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Consequentialism and the Subversion of Pluralism

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My aim in this chapter is to offer an account of moral pluralism which brings out some of its distinctive advantages over other normative ethical theories, but especially its advantages over consequentialism. The main stimulus to this paper has been the subtle and interesting challenge to pluralism presented by Brad Hooker's 'Ross-style Pluralism versus Rule-consequentialism'.[1] Hooker's paper raises the deepest questions about moral justification, about the grounds of moral judgement and about the nature of reflective equilibrium as a model for moral epistemology. I shall argue that Hooker is mistaken in his claim that the central rationale for pluralism, when fully thought through, leads one to a form of consequentialism.[2] In the course of offering some considerations against Hooker's argument I will develop an alternative view of pluralism and its commitments, which Hooker overlooks in his attempt to subvert the attractiveness of pluralism.

The plan of this chapter is as follows. Section 1 will offer an exposition of pluralism and its relation to 'methodological intuitionism'. Section 2 offers an exposition both of Hooker's argument and of an important objection to Hooker developed by Philip Stratton-Lake.[3] Section 3 considers different interpretations of the methodology of reflective equilibrium. Section 4 applies to the conclusions of Sections 2 and 3 to Hooker's argument raising in addition specific doubts about the feasibility of his proposal. Finally, Section 5 presents an alternative version of pluralism, which I argue is more resistant to Hooker's criticism.

<div align="center">SECTION I</div>

Moral pluralism is the view that a correct account of the resources of moral thinking will find an irreducible plurality of principles of moral salience and basic ethical

considerations.[4] I take basic ethical considerations to be the exemplification of values by situations, persons, and actions. These judgements will typically be conceptualised by drawing on a repertoire of 'thick' ethical concepts. Examples of such concepts would be the concepts of treachery, brutality, or integrity.[5] This class of judgements offers the basic class for the justification of other kinds of moral judgement. Thus, I regard 'thin' ethical concepts as ultimately grounded on evaluative judgements primarily deploying thick concepts. Examples of 'thin' ethical concepts would be ought, right, and good. Principles of moral salience dictate which reasons typically function to ground specific verdicts in particular cases; they are statements of the tendency of reasons to function as evidential considerations across a range of different contexts of judgement. The role of this class of judgements will be discussed further below.[6]

The constitutive features of pluralism which make it distinctive vis-à-vis other reflective accounts of morality have been expressed by Rawls:

> [Pluralist] theories, then, have two features: first, they consist of a plurality of first principles which may conflict to give contrary directives in particular types of cases; and second, they include no explicit method, no priority rules, for weighing these principles against one another: we are simply to strike a balance by intuition, by what seems to us most nearly right. Or if there are no priority rules, these are thought to be more or less trivial and of no substantial assistance in reaching a judgement.[7]

As we shall see, Rawls believes that the only means of rebutting moral pluralism, which he takes very seriously as a theory of moral judgement, is to construct a set of principles which can 'do better' from the point of view of developing lexically ordered priority rules.[8] In Rawls's account, the pluralist, on the contrary, does not believe such a lexical ordering can be discovered (or imposed).[9]

Two of the main advantages of pluralism are its close tie to moral phenomenology and its phenomenological plausibility. This directly relates pluralism to the more general theory of intuitionism. Following the seminal discussions of Rawls and Williams, it is now customary to draw a distinction between 'epistemological' and 'methodological' intuitionism. The former is usually understood as the epistemological thesis that certain moral truths are known via a faculty of rational intuition, comparable to the faculty of intuition that gives us knowledge of the a priori in the special sciences – though recent work has contested this standard view.[10] The latter is the view, held by Urmson and Williams, that the starting point of ethical enquiry should be a phenomenological description of the plural sources available in our ethical experience. Such an unprejudiced phenomenology will, it is argued, reveal a plurality of commitments both at the level of moral knowledge and at the level of principles.[11] Thus, the evidence of unprejudiced phenomenology, which is the

starting point of methodological intuitionism, and the findings of the reflective account of morality, which is represented by pluralism, match precisely.

The claim that methodological intuitionism is phenomenologically plausible may not seem to be much of an advantage for the view on the grounds that since it simply redescribes our existing commitments; the pluralism it yields up does no more than reproduce a pluralism inherent in the original material.[12] If it does try to do more than this, moral pluralism runs into two problems: it confuses explanation with justification and it faces the problem that it may simply be reproducing a parochialism inherent in the original data.[13]

So let me refine the sense in which methodological intuitionism is phenomenologically plausible. It is plausible in that it takes up an internal perspective on our existing moral practices. I have argued elsewhere that any acceptable moral view must further undertake to entertain specific, grounded doubts about the deliverances of any moral phenomenology, without thereby being open to global doubts about our moral knowledge as a whole.[14] A reflective account of the ethical that is pluralist must thereby be open to correction from critical social theory. Its deliverances are thereby normative and do not merely reflect the de facto content of the ethical materials it seeks to describe.[15]

One way of understanding this position is in terms of the epistemological model of reflective equilibrium, a general reasonable procedure for adjusting moral principles to moral 'intuitions'. The version of reflective equilibrium involved would be wide, not narrow, to include the deliverances of background theories in the human sciences. I am going to discuss the model of reflective equilibrium at length in the next section, so at this point I offer only a brief characterisation of the reflective equilibrium method.

As canonically formulated by Norman Daniels, the method of reflective equilibrium begins by isolating a class of 'considered moral judgements'.[16] These judgements are moderately subject to reflection, in that they are filtered in the light of presuppositions about the appropriate contexts for reliable belief formation and are thereby shaped by a preliminary and moderately reflective theory of error. In Rawls's original formulation, these beliefs were marked by the subject's degree of confidence in them. The transition to narrow reflective equilibrium begins when these considered moral judgements are related to a set of principles which both justify and give insight into them; this involves a process of mutual adjustment which can involve the revision of either considered moral judgement or of general principle. The conclusion of this process is narrow reflective equilibrium; however, this is not the end of the process.

Further reflection draws on background theories in the human sciences relevant to the project at hand: theories of social stability drawn from sociology in the case of deliberations over social justice, or theories of the person or social and moral

psychology in the case of moral deliberation. Rawls and Daniels accept that these background theories need not be 'value free' and may be significantly shaped by prior moral presuppositions. Daniels hopes that it is possible to disjoin those of our considered moral beliefs implicated in these background theories from the majority that are not so implicated. Only then, he believes, can the transition to wide reflective equilibrium uncover the full structure of reflective ethical justification without introducing a damaging circularity into the process.

   I have elsewhere described how, in my view, the resources of pluralism have to be defended from the charge of parochialism or ideological distortion by drawing on the family of psychological and social theories known collectively as critical social theory.[17] This seems, on the face of it, similar to the proposal that pluralism, in narrow reflective equilibrium, must be embedded in background theories of self and society drawn upon in wide reflective equilibrium. However, adding the deliverances of critical social theory to ethical pluralism is not, in my opinion, best viewed in terms of the reflective equilibrium model. Building a filter on the admissibility of ethical options drawn from critical social theory into a model of moral knowledge is different in one crucial respect from the original proposal to move from narrow to wide reflective equilibrium. The content of the deliverances of critical social theory, besides being normative, is not sufficiently independent of morality to figure without circularity in wide reflective equilibrium. Critical social theories contain at the core of their research programmes a model of the emancipated human subject that expresses a conception of human flourishing; I do not see, pace Daniels, that a theory strong enough to supply an ideological critique of existing beliefs and institutions can have a content sufficiently disjoined from the majority of our considered moral beliefs, as Daniels hopes.[18]

<center>SECTION 2</center>

My aim in this section is to put into play Hooker's argument and an important discussion of it by Philip Stratton-Lake. Stratton-Lake's argument, it seems to me, both opens up interesting discussion in its own right, mainly about the correct interpretation of Ross, but also to lead on to a form of pluralism on which Hooker does not focus.

