

THE ROLE OF INTUITION IN  
MORAL EPISTEMOLOGY

by

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## Abstract

The aim of this paper is to argue that intuitionism is a plausible alternative to Utilitarianism and Kantianism as an ethical theory. It argues that common objections to intuitionism also undermine justification for both Utilitarianism and Kantianism, and neither ethical theory can justify itself except in reference to the sorts of intuition they claim to reject in intuitionism. The multiplicity of self-evident principles proposed by intuitionism should also not be assumed to be a weakness of intuitionism. It is plausibly preferable to both on a foundational and epistemic level to both discussed alternatives due to the coherence of its basic principles (which are mutually reinforcing and justifiable in a way that neither Kantianism or Utilitarianism's principles can be) and because a reasonable error theory exists to fix its mistakes (which both Kantianism and Utilitarianism lack).

The paper begins by introducing the basic framework of ethics and defining intuitionism. It disputes some common arguments against intuitions holding epistemic weight in ethics. A discussion of Utilitarianism and Kantianism follows which aims to show how each depends on intuition. The paper concludes with a discussion of the plausibility of error correction under each of these three normative theories, an argument that having multiple basic moral principles is not a fault of intuitionism, and a brief conclusion summarizing this paper's findings.

## **Basics of Ethics**

Ethics is the branch of philosophy concerned with what we ought to do, or our moral obligations. Ethics is generally split into several branches, basically by the level of abstraction. Applied ethics asks what we should do in a given situation, and so deals with ethics on the level of action in a particular scenario. Normative ethics deals primarily with ethical theory, and asks: how should we decide what we ought to do? It is concerned with our decision-making principles, or how we ought to approach making moral decisions. Normative theories aim to give us a way to determine what is the right thing to do in a given moral scenario. The third is metaethics, which asks what ethics is and how it is justified. Metaethical questions deal with topics like the foundations of morality, whether moral claims are objective, and the sources of epistemological questions about objective moral claims. One major metaethical assumption made in this paper is moral realism: that is, that moral judgments about what is right or wrong have truth values and can be true or false.

Ethics is prescriptive, not descriptive, so it is not concerned with what people actually do, but with what they should do, whether or not this is reflected in the real world. Whether or not a decision-making framework is practically useful is not necessarily relevant to whether it is correct. However, this may be relevant on a metaethical level: if a normative ethical theory is not practically applicable in the real world or yields identical moral obligations in each scenario with another more practical normative theory, then it is reasonable to conclude that it is inferior to an alternative with better epistemic grounding, such that the alternative will be preferable as an ethical theory.

## **Intuitionism**

One minor, and largely forgotten, normative ethical theory is intuitionism. This view is centered around various moral factors at play in a particular situation. It takes moral decision making to be an intuition-based weighing of various moral imperatives or rules, which each come from some *prima facie* (self-evident/obvious) duties which are incumbent on an individual. For example, Ross thinks that one's situation as a promiser, debtor, spouse, parent, friend, countryman, and so on gives someone obligations towards promisees, creditors, spouses, children, friends, countryman, and others (Ross, 1930/1987, p. 444-445). In W. D. Ross' outline, he suggests fidelity (promising), reparation, gratitude, justice, beneficence, self-improvement, and non-maleficence as the fundamental moral principles which ought to be considered in any given scenario. These, he thinks, are self-evident and require no proof, in the same way as "a mathematical axiom, or the validity of a form of inference, is evident." (Ross, 1930/1987, p. 448) They have the status of presumed beliefs, rather than being merely suggestions. They are not derivative claims based on some previous argument, but understood to be self-evident, and thus do not require further justification. Ross thinks that we have a natural ability to mediate between our intuitions about how these moral concepts apply to a given scenario and use basic faculties of logic which we take as strong intuitions or presumed beliefs (if-then statements, basic logical inferences, that contradictions imply an error in logic, and the like) to decide how much moral weight each of these moral duties has. It is our basic intuitions about a moral scenario that are thought to have epistemic weight in this decision-making process.

The appropriate and morally correct action one should take can then be identified by synthesis of these duties to identify one's ultimate or absolute duty in any given situation. Ross compares this to the effect of forces on the human body: "...subject to the force of gravitation

towards some other body, 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 that we can preserve the absoluteness of the general principles of morality.” (Ross, 1930/1987, p. 448) So, one’s obligation to keep a promise, for example, might be overruled by a more pressing and immediate concern. For example, Ross thinks that someone’s lunch plans might need to be canceled if one witnesses an accident, because their obligation to help those hurt in a serious accident is a stronger *prima facie* duty than their obligation to keep their promise to their friend (Ross, 1930/1987, p. 444). Our basic intuitions about the duties which each of these principles yield in a moral scenario are mediated between and we use intuition to conclude which of these duties is most pressing. This, then, is our moral imperative.

### **Intuition**

To better understand what Ross’ theory is about, it is important to clarify what is meant by intuition, as the term can be understood in various ways depending on the context. Generally, intuition can have three meanings. It can refer to an emotional response towards something which happens, or towards someone. It could also be an initial tendency towards believing a proposition to be true or false: this is generally referred to as an ‘intellectual seeming’ (Intuitionism in Ethics, 2020). These aren’t taken to be infallible: seemings must be inherently defeasible and disprovable upon further reflection. For example, the propositions that “there are more even numbers than odd numbers” (Intuitionism in Ethics, 2020), and that “the Russian woman will be white” might be taken as intuitions, but could be disproven by reflection on the nature of infinity or the additional information that the woman is indigenous to Siberia in Eastern

Russia (an Asian Russian). If these intuitions are made based on further underlying evidence, then they cannot merely be intellectual seemings. These first two types of intuition require that the intuitions are pre-rational, made on the basis of an “immediate apprehension” of the situation rather than a considered judgment (Intuitionism in Ethics, 2020).

