

# In Defense of Prima Facie Duties

Ethical intuitionists like W.D. Ross adopt the common sense view that there is an irreducible plurality of types of ethically relevant considerations. They furthermore hold that there is no explicit method determining how to move from facts about which considerations are present to a conclusion about what it would be right to do. In order to systematize our moral reasoning, ethical intuitionists provide an account of the types of considerations that are ethically relevant. To do that, they introduce a list of *prima facie* duties which always count in favor or against doing an action, even if their strength – that is, their ability to defeat other *prima facie* duties with an opposite normative valence – depends on circumstances.<sup>1</sup> W.D. Ross counts duties of fidelity, reparation, gratitude, justice, beneficence, self-improvement and non-maleficence among them.<sup>2</sup>

In this essay, I provide a novel response to particularist attacks on the Rossian conception of *prima facie* duties. This attack consists in challenging the intuitionist idea that the valence of *prima facie* duties is invariable. Particularists like Jonathan Dancy argue that given the context-sensitivity of reasons, both the strength *and* the valence of a *prima facie* duty depend on circumstances. In defense of a Rossian intuitionism, I first consider Robert Audi's reply against particularism. I argue that his notion of invariant valence is coherent, but too weak for intuitionism. Then, I turn to a second line of defense: Sean McKeever and Michael Ridges' claim that context-sensitivity is compatible with invariant principles. In response to McKeever and Ridge, I try to show that their argument is flawed. Finally, I outline a solution for the intuitionist that offers a robust notion invariance of *prima facie* duties by arguing that they contain thick ethical concepts.

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<sup>1</sup> See Audi (2004), 73.

<sup>2</sup> See Ross (1930), 21.

# 1 The particularist's challenge

Moral particularists agree with ethical intuitionists that the *strength* a *prima facie* duty carries in a certain situation depends on the context.<sup>3</sup> However, particularists go further and argue that also its *valence* – whether it counts in favor or against an action, or not at all – might vary from situation to situation. What motivates their view is holism, a certain view of how reasons work. According to that view, the ethical impact of a consideration cannot be understood in isolation from the situation in which it occurs. Hence, reasons are “sensitive to context”.<sup>4</sup> There is no good reason, the particularist claims, that allows us to draw a line between the variant strength and the allegedly invariant valence of *prima facie* duties.

Both Ross and recent ethical intuitionists like Robert Audi explicitly reject the particularist claim and hold an “invariance valence view”, according to which e.g. the fact that an act injures another person gives *always* raise to a *prima facie* duty against performing the act.<sup>5</sup> This places a burden on the intuitionist to explain why the valence of *prima facie* duties is exempt from variability.

## 2 Audi's intuitionist defense

In order to vindicate the invariance of *prima facie* duties against particularism, Audi needs to explain cases in which it seems that a *prima facie* duty has been silenced or reversed. He offers various strategies of how this can be achieved. If I have promised to pick up a friend, but I discover that my car contains a bomb that will be detonated as soon as we meet, then the fact that I have made a promise plays no role in my deliberation since it falls “below the threshold of deliberative relevance”.<sup>6</sup> This does however not mean that the normative function of the promise has been reversed: Later on, I owe an explanation to my friend.<sup>7</sup> The particularist can

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<sup>3</sup> A number of different theories are called “moral particularism”. For the purpose of this paper, I take the label to refer to Jonathan Dancy's claim that the deontic valence of a consideration is determined by circumstances and is therefore not invariant (see especially his (2004)). For a helpful overview of the various forms of particularism, see Audi (2004), 69-74.

<sup>4</sup> Dancy (1993), 89.

<sup>5</sup> Audi (2004), 71.

<sup>6</sup> Audi (2004), 71.

<sup>7</sup> In a similar vein, considerations can fall below a “threshold of ordinary visibility” without losing their valence: I am so overwhelmed by other factors that I don't take a certain consideration into account. Still, the valence of the consideration hasn't changed. See Audi (2004), 72.

grant these arguments, but insist that the intuitionist still owes us an explanation of cases like *Schadenfreude* (taking pleasure in another's misfortune) where it seems that the valence of a *prima facie* duty has been *reversed*.