   Hooker's argument proceeds as follows. He first motivates a 'four part methodology' for the assessment of moral theories: the requirement of internal coherence, the adoption of the methodology of wide reflective equilibrium, the requirement that 'Moral Theories should specify what (if anything) ties together our various general principles and justifies them' and the desideratum that such theories should 'help us deal with moral questions about which we are not confident, or do not agree'. After further motivating the first two requirements (the first of which does not require comment and the second of which I discuss in detail in the next

section), Hooker turns to the crux of his argument. He describes a position he labels as 'Ross-style pluralism', defined by three claims:

> The first is that there is a plurality of first principles. The second is that these are capable of conflicting with one another. The third is that there is no strict order of priority for resolving conflicts between them, or at least none that eliminates the need for the exercise of judgement.[19]

This looks like a general definition of pluralism per se; Hooker adds that what justifies the qualifier 'Ross-style' is Hooker's interest in the claim that such a theory presents a list of 'general duties'. These duties constitute both a plurality of first principles and are 'prima facie' in the sense that 'none is absolute – that is, each is capable of being overridden by the others'.

Hooker then argues that there can be no presumption that a Ross-style pluralist's list of general duties is 'tied together' and 'justified' by a single first principle, but that as a brute contingency there is such a principle:

> [J]ust as we must not assume Ross-style pluralism is not the best theory, we must not assume it is the best theory. What could make some other theory better . . . ? For one thing, it might be just as good as Ross-style pluralism at matching our intuitions, but go further in finding some more basic principle that ties together and justifies our various general moral duties. Suppose we find such a basis . . . Such a theory would have everything Ross-style pluralism has, plus something extra.[20]

This contingent discovery offers both an intellectual insight, valuable in its own right, meeting the third desideratum for theory choice, and assistance with controversial moral questions, meeting the fourth desideratum. Hooker proposes that there is such a contingent single principle, a form of rule consequentialism he has elsewhere described in detail, which avoids an overarching commitment to maximising the good. The theory does, as Hooker concedes, contain a certain amount of internal plurality, but remains distinct from pluralism in its claim that there is a single principle for selecting general duties, even if that principle contains pluralist elements. It is also 'at least a little more helpful' in the solution of controversial moral problems.[21]

The remainder of Hooker's argument consists of defensive concessions to undermine the appeal of Ross-style pluralism. He considers two positive arguments given in favour of such a form of pluralism: first, that it is phenomenologically plausible and affords a realistic place to the ineliminable role of moral judgement. Second, one defence of pluralism claims that the theory affords a realistic description of the complex historical deposits of our inherited moral ideas. On the first point, Hooker argues that rule consequentialism must simply accept the point that such

exercise of judgement is ineliminable, hence the two theories are on a par. Less impressed by the second argument, he contends that our method of theory appraisal should be wholly ahistorical and that claims to the contrary commit the genetic fallacy.

This is a challenging argument, not least because of its subversive methodology; the way it takes an established rationale for pluralism and suggests that if fully thought through, the rationale takes one to a different theory. However, there is some unclarity as to exactly which form of pluralism is undermined by the argument. To begin to address this issue, I will discuss an important criticism of it put forward by Philip Stratton-Lake.

Stratton-Lake's main focus is on Hooker's claim that the view he is attacking represents, historically, the work of W. D. Ross. Stratton-Lake argues that Hooker has misunderstood Ross, but his criticism goes beyond the purely historical issue. Stratton-Lake argues that Hooker is wrong to claim that his rule-consequentialist principle can justify a candidate list of prima facie principles:

> For if A is able to justify B (where B stands for some practical principle, or set of practical principles) A must satisfy the minimal formal requirement that it be able to answer the question: what reason do we have to deliberate and act in accordance with B? If A cannot fulfil this requirement, then it cannot justify B. Hooker appears to satisfy this requirement because he misunderstands Ross's concept of a prima facie duty.[22]

The misunderstanding alleged is this: that Hooker takes prima facie duties to be both prima facie/pro tanto and duties. In fact Ross's prima facie duties are neither prima facie in the ordinary sense nor duties. They are not prima facie in the sense Hooker, following Kagan, acknowledges by shifting to the term 'pro tanto' – they are real duties, not apparent duties. But neither are they duties; they are, rather, the *grounds* of duties:

> For Ross, prima facie duties do not describe general, but overridable duties, but the general features of actions in virtue of which they are right or wrong: that is, they describe the sort of general considerations which are salient to determining what one's duty is.[23]

Stratton-Lake suggests that the point is more clearly made in terms of Phillipa Foot's distinction between verdictive and evidential considerations.[24] Foot argued that it was important to distinguish between two ways in which moral considerations figure in moral deliberation: they can figure either as evidence in support of overall moral conclusions or as the overall 'all things considered' practical verdict that is the upshot of deliberation.[25]

Deploying Foot's distinction, Stratton-Lake argues that, 'prima facie duties are

general evidential moral considerations on the basis of which we reach an overall moral verdict, that is, judge which verdictive moral consideration obtains'.[26] Stratton-Lake proposes the term 'principle of moral salience' as a replacement for Ross's terminology and I will present his own view using this terminology.

Stratton-Lake argues that Hooker's misunderstanding of Ross's list of prima facie duties as a list of general verdictive considerations is an error that leads directly to Hooker's subsequent argument for basing the list on a rule-consequentialist principle. For, if mistakenly interpreted as as a list of normatively basic verdictive judgements, the list requires no further backing by relevant evidence in the particular case. So, when Hooker presses for a further justification, his search for a further grounding of the list can only take him from verdictive considerations of the first order to verdictive considerations of the second order – hence the rule-consequentialist principle.

Positively, the revised account which Stratton-Lake attributes to Ross works as follows: the list of principles of moral salience expresses 'the basic types of evidential moral considerations on which any answer to the question "why should I do that?" will ultimately come to rest'. Citing reasons that form the content of the principles is to 'cite a basic (morally) reason giving consideration', functioning evidentially.

There is an ambiguity, which Stratton-Lake acknowledges, in the idea of a principle of moral salience, between whether it explains the functioning of basic reasons qua evidence and whether a consideration figures as evidence at all. The first issue – the extent of evidential support – is plausibly a matter of degree, the latter not. The point is important as it is crucial to Stratton-Lake's counter-argument that there is nothing to be said on the latter, criterial point. But Hooker's theory claims to address this issue; the rule-consequentialist principle allows one to determine not only the relevance of, for example, the fact that an act is a keeping of a promise to practical deliberation, but also the salience to deliberation of promise-keeping at all. The issue is the basicness of the class of basic reasons Ross identifies, which is not addressed by relating a list of general verdictive considerations to another general verdict. As an attempt to address the former issue, the rule-consequentialist principle must be question begging as it already assumes that well-being and fairness are salient to moral deliberation – the issue being addressed.