The third type does not have this requirement. They are convictions to the effect that a particular belief or principle is correct or incorrect which are not an immediate judgment but are also not justified by further argument, but instead presumed to be true or false. Those who refer to these often call these self-evident propositions, and believe them to be incapable of further inspection and to be a priori truths (Intuitionism in Ethics, 2020). In this piece, only the latter two types of intuition will be relevant. When philosophers reject intuition, they generally mean to reject the second type described here, but still accept the use of this third type, at least to some extent.

Generally speaking, ethical theorists have rejected a role for intuition (here, the ‘seeming’ type of intuition) as evidence in support of moral judgments, and argued instead for making moral decisions in any given scenario based on a normative theory founded on a fundamental principle or ultimate goal, by which actions’ correctness is judged. All three of the major ethical theories generally adopted by modern ethicists—Utilitarianism, Kantianism, and virtue ethics—fall into this category. The underlying principles of each are different, but the framework is the same. There is some ultimate principle or goal, and one’s actions ought to conform to that. The principle is not at the level of application, so that a discussion of whether something is wrong is a discussion of whether it was in line with or violative of said principle, which does not typically reference the moral factors at play in this scenario except insofar as they affect the application of

the principle. That is, the principle is said to encompass all morally relevant factors in the scenario.

My suggestion is that while intuitions can be accepted to be fallible under certain circumstances, that broadly speaking, our intuitions do align with correct moral judgments, and that further, appealing to intuition ought to be an entirely acceptable approach to ethics, not only on the metaethical level but with respect to particular cases as well.

### **Are intuitions reliable?**

Intuitions are often appealed to in reference to answering moral questions, in everyday conversation. When a moral decision is made, very often it is not justified in reference to some ultimate moral principle, but rather with a more general “that seems wrong” or “it was the right thing to do”. When one digs deeper into the meaning behind why these suggestions were offered, very often, as Jonathan Haidt points out in his work about the Social Intuitionist model, “Eventually, many people say something like. ‘I don’t know, I can’t explain it, I just know it’s wrong.’” (2001/2010, p. 343) So it seems that there is in practice some role for intuitions in moral decision making, or at least there appears to be. But the question can be extended slightly further, to the following: even if this is true descriptively, ought we to extend this to our normative ethical claims? If my intuition, or the intuition of my broader community, indicates that some particular action is right or wrong, is it then right or wrong? Do our intuitions (in either the ‘seeming’ or the ‘presumed belief’ case align with whichever moral judgment is more likely to be true? And if so, why? Is it reasonable to conclude that our intuitions can be a source of justification for our moral judgments?

Intellectual seemings are less constant than considered judgments, and seem hard to grasp: they lack the sort of gravity and certainty that many believe should be present in the basis



for our normative claims. Many believe that a feeling, however strong, that something is true or false should not be taken as sufficient evidence for or against its veracity. Yet the rejection of intuitionism on the grounds that intuitions are unjustified in the weaker ‘seeming’ case applies equally well to the stronger ‘presumed belief’ form of intuition. These stronger intuitions are presumably derived from the same source as the weaker ones: our basic notions of the way the world works and what is logical within it. It is the persistent coherence of these strong intuitions with our basic intuitions about the world which gives these intuitions the status of belief rather than supposition: we did not come to hold these ideas merely because of their logical coherence (or at least, not all of them). That the weaker intuitions are defeasible and can be wrong does not necessarily undermine their epistemic role: the same problem applies to the results of the hedonic calculus for a Utilitarian and to the choice of universal imperative for a Kantian, and even further to the considered judgments (which must still be intuitions) underlying each of these systems that the principle of utility or the universal law formula is true. The possibility or probability of practical error is not obviously an indication that a normative theory must be false, or even is likely to be. A normative framework inerrant in practice could never be followed by humans.

### **Can intuitions hold epistemic weight?**

There are few excellent arguments for the epistemic role of intuitions in ethics, in part due to their abstract nature and the difficulty of explaining how they justify our moral decisions. But justifying a claim of this nature is often more easily done by dismissing alternatives than by direct proof, and in this case it is clear that the most prominent arguments against the epistemic weight of things intuition in ethics are fairly easily dismissed. These arguments about intuition’s epistemic status in ethics are outlined by Gilbert Harman and Peter Singer. Gilbert Harman’s argument would suggest that intuitions cannot be epistemically meaningful because they have no

independent causal power. Singer's argument is broader and argues that they are not epistemically meaningful because they differ, and so are not a consistent basis from which to conclude anything about ethics. The arguments both suggest that intuition cannot hold epistemic weight in ethics. Responses by Russ Shafer Landau and Nicholas Sturgeon, suggest that Harman and Singer's arguments prove too much. It will be helpful here to lay out the arguments in turn: discussing Harman's challenge and how both Sturgeon and Shafer Landau respond, and then Singer's challenge and Shafer Landau's response.

