is to adequately account for our commonly approaching to moral questions.

These contributions explains why both those concerned with reflecting on the way we are regularly thinking about moral issues and those searching for a theoretical (philosophical) guide of dealing with the practical problem of conflicting duties are attracted by, and get back to Ross's ethics as a relevant source of inspiration.<sup>49</sup>

Important elements of the conceptual framework of his pluralistic moral view are indeed used by a number of theoreticians in approaching specific ethical problems.

<sup>46</sup> See W. D. Ross, *The Right and the Good*, pp. 52-53.

<sup>47</sup> W. D. Ross, *The Right and the Good*, p. 32.

<sup>48</sup> See W. D. Ross, *The Right and the Good*, p. 33.

<sup>49</sup> Anthony Skelton, *op. cit.*

This suggests that Ross's effort to make the Kantian theory a plausible, hence viable form of deontology, has by no means been fruitless. In this sense, I would mention just Christopher Meyers's attempt to (re)evaluate the merits, the benefits of Ross's duty-based theory as applied ethics.<sup>50</sup> Meyers indeed uses its conceptual framework as a starting point of his own "nine-step method for making concrete ethical decisions" in the journalism practice.<sup>51</sup> His method of dealing with media ethical dilemmas, following the strategy suggested by the theory of *prima facie* duties, lets us see why this theory is worth exploring and developing.

It is hard not to agree with Ross's view that Kantianism and utilitarianism as well are, at least in some points, counterintuitive in that their prescriptions are at odds with what people actually think of "oughtness". In this respect, as Ishtiyaque Haji holds, the Rossian strategy of approaching to conflicting duties has the merit to be closer to, and reflect more adequately, the moral intuitions, or people's judgments when facing a conflict between their obligations. This trait becomes apparent when looking at the question 'What we ought to do?' that we ask when we happen to find ourselves between a moral duty to do something and a legal duty to do another thing. When asking such a question, holds Haji, we consider which of these duties has priority, and not what we ought to do morally or legally (of this, we already know what our particular duties consist of). Such a question proves our belief in the existence of a "comprehensive normative standard", or an overall concept of obligation, in terms of which we assign "relative normative significance" (or stringency) to our "particular normative obligations".<sup>52</sup>

An important point I would like to highlight in this final part of my paper is that, whatever philosophical disputes over how extensive a list of moral principles should be, the majority of philosophers doubt that there could possibly find a single primary, basic principle able to unify and account for our several general duties. And Ross has been fully aware of the difficulty to discover such a unifying principle, as he found "on reflection" that, theoretically, neither of the various reasons that make a certain act our *prima facie* duty "is reducible to the other". This leads him to assume that such a reduction is not possible on any *a priori* ground.<sup>53</sup> And even if it would be, "if further

<sup>50</sup> Meyers's endeavor is not unique. Almost two decades before him, Alan Wong and Eugene Beckeman have tried to develop a conceptual framework based on Ross's theory of *prima facie* duties and the utilitarian theory, which was meant to be used for the business decision-making process. See Alan Wong & Eugene Beckeman, "An Applied Ethical Analysis System in Business", *Journal of Business Ethics*, Volume 11, Nr. 3, 1992.

<sup>51</sup> See Christopher Meyers "Reappreciating W. D. Ross: Naturalizing Prima Facie Duties and a Proposed Method", *Journal of Mass Media Ethics: Exploring Questions of Media Morality*, Volume 26, Nr. 4, 2011. From <http://dx.doi.org/10.1080/08900523.2011.606009>

Meyers mentions eight main points of the Rossian ethical thinking that, he says, makes Ross "by no means alone" in his "insights into the nature of morality, particularly as a genuinely practical enterprise" (p. 17). For details, see pp. 317-319.

<sup>52</sup> Ishtiyaque Haji, *Deontic Morality and Control*, Cambridge University Press, Cambridge, 2002, p. 14.

<sup>53</sup> W. D. Ross, *The Right and the Good*, p. 24.

reflection” would discover “a perfect logical basis” able to better classify and explains our various moral duties, Ross chooses to remain loyal to the facts, to “what we really think”, rather than looking for a principle that would simplify them. On this, he says, “Loyalty to the facts is worth more than a symmetrical architectonic or a hastily reached simplicity.”<sup>54</sup>

There is certainly a price that a moral pluralist theory such as Ross's has to pay as against a monistic and supposedly a more systematic one, i.e. a loss of some rigor, given that the closer a theory is to the common-sense morality, the less rigorous it is. But Ross seems to have run such a risk when recognizing that,

„Most of the words in any language have a certain amount of ambiguity; and there is special danger of ambiguity in the case of a word like 'right', which does not stand for anything we can point out to one another or apprehend by one of the senses.”<sup>55</sup>

Now, even if one would agree with James Brumer's viewpoint that the presence of such ambiguities within the Rossian theory is a deficiency likely to undermine its coherence<sup>56</sup>, a question remains, however: What makes a moral theory a good one? It depends on what we are expecting of it, just as Ross was saying, namely, to unify a large variety of facts, or moral beliefs under some one simpler principle (if ever possible); or rather, to link them in some more principles able to better match, and account for, our real moral life. Since such a choice is rather a matter of preference, should we not lastly concede that an ethical theory is thinkable in either of these ways, and that both of them are equally pertinent?

And, if we happen to prefer Ross's theory, this might be because we can find in it the “plain” man's belief that moral life is not reducible to absolute commandments and prohibitions directing us what we *always* ought to do and, respectively, what we *never* ought to do. Few would agree with Kantian morality's prohibitions that stringently require us not to ever break a promise or lie. Few, also, would probably be content with the utilitarian overly permissive morality that allows and even requires us to break promises *whenever* doing so will produce even a small amount of good in our well-being. In this respect, Ross was right to deem both Kant's deontology and Moore's ideal utilitarianism as overly simple views to be able to offer an adequate solution to the difficult moral problems arising from conflicts of *prima facie* duties. Without providing us with certain answers to “such cases of conscience” – and Ross has never pretend to do it – the theory of *prima facie* duties could, nevertheless, offer us help with our moral uncertainties, suggesting us what is morally fundamental when determining our actual duties. By explaining why “the best form of deontology is one spelt out in terms of principles of *prima facie* duty”, Philip Stratton-Lake, the author of the Preface to the 2002 edition of *The Right and the Good* says the following:

<sup>54</sup> *Ibidem*, p. 23.

<sup>55</sup> *Ibidem*, p. 1.

<sup>56</sup> See James. J. Brummer, “Ross and the Ambiguity of Prima Facie Duty”, *History of Philosophy Quarterly*, Volume 19, Nr. 4, 2002.

“I favour this form of deontology not just because of doubts about absolutist deontological theories, but more importantly, because principles of *prima facie* duty are better suited to the task of discovering what is morally fundamental than are principles of duty proper.”<sup>57</sup>

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<sup>57</sup> Philip Stratton-Lake, „Recalcitrant Pluralism”, *Ratio*, Nr. 24, 2011: 364-383. Doi: 10.1111/j.1467-9329.2011.00507.x