This important argument offers more than insight into the historical Ross. Taking Stratton-Lake's point into account, one can develop an alternative account of Ross's position. Ross is *primarily* an Aristotelian particularist. Verdictive judgements are always judgements about particular cases.[27] However, on the basis of this knowledge which is 'intuitive', one can on the basis of Aristotelian induction form principles of general evidential salience which are not verdictive.[28] They capture the element of generality in moral deliberation, the tendency of grounds to figure as the basis of

practical verdicts. It is the commitment to Aristotelian induction which grounds Ross's separate view that the epistemic status of these grounds is necessary and known a priori.[29] This attractive package of views would allow one to steer between the pluralist claim that pluralists cannot be particularists because this position 'renders theory redundant' and the particularist claim that Ross's position should be rejected because of its generalism.[30] Further discussion of the merits of *particularism*, as opposed to pluralism, would go beyond the ambit of this paper, but suffice to say that there may be resources in Ross's account for a rapprochement between particularism and generalism.[31]

For my present purposes, the great interest of Stratton-Lake's proposal is that it suggests a distortion imposed on Hooker's entire argument by taking its subject matter to be the relationship between sets of general and verdictive considerations. I will suggest that Hooker's adoption of the reflective equilibrium methodology leads to the same problem by a different route.

<div align="center">SECTION 3</div>

The question that Stratton-Lake has posed focuses on the relation Hooker envisages between a 'Ross-style' list of duties and a rule-consequentialist principle. I will examine this relation in due course, in Section 5, below. First, however, I want to ask a prior question: why does Hooker assume that a pluralist account of morality will take this form? Both he and Stratton-Lake assume that Ross's version of pluralism is the most defensible form of pluralist theory, an assumption that I will contest in Section 5. Pluralism is a reflective account of morality, but why does reflection lead to abstraction, in this case to a list of general duties couched primarily, if not exclusively, in terms of 'thin' ethical concepts?[32]

In addressing this question, I want to examine an understanding of the operations of the method of reflective equilibrium that could have led Hooker to the assumption that Ross-style pluralism was the strongest form of pluralist theory and the version most worthy of consideration. While the method of reflective equilibrium is common ground between Hooker and myself, the understanding of the method I will criticise is not.

Many different interpretations have been developed of the method of reflective equilibrium. A recurrent point of dispute between these competing interpretations was the degree of difference between the method and the epistemological intuitionism of Moore and Ross. Rawls's interpretations of the method shifted through time, but broadly speaking both Rawls and Daniels (whose formulation of the methodology has become canonical) put considerable distance between the method and the intuitionism they attributed to Moore and to Ross.[33] In particular, they emphasised that the initial class of 'considered moral judgements' do not possess even prima facie epistemic privilege. They argued that the status any class of judgements enjoys

cannot be determined until the entire process of proceeding from narrow to wide reflective equilibrium has been completed.[34]

From the earliest reflections on the method a succession of critics have argued that this understanding of reflective equilibrium could not be sustained. Considered moral judgements must possess prima facie epistemic status for the methodology to make sense;[35] the contrast between narrow and wide reflective equilibrium has been overdrawn by Daniels;[36] some judgements must function relatively foundationally in the process of establishing reflective equilibrium, thus making the overall theory not a coherence theory at all.[37] I agree with these critics that reflective equilibrium is a supplement to established forms of moral epistemology, does not form a coherence theory of justification and is compatible with a 'modest' foundationalism (or contextualism). However, with particular regard to Hooker's argument I will focus on two more detailed points: first, that the method of reflective equilibrium should not be given a rationalist interpretation; second, that considered moral judgements can be of any degree of abstraction.

On the rationalist conception of how one applies reflective equilibrium to the data supplied by methodological intuitionism that I have in mind, the two accounts essentially complement each other, and when conjoined yield a coherence theory of moral knowledge.[38] Methodological intuitionism lists our plural moral commitments, assigning no rank order of epistemic priority to this list of commitments. Reflective equilibrium is an essential supplement in that it allows one to determine relations of epistemic priority amongst the items of the list and to render the list of commitments a coherent set.

The process is as follows. The concrete and specific materials yielded up by methodological intuitionism are described by a set of abstract principles, which takes us as far as narrow reflective equilibrium. We then hope that some of our initial considered judgements can be disjoined from the rest, so that they can offer non-circular support to those background theories of the person, of the role of morality in society and in the psychology of the individual that lead to further revisions as we enter into wide reflective equilibrium. The end point of the process is a list of concrete intuitions harmonised, systematised, and rendered coherent by the ideal set of abstract principles, in the light of established background theories in the human sciences. The conjunction of methodological intuitionism and reflective equilibrium thus yields a coherence theory of moral knowledge. Methodological intuitionism is here playing the role of a methodological preliminary to the full application of reflective equilibrium. Its plurality of principles and judgements are not violated by any attempt to reduce them to a single principle. They are rather, by application of the reflective equilibrium method, woven into a different kind of unity. This is the unity of a set of judgements standing in relations of mutual coherence, or standing in a certain kind of relation to any proposed addition to the overall set.[39] I regard this

view of methodological intuitionism and reflective equilibrium as completely mistaken.

The line of argument I have sketched can in my view be diagnosed as both *rationalist* and *epistemologically realist*.[40] It brings to its discussion of moral knowledge the following crucial assumptions: in every body of knowledge there is an underlying 'epistemic order' of relations of epistemic priority and subordination. The postulation of such an underlying order explains why the subjective order of enquiry should align with this underlying objective order of reasons. In this overall process, degrees of concreteness and abstraction directly covary with classification of phenomena as 'data' and 'theoretical principle'; the concrete is equivalent to the evaluative and the contestable; the abstract is equivalent to principles of right and the foci of rational incontestability. These are all traditionally rationalist assumptions and if unchallenged they make the misunderstanding of the relations between methodological intuitionism and reflective equilibrium inevitable.

This rationalist picture misconceives the structure of methodological intuitionism in the following way. It takes the list of our commitments to be exhausted by 'concrete', conflict-ridden 'intuitions' which express an underlying theoretical order or unity awaiting discovery. These intuitions are evaluative and thereby essentially contested in the face of the kind of evaluative pluralism familiar in modern societies. Rationality in the face of conflict is restored by uncovering the underlying epistemic order of principles structuring the surface diversity of our plural commitments. The formulation of principles, the foci of rational agreement, assists in the practical task of problem solving and the formulation of moral advice.[41]

This interpretation of the reflective equilibrium method also overlooks a second point, emphasised by Scanlon, which is that considered judgements are picked out not by their relative 'concreteness', but *solely* by our degree of initial confidence in them.[42] They can be of any degree of 'abstractness' or 'concreteness'. Further, the class can be expanded to judgements as to the *relevance* of considerations for and against judgements. Both points lead Scanlon to emphasise that the relation between considered judgements and principles is not that of 'extensional fit', and hence that the role of principles in this model is to provide a fuller understanding of our initial reasons for making our considered judgements. Thus it is a misunderstanding to treat the relation of 'considered judgement' and 'principle' on the model of data and theory in a scientific theory:

> Such modification is not a matter of abandoning data points which are too far from the line . . . but rather a matter of coming to believe that we have misunderstood the reasons we had for accepting certain conclusions . . . The revisability of the class of considered judgements thus illustrates the fact that the search for Reflective Equilibrium is essentially a first person enterprise; if

the judgements in question were those of other people, treated as a kind of sociological fact, then they would not be susceptible to this particular kind of revision.[43]

The relevance of this point for my purposes is that it brings out the way in which Rawls's method fails to meet the rationalist conception of 'theory'. Reflective equilibrium does not look for underlying structures in a body of neutral data in the way that scientific enquiry seeks underlying explanatory structures. It offers insight into existing commitments from an internal perspective which takes our moral commitments as a going concern.[44] I will concede that reflective equilibrium does seek *generality*. However, as Scanlon notes, reflective equilibrium takes within its purview principles of evidential salience as well as principles of judgement and the modified Rossian theory suggests a role within such an account for a finding of generality. This point, that reflective equilibrium seeks generality but not abstraction, can be separated from the claim that reflective equilibrium should be viewed as a coherence theory of moral justification. It should, by my lights, be reinterpreted as offering a perspicuous surview of existing commitments rather than a 'theory' of them in the rationalist sense and as 'modestly foundational' (or contextualist).