Gilbert Harman's argument aims to undermine moral principles generally, by suggesting that we ought to reject them because they have no independent causal power, we should not accept that they can have truth values and should instead exclude them from our ontology. He acknowledges that our observations must be theory-laden, but argues that in moral scenarios there is a need for these theories to explain what is happening in a way which is not the case for moral theories. So, for example, upon seeing a vapor trail in a cloud chamber, a scientist might respond "there goes a proton" (Harman, 1977/1987, p. 173). If there is a necessity for the proton to be there to explain the vapor trail, and this is the best of the competing theories, then it is reasonable to accept the existence of protons in our theory. On the contrary, if there is nothing added to one's observation of the vapor trail by a judgment that there is a proton there, then we should not presume that there is a proton there (Harman, 1977/1987, p. 173). Harman argues that our intuitions about what is right or wrong in a particular moral scenario are like this latter situation: they add nothing, and our intuitions about the moral character of a scenario do not seem to contribute anything to the scenario itself, and as a result, we should not assume that they are evidence in any real sense (Harman, 1977/1987, p. 173-174).

To Harman's argument, Shafer Landau points out that the problem of requiring independent causal powers to accept that something exists (or is real) is inherently problematic and overly restrictive. Certainly, we ought to limit our ontology only to those things which are necessary to explain the world; as Occam's razor would suggest, the simplest explanation should typically be the preferred one (Shafer-Landau, 2005/2013, p. 59). The problem with this approach arises when simplification goes too far such that necessary explanatory pieces are left out of our accepted framework, which result in an ontological picture insufficient to explain the world. This is the case for Harman's 'causal powers' argument. The problem arises in that the objection to ethics on the grounds that ethical descriptions have no independent causal power applies equally well to various other categories of normative facts which we do not think should be done away with, well outside of ethics, or even philosophy more generally. This is because all normative facts are like ethical facts in that they tell us not about the world as it "IS" but about how it "OUGHT TO BE" (Shafer-Landau, 2005/2013, p. 60). This is equally true for the category of facts Shafer Landau chooses to exemplify to illustrate his point, epistemic facts, or facts about "what we ought to believe, provided that our beliefs are aimed at the truth." (2005/2013, p. 60)

Importantly, the epistemic fact that "you oughtn't believe things that you have no evidence for, and much evidence against" (Shafer-Landau, 2005/2013, p. 60) is just as causally impotent as the moral claim that "you should not steal or covet what others own". Such a claim about what one should believe clearly cannot cause someone to believe or disbelieve anything whatsoever. On Harman's argument, then, this claim can have no real weight and we ought not accept it as a part of our ontology. But this presents a problem. Harman's argument rests on accepting an epistemic claim of this sort. The fact that these claims are also undermined by his

argument means that his argument must fail, either because it is not the case that we should only accept the existence of those things that have independent causal powers, or because in accepting the rejection of such things we reject the basis for Harman's argument itself.

But this extends even further to even simpler instrumental normative claims which Harman assumes. Science (whose observations Harman accepts as evidence) itself is premised on metaphysical claims no more verifiable physically and no more causally potent than the claims at issue in philosophy and ethics. Per Shafer-Landau's example, that "[t]here are no existential truths other than those ratified by perfected natural sciences" (Shafer-Landau, 2005/2013, p. 61) is also a metaphysical rather than physical claim and thus a philosophical rather than scientific claim. Scientific confirmation, or empirical investigation, even idealized, can never establish that we should believe anything based on the evidence for and against it as a metaphysical truth, and so, even to accept this underlying belief in science we must reject Harman's view. It is not only incorrect, but self-refuting, and thus its conclusions can be rejected in the absence of better arguments.

Shafer-Landau points out that Singer's argument is overly broad and applies well beyond ethics, such that if it implies moral antirealism, it will imply philosophical antirealism as well. (Shafer-Landau, 2005/2013, p. 58-59) Shafer Landau's point about the role of intuitions in ethics and in philosophy more generally is to point out quite plainly that the role of intuition in providing reliable normative answers to ethical questions is reflected quite clearly in other branches of philosophy. For example, in philosophy of mind, it seems clear that many of its hotly debated questions may be quite difficult to answer but are clearly not indeterminate. Intuition is also a common reference point in Philosophy of Mind, and presumed to give a claim more epistemic weight than it would otherwise have. One example is the following:

*“To flatly deny the further truth, or to deny without argument that there is a hard problem of consciousness over and above the easy problems, would be to make a highly counterintuitive claim that begs the important questions. This is not to say that highly counterintuitive claims are always false, but they need to be supported by extremely strong arguments.” (Chalmers, 2003, p. 109-110)*

So, it seems intuitions guide our approach to Philosophy of Mind in much the same way as they do in ethics. But this would indicate that if the use of intuition is problematic in ethics, it ought to be seen as equally problematic in Philosophy of Mind. So, we ought to take an anti-realist approach to the prominent questions of Philosophy of Mind. It seems that it is true that our minds are either a part of or separate from our bodies, that mental states are reducible to brain states or are not, and that consciousness is either real or not real. Unlike in ethics, it seems clear here that these questions must have actual answers. They are more analogous to abstract questions like asking what the limit of a complicated function is than to empirical questions like how fast a meteor will be when it impacts the earth. But regardless of our ability to adequately answer such questions, it seems that these are questions which do have answers. So, it is not true that our ignorance of direct ways of proving the answer to these questions means that any purportedly objective answer is impossible. At best, it only indicates that our answers to such questions will be limited and fallible based on inherent epistemic challenges, a point which moral objectivists can (and generally will) readily acknowledge.

Nor do intuitions seem to have a uniquely strong epistemic role in ethics and philosophy of mind compared to elsewhere in philosophy. In fact, a cursory glance at some of the other branches of philosophy indicates that reference to intuition or truths presumed without empirical evidence is widespread. It is either true or false that our world follows logical rules, or that there

is “...such a thing as an omnipotent God, numbers without spatiotemporal location, [and] actions that are both free and determined...”, for example (Shafer-Landau, 2005/2013, p. 56). That these facts are not obviously empirically verifiable does not undermine the fact that they exist.

### **Answering Critiques**

The standard response by advocates of the major modern ethical theories, particularly Utilitarianism and Kantianism, is that intuitionism is too indeterminate. It does not rest on a single concrete principle which one can rely on to make decisions, but on semi-regulated interactions between multiple principles which we are meant to take into account when making decisions. Utilitarianism and Kantianism are thus more objective, in some sense, because they are based on one principle, and they argue that these theories are not premised on intuition. But on further inspection, it's either not so clear that this is a problem, or that both Utilitarians and Kantians face the same problem, plausibly more seriously. To illustrate this, it is useful to outline the two major principles these theories center around.

### **Utilitarianism**

In the case of utilitarianism, this principle is the principle of Utility. For classical versions of utilitarianism, an action is said to be right if it is that action which produces the most amount of overall happiness for all people affected by said action (or its implications), and any other action is said to be wrong. The maximization of pleasure and the minimization of pain are the ultimate goals of utilitarianism, and all our moral decisions are to be made in accordance with these simultaneous goals. Utilitarians believe that moral decisions are a function of a hedonic calculus: when choosing how one ought to act, one should measure the expected amounts of pleasure and pain that result from each potential action and choosing the one which will result in the highest utility. This seems to be a much more determinate way of determining what our

moral obligations are than the intuitionist's view, because the expected outcomes of an action seem more concrete than mediating between the various sorts of abstruse moral duties intuitionism requires. Early utilitarians were proud to claim that utilitarianism was a breakthrough: the development of a moral science (Bentham, 1879).

However, while the Hedonic calculus purports to be objective in much the same way as addition and subtraction, it's far from clear that this is the case. For one, such arithmetic becomes much more difficult when the things that one is measuring are not objective, which seems to be the case for pleasure and pain. One might only need to refer to the difficulty of basic arithmetic should basic properties like reflexivity, transitivity, or symmetry no longer hold. If  $2+2$  does not always equal 4, or '2' pain for me and '2' pain for you feel and affect us differently, then measurement problems are apt to proliferate. This also appears to be true, as it is widely socially accepted and understood that different people have varying levels of pain tolerance and capacity to experience pleasure.

There is also an inherent information problem for Utilitarianism. It is by definition only possible to inductively argue for the accuracy of any hedonic calculus, as the range of potential future events can never be fully understood, or its effects quantified by any human. Thus, the implications of our actions are always only partially and imprecisely understandable. Even in retrospect, these judgments are difficult to impossible to adequately assess. That utility judgments are difficult to make is acknowledged even by the proponents of utilitarianism. One of its original proponents, John Stuart Mill, goes so far as to suggest that the utility of all involved is not what any individual ought to consider, as "...the occasions on which any person (except one in a thousand) has it in his power to do this on an extended scale, in other words, to be a public benefactor, are but exponential; and on these occasions alone is he called on to consider

public utility; in every other case, private utility, the interest or happiness of some few persons, is all he has to attend to.” (Mill, 1863/2013, p. 418) But surely this does not solve the problem itself: the one in a thousand will still face all of these problems, and it is not evidently true even for others that the actions of one person will not affect those of many others. Surely we all remember experiences in which we were affected by someone’s actions even very far from our own, who missed a flight, or spilled liquid on the ground, or dropped a rock in a particular spot in the grass which someone else tripped over, seriously, months later, or chose to stop paying their mortgage in 2008, and the like. To neglect these effects based on the difficulty of making moral judgments based on them does undermine the fact that in neglecting these effects the judgments made are not necessarily correct on utilitarianism. Whether or not any given action is truly ‘right’ remains indeterminable, and the considerations of this restricted utilitarian begin to look quite similar to those of the intuitionist.

The difficulty of judgments of the utility and value of actions even on a restricted portion of human activity is also clear from the economic literature, where by far the most robust conclusion of the field has been that systems of centralized economic decision making which aim to maximize value or utility inevitably fail. The decentralized decisions of actors in free markets when they act in their self-interest (broadly construed) are presumed to result in good outcomes not because they are optimistic (generally, they will not be!), but because the distribution of errors is roughly symmetric and average out to something approximating the ideal equilibrium. This sort of solution cannot be expected on Utilitarianism because unlike in markets, there is no built-in feedback mechanism for getting it wrong. Moral choices, especially those made on a utilitarian basis, do not allow a measure of their success in the same way as economic decisions can across different societies. There is no reasonably feasible way to account for the aggregate of



these choices: there is no moral analogue to ‘real GDP’ or ‘quality of life’ metrics. Pain and pleasure cannot be quantified in any manner appropriate for such a calculation. Morality has no currency. Any attempt to construct one must fail, and so in assessing the quality of their moral decisions utilitarians are left “...permanently and completely adrift.” (Galvin, 2024) Even in market, the assumption that decentralized markets can entirely solve the allocation problem or that the results they generate are fair and desirable is highly questionable (Herzog, 2021)