To what extent does the reflective equilibrium methodology lend itself to such a rationalist and epistemologically realist interpretation? Admittedly, proponents of the method have frequently warned against interpreting it as exemplifying what Dworkin called the 'natural model', as akin to the formulation of scientific generalisations or laws from observational evidence.[45] My point, however, is that the rationalist/epistemologically realist understanding of the method can survive even when explicitly distanced from an overly scientistic understanding of the procedure. This mistaken understanding of reflective equilibrium will take the phenomenological data supplied by methodological intuitionism as input and yield a 'Ross-style' list of discursive abstract principles as output, modulo some standing background theory in the human sciences. Thus, we have at least *an* explanation of why Hooker takes pluralism to take the form he explicitly considers.

So much for how one should *not* view the relation between methodological intuitionism and reflective equilibrium. How ought one to see them as related? Here it seems to me important to emphasise that the reflective equilibrium method is in fact compatible with a degree of modest foundationalism, a point established by both DePaul and Ebertz.[46] DePaul argues that there are two ways of understanding the reflective equilibrium method, distinguished by whether it is possible completely to revise firm, considered initial judgements, a 'conservative' and a 'radical' interpretation. On the conservative interpretation, the grounds of such judgements may be further understood, but the judgements function themselves 'relatively' foundationally, vis-à-vis the other judgements in the course of reflection.[47]

Ebertz puts the case for 'modest foundationalism' as follows, 'some beliefs must be justified in virtue of some source or sources of direct prima facie justification'.[48] He then offers a two-pronged argument against the coherentist interpretation of reflective equilibrium which focuses on the role of considered moral judgements. First, on a 'conservative' understanding of the process of reflection, 'both considered judgements and common presuppositions *function as* foundational beliefs'.[49] They are based on an individual's moral capacity to make firm judgements, 'to respond evaluatively to situations around them'.[50] They are subjected to reflection, but this does not change their role:

> [T]hey have a prima facie privileged justificatory status in the structure, a status which is not derived merely from their relationship to other beliefs . . . they have prima facie direct justification . . . In the reflective process they may be defeated or thrown out. Nevertheless, if they do survive the process, we have no reason to believe they somehow lose their direct justification.[51]

However, this leaves open the possibility of 'global' replacement of such judgements in the more radical model of reflective equilibrium. I have already suggested that there is no reason to believe reflective equilibrium can be given such a radical interpretation, but even if it is Ebertz points out that *some* sets of judgements will play the role of considered moral judgements:

> [T]he fact that an individual's initial considered moral judgements are all rejected as she seeks reflective equilibrium does not entail that in the end there are no considered moral judgements in the system. In fact, it is crucial to Rawls's understanding of reflective equilibrium . . . that when reflective equilibrium is reached the resulting system of beliefs involves a balanced set of considered moral judgements and other moral and theoretical beliefs.[52]

So reflective equilibrium is compatible with a degree of 'modest foundationalism'.[53] Now, Hooker does not disagree with this first point; given that he takes reflective equilibrium and pluralism to be naturally compatible, and given that pluralism is a theory that can take a 'moderately' foundationalist form, he must at least accept the consistency of this combination. In my view the real interest arises when this claim is combined with a second point: initial judgements, which become 'firmly held' considered judgements in the course of reflection, can be concrete ethical judgements deploying thick concepts.

On this alternative understanding of reflective equilibrium, starting out as it does from a class of judgements which include concrete judgements deploying thick concepts, it proceeds as follows. Methodological intuitionism supplies a set of judgements which describes our moral experience. A degree of reflection on conditions of error leads us to revise this class into the class of considered moral

judgements. These judgements vary from specific judgements which largely deploy thick concepts to more general judgements more reliant on thin vocabulary. We have to take this initial set of judgements to possess some degree of belief worthiness, some direct justification. We now seek on the basis of further reflection to determine if any further degree of generality (not abstraction) can be derived from reflection on the class of considered moral judgements. The course of reflection may lead us to dismiss some of this set of considered moral judgements, but it does not follow that those that remain have lost what direct justification they possessed (Ebertz).[54]

The pluralist believes that at this point, the discerning of further generality within this class of judgements will be limited. On Ross's view, we will only discern general principles of evidential salience. Now comes the transition from narrow reflective equilibrium to wide.

The first question that arises is what motivates this next stage. Holmgren, in her critique of Daniels, points out that the move to wide reflective equilibrium is justified by Daniels by one central argument: that wide reflective equilibrium is a superior strategy to narrow reflective equilibrium for ensuring that we do not 'accidentally generalise' over our considered moral judgements but are, rather, discerning theoretically insightful and explanatory structure in our moral beliefs. Holmgren points out that this justification is not wholly convincing.

We need to draw on moral background theories which are independent of the class of considered moral judgements in the sense that Daniels explained: independent, because supported by a disjoined subset of our considered moral judgements, not the set as a whole. So the general principles that narrow reflective equilibrium has drawn up now have two forms of sources of support: their relation to considered moral judgements and their relation to moral background theories. These sources are independent of each other. But even if this proposal is realisable – and I do not personally believe it is – why should this come as a surprise to the more orthodox intuitionist, disinclined to move beyond narrow reflective equilibrium? They can point out how much they have achieved by reaching narrow reflective equilibrium: considered moral judgements have been screened a theory of error and reflectively revised in the light of such general principles as are available. Holmgren argues:

> If wide reflective equilibrium differs from narrow reflective equilibrium only in the use of background moral theories, the proponent of wide reflective equilibrium must acknowledge, with the moral intuitionist, both that our considered moral judgements have a prima facie credibility and that moral theories derive their credibility from the fact that they systematize these judgements. In this case wide reflective equilibrium should be regarded simply

as a more sophisticated methodology to be adopted by the intuitionist rather
than as a methodology that allows us to bypass moral intuitionism, along with
whatever difficulties this position may entail.[55]

She adds that narrow reflective equilibrium has its own resource for avoiding
accidental generalisation over considered moral judgements: seeking as small a
number of judgements which are maximally explanatory. Whether this resource is
preferable to drawing on the background theories cited in wide reflective equili-
brium is, she argues, an open question.[56] The pluralist agrees that the question is
open in principle, but is sceptical as to the degree of further generality discernible in
our considered moral judgements and is similarly sceptical as to the required
independence of background theories in the human sciences. The reflective
equilibrium method is an addition to the armoury of the moral epistemologist,
but its deployment is not guaranteed to take us much beyond an unsystematic
pluralism which offers us deeper insight into our previous ethical commitments, akin
to a Wittgensteinian 'perspicuous survey'.[57]

    We have really been returned, I suggest, to Rawls's original modest proposal:
that when we take methodological intuitionism as a starting point and apply the
method of reflective equilibrium to this initial data the outcome is open. Both a
comprehensive coherence theory or a pluralist theory are attempts at reflective
explanations and justifications of the ethical phenomena and how far each view
can realise its conflicting ideals is to be judged on the merits of particular
proposals.

    Now let me be quite clear that Hooker does not make the error of taking wide
reflective equilibrium to be the launch pad of a coherence theory of moral
justification; this is made clear by his remarks on the plausible combination of
Ross-style pluralism with the wide reflective equilibrium method. Nevertheless, he
does describe the wide reflective equilibrium model in such a way as to suggest that
it relates 'concrete' data to abstract principle, with the aim of arriving at a set of
discursive verdictive principles. Could Hooker have been led to the error Stratton-
Lake accuses him of because of his assumption that the application of the reflective
equilibrium method generates a set of discursively stated principles exhibiting a high
degree of abstractness, functioning as practical verdicts? There is a further step to be
taken from this assumption of the level of abstraction at which reflective equilibrium
operates to the move from evidential to verdictive considerations. However, it is
natural to take that step for the following reason: one could move from contrasting
the concrete with the abstract, as in the rationalist understanding of the wide
reflective equilibrium model, to contrasting the concrete with the general, as in
Ross's model, and take these contrasts to align. I will suggest that they do not.