In addition, the choice between one unit of pleasure and one unit of pain and no pain or pleasure whatsoever is definitionally ambivalent in utilitarianism, which is contrary to our basic intuitions about utility (the prevention of pain overall would generally prevail for a casual ethicist). A similar problem of trajectory is pointed out by Robert Nozick, who notes “[i]f only the total amount of happiness mattered, we would be indifferent between a life of constantly increasing happiness and one of constant decrease, between an upward-and a downward-sloping curve, provided that the total amount of happiness, the total area under the curve, was the same in the two cases. Most of us, however, would prefer the upward-sloping line to the downward; we would prefer a life of increasing happiness to one of decrease.” (Nozick, 1989, p. 100) On a utilitarian basis, this preference should not exist: the trajectory is irrelevant to the total amount of happiness or pain one experiences. Where the pleasure or pain comes from is also irrelevant: another objection Nozick coined, which he calls “the experience machine”, is a machine built to deceive you into thinking that a simulated life is real. If that life is more pleasurable and less painful than not entering the machine for everyone affected, then we ought to forgo our inferior real-world pleasures and pains in favor of the euphoric world of the experience machine (Nozick, 1989). But most people would prefer to experience more pain and suffering in real life than any

false or constructed life, however euphoric. This adds another factor which we think matters morally which Utilitarianism cannot account for.

Utilitarianism also has many counterintuitive results which are at odds with our intuitions about what moral decisions the vast majority of people believe. A few examples will be helpful to illustrate this point. First, Utilitarianism's only concern is quantity, so that if the distribution of pain and pleasure is unfair this is entirely unaccounted for. So, we might imagine a 'fragile flower' person, who is unable to handle the world and experiences an extraordinary amount of pain from basic everyday things. On a Utilitarian view, it is possible to find it is right to cater to this person's every whim in order to decrease his pain even if it decreases the pleasure of everyone around him so long as the decrease in their happiness put together is insufficient to compare to the pain he would otherwise feel.

Conversely, Utilitarianism is often susceptible to the oft-cited genocide problem, where a small individual benefit aggregated over enough people of the wiping out of a minority group which is a nuisance to the broader community could be right on Utilitarianism if their pain was outweighed by the future benefit to the majority that their deaths would result in. This is objected to by proponents of such ideas as natural rights: as legal theorists like Ronald Dworkin argue, on a utilitarian basis, any and every individual interest may (and, if they lead to less pleasure, must) be sacrificed "...simply on the basis of the collective welfare." (Bowie, 1977, pg. 911) There are various other similar cases: the important conclusion is that utilitarianism's conclusions are often contrary to our strongly-held beliefs about what one ought to do in a given moral scenario.

One alternative which has been proposed to rule out the counterintuitive cases generated by classical utilitarianism is rule utilitarianism, which presupposes that our 'maximization' decisions should be on the level of principles which we act on (keep your promises, help others

when you can do so at little personal cost, etc.) rather than applying to particular cases and actions themselves. But rule utilitarianism is not a viable alternative to explain such counterintuitive moral decisions, because it faces a definitional collapse problem. As every possible rule in any rule utilitarian framework must be subordinate to the ultimate rule to maximize pleasure and minimize pain, breaking any such rule when the outcome will be better when doing so must be the correct moral action (otherwise this moral framework could not adequately be called utilitarian at all). Thus, rule utilitarian rules can never truly be rules whatsoever. They must merely be guidelines subordinate to the ultimate rule which are relied upon to simplify one's decision-making process. The collapse of rule utilitarianism into act utilitarianism is inevitable, and to reject this in any case would be to reject utilitarianism itself in favor of nothing more than "...a form of superstitious rule-worship..." (Smart, 1956/2013, p. 424) Attempts like Brad Hooker's which aim to justify rules on the basis of internalization and non-compliance problems still fall afoul of this trap: if any individual chooses to break the rules in a way which maximizes benefits, then either they would be morally correct in doing so, which would render these rules as mere useful, constructed suggestions, or this 'rule-utilitarianism' is not utilitarian at all. Careful formulation cannot erase rule utilitarianism's inherent collapse problem (Hooker, 2000/2013, p.436-439).

The question then becomes: if utilitarianism is unconcerned with our intuitions about particular moral decisions, why might it be a problem that utilitarianism can generate so many counterintuitive results? The simple answer is that utilitarianism is premised on intuition. Where did the principle that the maximization of pleasure and the minimization of pain should be prioritized come from? Why should we care about other people's pain and pleasure in addition to

our own? Utilitarianism doesn't answer these questions, and it cannot do so, because they are assumed premises. It would be entirely irrational to argue the following:

- A) An action is right if it is that action which produces the most amount of overall happiness and the least amount of pain for all people affected by said action, and any other action is said to be wrong.
  - B) Utilitarianism suggests that all right actions are those which produce the most amount of pleasure and the least amount of pain for the most people.
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C) Utilitarianism is true.

In response to this argument, any opponent of utilitarianism, and indeed any honest philosopher, would note that premise A is out of place because it presumes the conclusion which the argument aims to support. The philosophers who first outlined utilitarianism as a moral philosophy acknowledged openly this fact, that utilitarianism is not provable directly. Bentham noted: “[i]t should seem not, for that which is used to prove everything else, cannot itself be proved; a chain of proofs must have their commencement somewhere. To give such proof is as impossible as it is needless.” (Bentham, 1879, p. 4)

This resembles closely Ross' argument for intuitionism: both argue that there are self-evident premises which underline the rest of our moral decision making but which cannot be proven because they are the foundation on which the institution of ethics is built. Both believe that we already presume and act as if these premises are true, and that they must be true based ultimately on intuition and the fact that they are consistent with our own experience of the world. But there are major differences between these claims. Ross' argument gives us a decision procedure based on multiple (sometimes conflicting) principles of duty, while Utilitarianism restricts itself to only one: the principle of utility. In doing so, Utilitarianism presumes that we

can generate a principle of morality from intuition but rejects all other intuitions about the errancy of these conclusions as incorrect without justification for why we should prioritize the first. Ross accepts an interface between multiple, varying intuitions, and does not reject our ethical intuitions arbitrarily.

But of course, utilitarianism doesn't rely on intuition as a decision-making factor. Or at least, it isn't supposed to. In answer to the objection that there is not enough time to make such utility calculations in every given scenario, John Stuart Mill indicates that most of the time, we will not make our decisions through a formal utility calculation, arguing "...[t]here has been ample time, namely, the whole past duration of the human species. During all that time mankind have been learning by experience the tendencies of actions; on which experience all the prudence, as well as all the morality of life, is dependent." (Mill, 1863/2013, p. 420) If this is an accepted decision-making factor in the form of "...the extreme utilitarian who abides by the conventional rule against the dictates of his utilitarian calculations simply because he thinks that his calculations are probably affected by personal bias." (Smart, 1956/2013, pg. 426) Here, a refusal to accept the counterintuitive moral implications of their theory based on an a priori belief that hedonic calculus must have been done incorrectly in all such circumstances indicates that the judgments of the utilitarian will be no different than those of the intuitionist.

In this case it is unimportant which of these two moral principles the judgments are based on, and in fact, intuitionism will have a much stronger claim to validity as its judgments will align with the absolute duty in any given scenario, whereas the utilitarian hedonic calculus may or may not match the outcome they choose. The utilitarian, here, becomes nothing more than a closet intuitionist, accepting the intuitionist's conclusions while rejecting their methodology in the face of evidence of their alternative's fallibility. One might always argue that a utility

calculation leading to such conclusions is impossible, and so utilitarianism still may be right. But here, non-falsifiability becomes a burden rather than a strength of utilitarianism. Blatantly rejecting the existence of such counterintuitive results in this way is not an honest or philosophically defensible response to these objections.

So, utilitarianism makes at least two intuitional presuppositions which are not clearly supportable, and to which many philosophers have previously objected: that it is right to maximize pleasure and minimize pain, and that this is the only moral aim that matters. The everyday person will certainly disagree with this claim. The intuitionist will also argue that the consequentialist is wrong, because their argument proves too much. Consequences matter, certainly. But they aren't the sole factor of moral weight we ought to consider.

### **Kantian Ethics**

The other major modern ethical framework, Kantianism faces very similar problems, and arguably to an even larger extent. Kant believes that ethics is the realm of those imperatives which are categorical rather than hypothetical. Uniquely, morality compels universally, not based on some end which can be given up (and the means with it). Kantianism, the ethical theory Kant derives from this principle, is premised on one major principle: act only on that maxim (a principle, or rule) which can be willed as a universal law. If a principle would result in contradictions in conception (such that they are not possible, like willing universal breaking of promises, which would erase the concept of promising entirely) and in will (such that willing universal adherence to the principle is incoherent), then it must be rejected. A principle which is not rejected on either basis is then the principle upon which we must act. Kant thinks that there can only be one such principle: to never treat people as a mere means, but always at the same

time as an end in themselves. He thinks that this is the only thing which can be willed as a universal law, and that all other potential principles must fail.

For Kantianism, the standard counterintuitive case is its suggestion that one should not lie to a Nazi, even about a Jew hiding in your attic. Kantianism (as most commonly outlined) would suggest that this action would treat the Nazi as a mere means, as lying cannot be willed as a universal imperative. Similar issues apply to principles like “don’t hurt anyone who doesn’t deserve it”. This must then be true whether or not many people are helped by hurting an innocent person, as we might imagine in a situation like the trolley problem.

This generates a problem with these principles: that they are entirely unconcerned with outcomes, and so seem to relegate Kantians to the sort of ‘elitist in an ivory tower’ who refuses to acknowledge the difficult and often morally gray situations which people regularly face. These sorts of decisions are regularly made by generals, intelligence officers, rebels, and others. To refuse to engage in these decisions to purportedly act morally, but in the process enable the continuance of obvious moral evils, is on its face wrong. If a moral framework leads to vacuous moral imperatives in clearly morally fraught situations, then it should reasonably be rejected, at least as a complete account of our moral obligations.