SECTION 4

To focus the issue, let me relate these comments on the reflective equilibrium model as a whole to Hooker's use of the model. In some respects Hooker is clearly on the side of the angels. He explicitly deploys wide reflective equilibrium from an internal perspective. He claims that it leads naturally to pluralism and that there need be no further development of the theory towards the global systematisation characteristic of a coherence theory. He further, crucially, dropped epistemological realism – the claim that our ethical beliefs fall into epistemic classes or the claim that within a class our beliefs stand in determinate relations of epistemic priority or subordination. This is, in fact, the linchpin of his argument strategy.

It is tempting to misread Hooker in the following way: the pluralist's list of ethical commitments can be underwritten, unified, and justified by postulating an additional underlying principle, the rule-consequentialist principle. This is to discern epistemic structure within the pluralist's list, and a structure such that the more fundamental consideration – the rule-consequentialist principle – underwrites the epistemically derived items on the list. It can then fairly be objected that Hooker's argument begs the question: where does the underlying principle come from and how is it to be explained?

This argument has no force against Hooker as he renounces any such appeal to epistemological realism. To the claim that it would be a surprising contingency if our ethical beliefs all stemmed from a single normative principle, Hooker's reply is that it is indeed a surprising contingency.

I would like to focus, however, on the epistemic relationships between the list of general duties and the consequentialist selection principle. These relations are of two kinds, explanatory and justificatory. The justificatory relations are also of three kinds: the case where the list of general duties and consequentialist selection principle are symmetrically related and the two cases where they are asymmetrically related. The latter covers the two cases where the list of general duties is derived from the consequentialist selection principle, and vice versa. Since it is not part of Hooker's case to claim that the consequentialist selection principle is derived from the list of general duties – though a pluralist would be tempted to argue for this – I will focus on the two relevant cases from among those I have distinguished.

The case where there is an asymmetry in justification between the list of general duties and the consequentialist selection principle, with the former being 'derived' from the latter, is the tempting misreading of Hooker. For if this interpretation were correct, Hooker's advocacy of a rule-consequentialist model would rest on a fixed relation of epistemic priority with an underlying rule-consequentialist structure determining the list of plural principles. There are two problems with this interpretation. First, it is incompatible with the adoption of the wide reflective

equilibrium methodology Hooker has assumed. The structure of reflective equili-
brium, with its dialectical interplay between degrees of confidence in judgements
and the considered judgements themselves, does not have rigid relations of
epistemic priority. There could be dialectical interplay between the degree of
initial confidence we have in the list of general duties and the degree of confidence
we have in the consequentialist selection principle such that *the latter* could be
revised. This possibility is eliminated if Hooker adopts the structure of orthodox
rule-consequentialist models and takes the list of general duties to be derived from
the consequentialist selection principle. But then we have the second problem with
this interpretation of Hooker: his distinctive claim is lost. Hooker would be simply
pressing the claims of rule consequentialism against our ordinary commitments as
represented by the list of general duties. There may be a case to be made here, but it
is a familiar one – to which there are equally familiar responses.

On the alternative reading, the list of general duties and the consequentialist
selection principle are in a symmetrical relation of epistemic justification. Neither is
prior to the other. The consequentialist selection principle has no more intellectual
authority than the list of general duties from which it inherits such authority, but the
converse is also true. On this interpretation Hooker's central argument explicitly
renounces epistemological realism: the underlying consequentialist assumption is
not epistemologically prior to that of the principles on the pluralist's list. It simply
adds a degree of simplifying systematisation.

I argue that this causes three problems. First, the underlying consequentialist
assumption stands in a symmetrical relation of mutual support to the principles of the
list and thus both its normative content and its explanatory power must covary with
that of the initial list. Thus, our desire to have the entailment of the list by the
consequentialist principle explained must be unrealisable. Second, there is an
internal tension between the claim that Hooker's position is equally explanatory
to that of the pluralist and that the underlying consequentialist principle offers
normative grounding for the list. Suppose the list is revised in the light of a change
in moral phenomenology, to preserve its claim of explanatory adequacy. It is unclear
whether Hooker's underlying principle can also change. If it does not, the account is
no longer equally explanatory as pluralism; if it does, then the principle is the
underlying normative ground of the list in a sense which makes it epistemically prior
to it. This is a lapse into epistemological realism which Hooker explicitly renounces.
The sense that Hooker wants to have his cake (explanatory adequacy no less than
that of pluralism) and eat it (normative superiority to pluralism) seems well
grounded.

There are also reasons, on the symmetrical interpretation, to ask why the
consequentialist selection principle is a better guide to contentious moral issues
than the list of general duties? Our current moral understanding is captured by the

list of general duties and we need judgement to extend that understanding to new
cases. How is this judgement assisted by being given 'a rule to interpret a rule', as
the consequentialist selection principle must now be understood to do?

So Hooker has a response to those who take his project to be that of discerning
underlying order in our ethical ideas: he can straightforwardly reply that this is no
part of his aim. The problem, though, is that his appeal to a brute contingency seems
to leave the aim of explanation unappeased. The pressing question this leads to is
what motivates the enquiry. We were confronted by the pluralist's list of commit-
ments and told that, surprisingly, this list could be systematised by a single principle.
But the principle has not derived its epistemic legitimacy from the list (unless we are
to lapse immediately into pluralism). Neither is it the underlying ground of the
epistemic legitimacy of the list. We have a symmetrical relation of epistemic
consistency and Hooker's extra rule-consequentialist principle is idling; it is doing
no explanatory work in explaining any of the entailment relations to which we were
already committed, nor is it doing any justificatory work as its justificatory potential
is entirely inherited from the pluralist's existing list. What, besides a quasi-aesthetic
preference for simplicity, would lead us to embrace such a principle? One could add
that simplicity, as a theoretical desideratum, only applies to two theories which are
in other respects equally explanatory.

So the force of Hooker's argument seems moot on its most charitable reading.
However, the discussion of the previous section may have given grounds for more
radical doubts. For if Hooker is tacitly working with a model in which we examine
the epistemic relations that obtain between lists of abstract discursive principles, we
already have reasons to reject Hooker's assumptions. The application of reflective
equilibrium to the phenomenological data supportive of pluralism will yield a form
of pluralism which combines concrete ethical judgements with a degree of reflective
generality – not a list of abstract principles.

<div align="center">SECTION 5</div>

Stratton-Lake's diagnosis was that Hooker had misrepresented Ross's notion of a
prima facie duty by taking such duties both to be duties and to be verdictive rather
than evidential considerations. I have added the suggestion that Hooker presents an
optional way of understanding the methodology of reflective equilibrium itself.
How would my proposal combine with Stratton-Lake's further to undermine
Hooker's argument? In the following way: Stratton-Lake's proposal was that,
given the way Hooker understands the idea of a prima facie duty as a verdictive
consideration, the further question which arises about a 'Ross-style' list must be
whether a further underlying verdictive consideration could be the basis of such a
list. However, if a prima facie duty is understood correctly as a combination of rule
of evidential salience and as a substantive piece of evidence, the only further

question is whether the rule of salience is an acceptable rule or whether the evaluative considerations in play are indeed evidence. (Rawls's original model focuses on both of these points: the issue of salience and the issue of direct evidential force.)

My suggestion is that, properly understood, the model of reflective equilibrium does not force us to view the data that ethical experience offers to reflection to take the form of a set of raw data and abstract principles. It converges with Stratton-Lake's claim as to what we should take the material available to reflection to be: a range of evaluative considerations of differing degrees of concreteness/abstraction, plus principles of right action deploying a 'thin' deontic vocabulary.

The important point Stratton-Lake has emphasised is that pluralism should be a thesis about the *grounds* and not the *contents* of judgements. If Ross is interpreted as Stratton-Lake advises, as introducing a class of specific evaluative considerations which are the grounds of duties, then the way is open to develop an alternative case for pluralism which begins *from* the case for metaethical cognitivism. This is certainly the direction of argument I would recommend, being committed primarily to a form of metaethical cognitivism which in my view radically shapes our conception of moral judgement.[58] Hooker argues that his position can be assessed by those who hold a variety of metaethical views, but on this line of argument his eirenic position seems misguided.

Beginning from this alternative starting point, Williams, at least, holds a form of pluralism that does not fit Hooker's characterisation. This is a problem for a theory which recommends itself on the grounds of the elimination of alternatives, which is Hooker's strategic method. Williams's form of pluralism is to a significant degree historicised. Its account of moral phenomenology takes that phenomenology to reflect the historical development of different sets of ethical ideas, which have to various degrees fused or remained incommensurable with each other. Furthermore, the degree to which the social reality described has proceeded along a path of typically modern reflection will determine the extent to which participants in sets of ethical arrangements deploy thick or thin concepts in describing their experience. [59]

Nevertheless, one can expect that the description of this phenomenology will deliver judgement of any degree of abstraction or concreteness, including the concrete deliverances of specific evaluations as well as 'thinner' vocabulary, which comes in degrees. All of these form the starting point for reflection and Williams further argues that the outcome of reflection will be a non-prioritist pluralism and a particularist account of judgement. The grounds for his particularism is the ubiquity of judgements of 'importance':

> Judgements of importance are ubiquitous, and are central to practical life and
> to reflection at a more general level about the considerations that go into

> practical decision . . . It may be obvious that in general one kind of
> consideration is more important than another . . . but it is a matter of
> judgement whether in one particular set of circumstances that priority is
> preserved: other factors alter the balance, or it may be a very weak example of
> the consideration that generally wins. Last, there is no reason to believe that
> there is one currency in terms of which all relations of comparative importance
> can be represented . . . [For] any such currency . . . it will make sense to ask
> whether, on a given occasion or more generally, it is more important than
> something else.[60]

As a concession to Hooker, let's add to this position a commitment to the use of
reflective equilibrium as an epistemological model, so that Hooker cannot simply
object that this form of pluralism does not share a neutral starting point with his
argument. As I have shown in Section 3, this addition does nothing materially to
change the outcome. For reflective equilibrium, applied to the phenomenological
materials Williams invokes, applies to beliefs whose contents is of any degree of
concreteness and abstraction and does not automatically form an ascent from the
'thick' to the 'thin'. My argument has been that applying reflective equilibrium in
this way will find generality and a degree of system in principles of moral salience,
but (as Rawls allows) will leave pluralism intact as both the most plausible reflective
account of morality and as compatible with particularism as the best theory of ethical
judgement.[61] Reflective equilibrium is not particularly at the service of coherentist
or abstracting theory, but is better viewed in Wittgensteinian terms as offering a
'perspicuous surview' of our existing ethical commitments, offering insight into the
reasons we already hold.

   The ubiquity of importance and the need for judgement figure in the explanation
of why the reflective equilibrium method can have no implications for the degree of
abstractness/concreteness of the content of the belief. Any plausible phenomen-
ological description of the various evaluative beliefs we would reflectively endorse
will find those beliefs range from a wide variety of judgements deploying 'thick'
ethical concepts which we can confidently take to express moral knowledge, to other
evidential or verdictive judgements employing thinner deontic vocabulary. All of
this vocabulary can figure in judgements of any degree of abstractness or con-
creteness.

   These beliefs are functioning 'modestly foundationally', that is, as initial
considered judgements possessing a direct justification as exemplifications of moral
knowledge, further buttressed by reflection which does not overturn the direct
justification of the beliefs but deepens their ground or status as 'firm' beliefs for the
subject. They may be couched in 'thick' or 'thin' concepts: a belief in an abstract
principle of right may yield to a vivid appreciation of a betrayal of a friend.

Conversely, an appreciation of suffering caused may have to be outweighed by a commitment of principle, such as the need to avoid negotiation with evil doers in coercive crises. The need for 'importance' and judgement reflects the multi-dimensionality of such judgements. This feature of the reflective equilibrium method makes it implausible to assume that the product of wide reflective equilibrium will be a set of abstract principles. This is another assumption to which Hooker is not entitled, in addition to his assumption that pluralism is a thesis about verdictive judgements.

My argument is that whatever the merits of Hooker's proposal for tying together and systematising a list of discursive, abstract, and very general duties by a single discursive, abstract principle for selecting duties, it seems very implausible to see the more realistic form of pluralism I have described as awaiting systematisation by a single principle. This alternative form of pluralism does not take the form of a list of principles of a parallel degree of abstraction, even allowing for the application of the reflective equilibrium method. By adding the modifier 'Ross-style' to the term 'pluralism' Hooker made the case for the subversion of pluralism look more straightforward than it in fact is; it restricted pluralism to a thesis which has already taken the phenomenological data and reduced it to a list of abstract discursive principles primarily couched in thin vocabulary.[62] Hooker may, as Stratton-Lake alleges, make the further error of viewing these principles as functioning verdictively, but from the pluralist's perspective the seeds of this error were sown earlier in an unjustified assumption about the form a pluralist theory would take. Certainly Hooker's claim to have refuted a representative form of pluralism can be resisted even if one conceded the success of his argument against 'Ross-style pluralism'.

<div align="center">SECTION 6</div>

In conclusion, I have attempted in this chapter to rebut Hooker's subversion of the arguments for pluralism in three ways. First, I have sought an explanation of why the pluralism he discusses takes the form of a list of abstract discursive principles; I have suggested that Hooker's adoption of the methodology of reflective equilibrium incorporates an optional, rationalist assumption about how such a model functions that makes this apparently neutral assumption contentious from a pluralist per-spective. Assuming that reflective equilibrium seeks abstraction and ascent from thick ethical judgements to the thin leads to the fundamental error in Hooker's position: assuming that pluralism takes the form of a list of discursive principles. This offers a deeper grounding for Stratton-Lake's complementary criticism that Hooker takes the list to be functioning verdictively, rather than evidentially. Second, I have offered direct criticisms of Hooker's argument in order to suggest that it is unworkable in its own terms. Third, I have described a form of pluralism to which Hooker's argument does not apply and which undermines his claim that rule

consequentialism has eliminated the other available conceptions of normative ethical judgement. In my view pluralism has remained resistant to attempted subversion.[63]