One might suggest that one solution to such problems is that Kant is wrong that there must be only one such principle. Perhaps the multiple appropriate universal imperatives will be qualified or conditional on some situational factors. So, perhaps it is not that we should never lie, but that we should never lie unless we reasonably believe that doing so will save another’s life. So, lying is broadly wrong, but exceptions may be made for situations such as the Nazi asking about a Jew in the attic. This principle, it seems, is plausible to will universally, in large part because it is unlikely to completely undermine truth itself because the exception is a rather small

portion of all possible cases in which one might have the choice between telling the truth and telling a lie. This also doesn't necessarily violate the imperative to treat others as more than a mere means: we might say that treating the Nazi as someone incapable of understanding that there are times when people ought to lie in order to protect others' lives would really be treating them as a mere means, and not as an intelligent agent who is capable of understanding difficult moral situations.

But applied broadly to Kantianism's counterintuitive moral claims, this problem leads to the same sort of collapse into intuitionism faced by utilitarianism. While this does not necessarily lead to a rejection of Kantian principles in the same way as it might with utilitarianism. On this view, Kantianism would generate a variety of narrower and sometimes conflicting principles which look very much like the prima facie duties offered by Ross. Perhaps here Kantianism would be taken as the broad principle describing the sorts of acceptable moral principles which we are able in practice to mediate between through the use of intuitionism. Kant's principle to only treat others as an end in themselves and not as a mere means, then, would be a helpful shorthand which indicates how we ought to prioritize these principles and makes the identification of our absolute duties somewhat easier. This sort of Kantian Intuitionism, as is suggested by Robert Audi (2001), does not necessarily contradict intuitionism. It may in fact be preferred as a normative theory, due to the derivation of its basic principles from a reasoned process rather than merely from intuition (or the fact that this is apparently the case: it's not entirely clear that this could be a completely reasoned process which can avoid appeals to our considered judgments).

### **Axiomatic Claims and Judgments from Nowhere**



One trouble with discussing intuition is that its terminology suggests that intuition is merely a judgment derived from nowhere. But in fact, this is far from the case. Intuitions are usually made through a sort of suppressed logic, where one makes associations with previous similar issues (broadly construed) to decide how best to approach a novel scenario. So, they are less an arbitrary response to a scenario and more a result of instinctual associations based on one's background beliefs and assumptions about the world. After all, "[b]y the time a person is able to do anything so sophisticated as to consider whether to adopt a moral belief, she has spent years being inducted into a culture where she has been trained to behave in ways that her immediate community deems acceptable, and to see things largely as her immediate community sees them, and she has been taught, in part by explicit instruction, an elaborate set of evaluative propositions." (Frederick, 2016, p. 3) The basic idea is that different intuitions, some discounted based on bias of some sort, cannot lead to intuitive knowledge in the way we mean it to exist.

But accepting objective morality exists does not mean accepting that we have a good way of identifying what is actually objectively correct. As Ross points out, "[w]e have no more direct way of access to the facts about rightness and wrongness and about what things are right or good, than by thinking about them; the moral convictions of thoughtful and well-educated people are the data of ethics just as sense-perceptions are the data of a natural science." (Ross, 1930/1987, p. 452) So, intuitions, faulty though they may be, are the best that we have in terms of data. Incomplete, faulty information is still preferable to attempting to construct ethics from nothing. Require that you start with nothing, and you'll get nowhere.

### **Error Correction**

Intuitionism is also preferable because it at least allows for a basis for argument. Utilitarianism, Kantianism, and others also rest on ultimately faulty intuition. This is inherent in

the construction of any ethical theory; due to the epistemic restrictions we face as humans. But it's not clear how on either Utilitarianism or Kantianism we can contest a moral conclusion, whereas there is a potential source for such error correction on intuitionism. The possibility and resolvability of moral disagreements under these theories may be immaterial to the validity of a metaethical theory's judgments but is certainly relevant in its practical use and epistemic value.

Utilitarianism clearly faces this problem because of its many measure problems. As previously discussed, there is no way to assess correctly when a moral decision is pleasure-maximizing. Even a decision which is universally understood to have led to huge amounts of pain and suffering might be justified by those in favor of it by arguing that it was the least of the bad option available: a classic example might be the dropping of nuclear bombs on Hiroshima and Nagasaki by the U.S. government in World War II. So, it is almost impossible in the moment or in retrospect to assess the accuracy of moral judgments made based on utilitarian principles. This leads to a difficulty of moral arguments: the vagueness of the discussion over abstract pains and pleasures affecting thousands of people under uncertain circumstances precludes easy agreement. For example, in the U.S. civil war, 600,000 people were killed, and this led to 4,000,000 slaves being freed. But the circumstances of slaves didn't radically change as a result of being freed, and the social circumstances of minorities in the United States would not radically improve until almost a century later during and after the civil rights movement. A utilitarian would be hard-pressed to justify the civil war based on what was known at the time, and even with the knowledge of the civil rights movement now it is hard to conclude that the war was pleasure-maximizing. We have no basis on which to argue for or against the civil war, except that we think it was a good decision because it ended slavery, which most people

generally dislike (in my view, correctly!). So, our discussion here must be somewhat arbitrary. Hedonic calculus is at best a partial analysis of a situation, and unreliable as a result.

Kantianism faces a similar issue. If I generate a principle which is faulty in some way, my only recourse is to refute the principle by identifying some contradiction inherent in willing the principle or conceiving of it as a universal law. These are perfectly acceptable methods as far as they extend, but don't allow for much reflection on the merits of a principle in itself. Kant's principle itself is questionable, but the basis for doing so is unclear. Intuitions are disallowed on their face to affect a Kantian's actions, as they do not refer to the principle which is supposed to guide all moral actions.