NOTES

1. Brad Hooker, 'Ross-style Pluralism versus Rule-consequentialism', *Mind*, 105, (1996), pp. 531–52
2. The form defended by Hooker in, inter alia, 'Rule Consequentialism', *Mind* 99 (1990), pp. 67–77; 'Rule-Consequentialism, Incoherence, Fairness', *Proceedings of the Aristotelian Society*, 95 (1995), pp. 19–35. See also R. B. Brandt, 'Some Merits of One Form of Rule-Utilitarianism', reprinted in *Morality, Utilitarianism and Rights* (New York: Cambridge University Press, 1992).
3. Stratton-Lake, 'Can Brad Hooker's Rule-Consequentialist Principle Justify Ross's Prima Facie Duties?', *Mind* 106 (1997), pp. 751–8.
4. Pluralism has been defended by W. D. Ross, whose work will be discussed in detail, and in contemporary moral philosophy by Davidson, Nagel, Williams, Berlin, Taylor, and Gaut. Berys Gaut, 'Moral Pluralism', *Philosophical Papers*, 22 (1993), pp. 17–40, contains further bibliographic references.
5. I have adopted the typographical convention of referring to concepts in bold typeface.
6. Foot's distinction between evidential and verdictive considerations will also be important in what follows, but I take this to be a distinction between ways in which reasons can function, rather than as forming a classification of types of reasons.
7. Rawls, *A Theory of Justice*, (Cambridge, MA: Harvard University Press, 1971), p. 34. Strictly this is a definition of 'non-prioritist pluralism', as Urmson, Swanton, Williams, and Gaut note, but I will drop the qualification taking it that all subsequent uses of the term 'pluralism' in this chapter refer to the non-prioritist variant. (But see footnote 9, below.) See especially Christine Swanton, 'The Rationality of Ethical Intuitionism', *Australasian Journal of Philosophy*, 65 (1987), pp.172–81, note 3 on p. 172.
8. Rawls has in addition a series of 'in principle' arguments against pluralism, well dealt with by Christine Swanton and Berys Gaut in their respective papers: Christine Swanton, 'The Rationality of Ethical Intuitionism'; Berys Gaut, 'Moral Pluralism'.
9. Philip Stratton-Lake has pointed out to me that this claim of Rawls's is false: the pluralist could, for example, assign lexical priority to perfect over imperfect duties. Furthermore, not every priority claim need be as strong as lexical ordering.
10. Robert Audi, 'Intuitionism, Pluralism and the Foundations of Ethics', in W. Sinnott-Armstrong and M. Timmons (eds.), *Moral Knowledge* (New York: Oxford University Press, 1996), pp. 101–36.
11. J. O. Urmson, 'A Defence of Intuitionism', *Proceedings of the Aristotelian Society* (1975), pp. 111–19; Bernard Williams, 'What Does Intuitionism Imply?' in *Making Sense of Humanity* (Cambridge: Cambridge University Press, 1995).
12. I take the first line of objection from those critics of Rawlsian reflective equilibrium who objected to what they took to be the lingering intuitionism of Rawls's commitment to starting from 'our' considered moral judgements: R. M. Hare, 'Rawls's Theory of Justice', reprinted in N. Daniels (ed.), *Reading Rawls*, (New York: Basic Books, 1975); Peter Singer, 'Sidgwick and Reflective Equilibrium', *Monist* 58 (1974), pp. 493–4. It should be clear from what follows that my sympathies lie with Rawls, not his critics, and that this line of objection seems to conflate the requirement that we should be able critically to challenge any claim to moral knowledge with the claim that we must be able critically to challenge all such claims. Hooker is not committed in this way to global scepticism about our considered judgements, nor to defending consequentialism in such a form that it would evade such a global form of scepticism.
13. I take the charge that pluralism conflates justification and explanation to be implied by Hooker's remarks on the 'genetic fallacy'; Hooker, 'Ross-style Pluralism', pp. 546–7.
14. In *Value and Context*, (Oxford University Press, forthcoming), especially chs 5, 6 and 7.
15. Gaut's 'Moral Pluralism' similarly emphasises that any defensible pluralism must build into itself safeguards against the distortion of moral thought by power and interests. Gaut builds into his theory the quasi-contractualist idea of 'generative reflection'. There are similarities between this idea and the constraints I invoke in *Value and Context*. The main point of difference is that Gaut's theory is not sensitive to history, either in its conception of the problem to be solved or of the solution. Gaut assumes that there is single unitary 'common sense morality', which Ross definitively described making the latter's theory phenomenologically accurate. I am not convinced, on historical grounds, that anyone is entitled to this assumption.
16. The papers by Daniels now form Part I of *Justice and Justification: Reflective Equilibrium in Theory and Practice* (Cambridge: Cambridge University Press, 1996).
17. *Value and Context*, ch 7.

18. For a conception of how social theory can be modelled as a Lakatosian research programme with a core model of the human subject as its basis, see Terence Ball, 'From Paradigms to Research Programs: Towards a Post-Kuhnian Political Science', *American Journal of Political Science*, 20 (1976), pp. 151–77; J. Donald Moon, 'Values and Political Theory: A Modest Defence of a Qualified Cognitivism', *Journal of Politics*, 39 (1977), p. 900.

19. Hooker, 'Ross-style Pluralism', p. 534.

20. Ibid., p. 536.

21. Ibid., Section 6.

22. Stratton-Lake, 'Can Brad Hooker's Rule-consequentialist Principle Justify Ross's Prima Facie Duties?', p. 752.

23. Ibid., p.p. 752-3.

24. Phillipa Foot, 'Are Moral Considerations Overriding?', *Virtues and Vices* (Oxford: Basil Blackwell Publisher, 1985), pp. 181-8, especially p. 182.

25. 'That a promise is being broken, or a man killed or injured, is an evidential moral consideration; that something immoral is being done is a verdictive moral consideration.' (Foot, 'Are Moral Considerations Overriding?' p. 182.

26. Stratton-Lake, 'Can Brad Hooker's Rule-consequentialist Principle Justify Ross's Prima Facie Duties?', p. x.

27. Ross wrote: 'We apprehend prima facie rightness to belong to the nature of any fulfilment of a promise. From this we come by reflection to apprehend the self-evident prima facie rightness of an individual act of a particular type . . . But no act is ever, in virtue of falling under some general description, necessarily actually right; its rightness depends on its whole nature and not on any element in it.', *The Right and the Good*, p. 33.

28. 'Intuitive', in the limited sense Audi clarifies in 'Intuitionism, Pluralism and the Foundations of Ethics'. Among the misconceptions of intuitionism that Audi rebuts are the claims that Ross believed we possessed a special faculty of intuition, that the deliverances of such a faculty are indefeasible and that such propositions cannot be known to be true without the judger also knowing the epistemic status of the judgement (for example, that it is self-evident).

29. This is, immediately, an instance where Audi's reminder that one can know a proposition to be true without knowing its epistemic status is useful for defenders of Ross's position.

30. On the first point, it can be argued that the list of principles of moral salience is not verdictive and hence is not in competition with particularism about how one forms all things considered verdictive judgements in particular cases. The two accounts have different objects. On the latter point, it can be argued that Ross's generalism is solely at the level of evidential considerations and does not impact directly on his espousal of particularism, which he seems to hold for many of the reasons that have moved contemporary particularists such as Williams and Dancy. Dancy especially bases his case for particularism and his rejection of Ross on the 'holistic' nature of reasons, but Ross's remark concerning the 'rightness' of an act as depending on its 'whole nature' would seem to anticipate Dancy's point.

31. Philip Stratton-Lake, in personal correspondence, has put to me the case for resisting such a description of Ross as an Aristotelian particularist. While Ross is a particularist about particular verdictive judgements and universal verdictive principles, he does believe, as I have described, that there are exceptionless moral principles, basic evidential moral principles. On that ground alone Stratton-Lake finds the term 'particularist' misleading, but notes that this registers a terminological preference. Audi notes that, '[Ross] holds the view that ethical generalizations do not *independently* carry evidential weight in such conflicts [between duties]. One should not, e.g. appeal to a second order generalization that duties of justice are stronger than duties of fidelity. Rather, one should focus on the specific facts and, in that light, determine what one's duty is.' 'Intuitionism, Pluralism and the Foundations of Ethics', p. 105.