At first glance, this problem of error correction might seem to be the case for Intuitionism as well. Jonathan Weinberg is one philosopher who holds this to be the case. He believes "...that our best theories of how intuitions work [do] not help with the task of incorporating error-detection and error-correction procedures into our philosophical practice." (2007, p. 17) But it is not the case that we have no way to 'test' our intuition-derived beliefs. For one, intuitions in seemingly principled scenarios often conflict. The principle "kill one person rather than let five die" is intuitively correct for cases like a standard trolley problem. But if we are considering whether or not to murder someone for their organs to save five others (often called the transplant case), this principle fails: or our intuition about applying it changes (Thomson, 1985/2010). The fact that we have conflicting opinions based on different scenarios applying a principle can then allow us to determine whether or not the principle is reliably accurate, and if not, where it goes wrong. This sort of loop has been described in the social intuitionist model, pioneered by Jonathan Haidt in an attempt to explain how we usually reason morally (2001/2010, p. 343). Comparing and contrasting our ethical intuitions can be used to generate new prima facie duties

or reframe prior duties which challenge the balance of conflicting duties and can then adjust our absolute duty in a given scenario is entirely possible under this model. That Haidt acknowledges this process is difficult and rarely actually done is not a problem for this view. Both Utilitarians and Kantians are apt to be wary of changing their views. Hardheadedness and wariness to change are human universals and to be expected on any normative ethical theory.

To argue that intuitions are unreliable because they derive from evolution or are based on our history of needing to cooperate to survive — as some philosophers, like Singer, note — would be an instance of the genetic fallacy (Singer, 2005, p. 7). A better argument is clearly warranted here. That natural laws exist, or that we can generally disregard the problem of induction, and many other beliefs, are similarly derived. Rejecting intuition on this basis would also reject these claims. A better argument would then also need to justify why we should not accept these ‘seemings’, when philosophers generally do accept the reliability of our considered judgments (the ‘stronger’ form of intuition, which presumably has a similar genesis).<sup>1</sup>

### **Epistemic Regress Problem and Conclusions**

One major challenge in metaethics (and throughout philosophy) is the epistemic regress problem. Colloquially, this is the “it’s turtles all the way down” problem of grounding philosophical theories. In order to claim something as true, we cannot assume that it is completely justified, because our justifying premises for any given conclusion will then need to be justified, and the premises grounding these as well, and so on. This chain, taken to its logical extreme, would result in an infinite regress. This impossibility of full certainty in justification leads either to the absurdity that all claims would be equally justified, or that none are justified. So, philosophers generally accept that the chain of justification must stop somewhere. Often,

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<sup>1</sup> Singer is one of very few philosophers who rejects both forms of intuition, but his rejection of intuition generally does not undermine the fact that this question remains open for most.

they invoke unjustified premises which most people accept as baseline ideas, primarily through intuition. For example, when Descartes famously suggests “I think, therefore I am”, he makes the intuition that this is the only way that he could think: something that thinks, must first exist in some manner. He thinks this must be self-evident, but obviously cannot prove that it is the case. Descartes builds his belief system from there. In a similar manner, coherence with our strong moral intuitions about what is right and wrong is our main verification standard for normative theories in ethics.

Building from a set of beliefs rather than one has been proposed as a solution to the epistemic problem of justification, which enables the evaluation of our basic beliefs themselves in terms of how well they cohere as well as the construction of derivative beliefs which find their justification in these basic beliefs and begin to fill out the framework for justifying whatever question is at hand. In mathematics, for example, algebra has five basic axioms and Euclidean geometry requires at least 10 basic axioms and postulates (and ultimately relies on more assumed premises) to justify its basic propositions. When combined, these axioms lead to further theorems and significant developments in knowledge about Euclidean geometry. If this is an acceptable approach in both mathematics and epistemology, then I see no clear reason why it ought to be unacceptable in ethics.

Nor is the fact that these basic ideas are developed from intuition exceptional: very often, intuitions are a starting point for the construction of philosophical theory. A philosopher might take some basic ‘facts’ A, B, and C which they believe need explaining, and begin to construct a framework around these basic ‘facts’ and derive further results through the use of basic deductive and inductive arguments. If this is an acceptable approach elsewhere in philosophy, it should be expected to be a reasonable approach in ethics. Here, we might take basic, strong

principled intuitions like ‘it was wrong to murder that man’, ‘you should keep your promises’, ‘you should care for your children’, and the like as basic building blocks from our understanding of applied ethics, and abstract out from these the basic principles that apply to any given situation. Generally speaking, the principles one will find are something very much like the seven Ross suggests. Perhaps there are more, or one or more of these collapse into another. Intuitionism remains defensible and its theory will be largely unaffected in either case.

On this basis, the multiplicity of self-evident claims proposed by intuitionism is far from an undermining point and in fact should not be assumed to be a detriment to the theory whatsoever. Ethics is almost certainly a subject more difficult to investigate using basic principles than either epistemology or mathematics, so the presumption that it uniquely must rely on few, or even one, proposition, in the absence of justification is certainly debatable. If anything, the indeterminacy of proof of objective normative ethical claims is evidence that we ought to be cautious of privileging any particular principle above all others and choose instead to mediate our discussion based on the generally accepted relevant factors Ross’ intuition suggests: fidelity, reparation, gratitude, justice, beneficence, self-improvement, and non-maleficence.

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