32. As Brad Hooker reminded me, the kind of discursive principle he assumes will be on a Ross-style pluralist's list will include both thick and thin ethical concepts: an example would be 'it is pro tanto wrong to be dishonest'. But I would interpret such a principle in the light of my supervenience claim that thin ethical concepts supervene on thick ethical concepts. It is the thick concept in such a principle that is doing all the justificatory work.

33. The major point of difference between Rawls and Daniels is that while both see the method of reflective equilibrium as a form of coherence theory, in Rawls's eyes this allows one to construct ethical truth, whereas Daniels leaves open the combination of a coherentist epistemology with a form of realism in the manner of Boyd and Brink.

34. This is particularly emphasised by Daniels in 'Wide Reflective Equilibrium and Theory Acceptance in Ethics', reprinted in *Justice and Justification*, pp. 21–46.

35. Stefan Sencerz, 'Moral Intuitions and Justification in Ethics', *Philosophical Studies*, 50 (1986), pp. 77–95; Margaret Holmgren, 'Wide Reflective Equilibrium and Objective Moral Truth', *Metaphilosophy*, 18 (1987), pp. 108–25.

36. Margaret Holmgren, 'The Wide and Narrow of Reflective Equilibrium', *Canadian Journal of Philosophy*, 19 (1989), pp. 43–60.

37. Michael DePaul, 'Two Conceptions of Coherence Methods in Ethics', *Mind*, 96 (1987), pp. 463–1; 'Reflective Equilibrium and Foundationalism', *American Philosophical Quarterly*, 23 (1986), pp. 59–69; Roger Ebertz, 'Is Reflective Equilibrium a Coherentist Model?', *Canadian Journal of Philosophy*, 23 (1993), pp. 193–214.

38. A position explicitly defended by Kai Nielsen in 'Reflective Equilibrium and the Transformation of Philosophy', *Metaphilosophy*, 20 (1989), pp. 235–46, in addition to the construal of reflective equilibrium as leading to a coherence theory of justification combinable with an independently motivated realism cited in note 33 above.

39. A distinction explained by Michael Williams in *Unnatural Doubts: Epistemological Realism and the Basis of Scepticism*, (Oxford: Basil Blackwell, 1991). p. 276: 'Although officially "coherence" designates a property of our belief system taken as a whole, it often gets treated as the name of a relation that a candidate belief may or may not bear to some antecedently given system . . . We may call the two versions of coherence "systematic" and "relational".'

40. I take these terms from the excellent discussion of these issues in Williams, *Unnatural Doubts*.

41. Why do rationalism and epistemological realism of this form survive in moral and political philosophy when they are on the retreat elsewhere – save, interestingly, the philosophy of mathematics? One plausible historical diagnosis invokes the seventeenth-century trope of 'Maker's Knowledge', the theme that just as divine insight into reality is underpinned by reality being a divine construction, so moral and political knowledge offers certainty as it is insight into a moral and political order we have constructed. I discuss this issue further in *Value and Context*, ch. 7.

42. Rawls's earliest presentation of the reflective equilibrium method restricted considered judgements to judgements about particular cases; it was generality that was allowed into the method later. For the earlier version, see 'Outline for a Decision Procedure for Ethics', *Philosophical Review*, 60 (1951). The point that in the mature theory considered moral judgements can be of any degree of generality is emphasised in the valuable discussion of Thomas Scanlon, 'The Aims and Authority of Moral Theory', *Oxford Journal of Legal Studies*, 12, (1992), pp. 1–23.

43. Scanlon, 'The Aims and Authority of Moral Theory', pp. 9–10.

44. Scanlon now describes the aim of 'Philosophical Enquiry' into morality as 'explain[ing] more clearly the kind of reasons those who accept morality have for doing so', in ibid, pp. 1–23.

45. Ronald Dworkin, 'The Original Position', reprinted in N. Daniels (ed.), *Reading Rawls*, pp. 16–52. The disanalogy between the adjustment of considered judgement to principle and the adjustment of observational evidence to covering law in a scientific context was stressed by Daniels in Section 3B of 'Wide Reflective Equilibrium and Theory Acceptance in Ethics'.

46. DePaul, 'Two Conceptions of Coherence Methods in Ethics'; Ebertz, 'Is Reflective Equilibrium a Coherentist Model?'

47. As Ebertz notes, this distinction is connected to the 'wide'/'narrow' reflective equilibrium distinction, 'Is Reflective Equilibrium a Coherentist Model?', note 11. 'Wide' reflective equilibrium seems to give one greater leverage on initial considered moral judgements. Thus one would need to establish that the distinction between 'wide' and 'narrow' was overdrawn by Daniels as is argued by Holmgren, 'The Wide and Narrow of Reflective Equilibrium'.

48. Ebertz, 'Is Reflective Equilibrium a Coherentist Model?', p. 201.

49. Ibid., p. 204. My italics, to emphasise the contextualist reading of this remark, which would highlight how beliefs can function foundationally within a context.

50. I interpolate the term 'firm' into Ebertz's theory, taken from Audi's 'Intuitionism, Pluralism and the Foundations of Ethics', pp. 109–10.

51. Ebertz, 'Is Reflective Equilibrium a Coherentist Model?', p. 202.

52. Ibid., p. 203.

53. I would, like Mark Timmons, in fact interpret Ebertz's conclusion differently, as an argument for contextualism. I discuss contextualism at length in *Value and Context* and it is not my direct concern here.

54. Holmgren further notes, 'In attributing prima facie credibility to our considered moral judgements, we need not claim that any of them are in principle immune to revision. We need only claim that they must be regarded as credible unless we have good reason to revise or discard them', 'The Wide and Narrow of Reflective Equilibrium', p. 46, n. 8.

55. Ibid., p. 57.

56. On the basis of her interesting argument on pp. 58–9 that if a single principle in narrow reflective equilibrium, P, captures a wide range of considered moral judgements which is captured by a plurality of background theories Q,R,S,T in wide reflective equilibrium, the latter must be more internally complex because of the independence

constraint. So a theory which was based on P would be preferable to the theory based on Q,R,S,T. Holmgren concludes that 'the strategy narrow reflective equilibrium embodies for avoiding accidental generalisation is in fact more basic . . . than the strategy embodied in wide reflective equilibrium. However, [the latter] is clearly workable . . . it seems appropriate for the sophisticated moral intuitionist to regard these two strategies as complementary rather than competing techniques.' 'The Wide and Narrow of Reflective Equilibrium', p. 59.

57. How could it? It is, after all, only a methodological proposal. It cannot be expected to yield a coherence theory of moral justification; this would have to be a (surprising) upshot of deploying the method.

58. See *Value and Context*, chs 1 to 7.

59. Williams also claims that this process can be continued to destroy the ethical knowledge that particular groups have; for doubts about that extra step in the argument see *Value and Context*.

60. *Making Sense of Humanity*, p. 190. Williams elsewhere rejects 'the general additive model of moral considerations or reasons in terms of the resolution of forces: if a type of consideration . . . ever in itself exerts an influence, then it always exerts an influence, and the method of agreement and difference can be used to isolate the influence it exerts. I see no necessity to accept this idea; there are surely many examples of non-moral practical reasoning, and also of aesthetic judgement, that tell against it' ('Acts and Omissions, Doing and Not Doing', reprinted in *Making Sense of Humanity*, p. 57). For parallel arguments see Dancy, *Moral Reasons*, pp. 82–4.

61. Rawls does, after all, envisage reflective equilibrum as applying to principles of the evidential salience of reasons as well as to reasons themselves.

62. For the rider 'primarily' see note 20.

63. I am grateful for help with this paper to Kathryn Brown, Roger Crisp, Brad Hooker, Martin Stone, and Philip Stratton-Lake.