In order to explain these cases, Audi distinguishes between two separate claims, one about intrinsic value and another about organic value.<sup>8</sup> According to his claim about *organic value*, the contribution an aspect makes to the moral status of an overall situation is determined by its relation to other elements; furthermore, a consideration that normally counts in favor of an experience can due to the context count against it:

Pleasure in something intrinsically good may contribute non-additively and even negatively – both reducing the overall value of an experience and doing so by more than its own ‘quantity’.<sup>9</sup>

Like *Schadenfreude*, sadism is an example of organic value: The pleasure somebody feels in inflicting pain in somebody else makes his experience worse from a moral standpoint.<sup>10</sup> According to Audi's claim about *intrinsic value*, bearers of intrinsic values – which are following his experientialism “qualitative mental states or processes”<sup>11</sup> – always count in favor of an action. Taken together, the claims about intrinsic and organic value allow Audi to respond to the particularist that *prima facie* duties always count in a certain direction, while at the same time explaining cases like *Schadenfreude* or sadism. The question to ask is whether this is a stable position. On the face of it, it seems paradoxical to say that pleasure always makes an experience better if its contribution to the overall value in an act of sadism is negative. In defense to that challenge, Audi's intrinsic value claim can be understood in two ways: in a stronger interpretation, pleasure *always* makes a positive contribution. Some of what Audi says suggests such a reading:

The most important single point is that *whatever* one may consider intrinsically good or intrinsically bad, one is committed to taking it to provide a reason for action, specifically, some positive consideration that is normative at least in the wide sense that it counts toward the rationality of the action in question. For instance, if we believe that pain is intrinsically

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<sup>8</sup> See Audi (2004), 122-138.

<sup>9</sup> Audi (2004), 129, but see as well 138.

<sup>10</sup> See Audi (2004), 137.

<sup>11</sup> Audi (2004), 124f.

bad, we are committed to taking it to provide (negative) reasons for action, thus to regarding the fact that doing something causes pain as a reason to avoid doing it.<sup>12</sup>

This strong interpretation of the intrinsic valence claim is incompatible with the organic valence claim. Examples like sadism or *Schadenfreude* demonstrate that pleasure sometimes provides negative reasons; therefore, it is hard to see how Audi can say that pleasure always counts in favor of an experience. At other places however, Audi defends a weaker claim:

To be sure, in order to appreciate the positive intrinsic value of pleasure in the bad, one must abstract from the (intentional) content of the pleasure. [...] [W]e have the possibility of negative contextual value combined with positive intrinsic value, much as we may have this overall result in the case of pleasure in the bad.<sup>13</sup>

Here, we have a much less ambitious statement. If we *isolate* a feature with an invariant valence, the feature always counts in favor or against the moral value of an experience. This does not conflict with the organic value claim since the weaker statement doesn't make any assertion about the moral valence of a feature in context. The problem with the weak understanding of the intrinsic value view is that it threatens to diminish the utility of the concept of *prima facie* duty for the analysis of moral reasoning. After all, the appeal of intuitionism is that it captures how we morally deliberate in everyday situations.<sup>14</sup> If all the concept of *prima facie* duty means is that taken in *isolation*, beneficence, gratitude, justice etc. count in favor of an action, we haven't learnt anything about the way we actually deliberate. In real life, these considerations occur in contexts, and what we are interested in is their impact in these situations.

Hence, Audi's solution to the problem of valence-switching faces a dilemma: His strong version of the intrinsic valence claim is incompatible with the organic value claim, while his weak interpretation of the intrinsic valence claim doesn't offer an account that helps to understand our everyday moral reasoning. What the intuitionist needs is a theory that accomplishes two things. It has first to explain why *prima facie* duties have an invariant valence - even when they occur in contexts; secondly, the theory needs to allow for cases in which valence-switching

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<sup>12</sup> Audi (2004), 130.

<sup>13</sup> Audi (2004), 129.

<sup>14</sup> See Audi (2004), 1f: "[I]n its richest forms [intuitionism] [...] has a normative core that is, at least in its best-known version, developed by W.D. Ross, close to the kinds of generally uncontroversial everyday judgments that any ethical theory seeks to account for". See as well p. ix.

occurs. In the last part, I am going to argue for such an account. In the meanwhile, I consider a rival explanation that defends the invariance of *prima facie* duties against particularism.

### 3 McKeever and Ridge's argument for codified holism

McKeever and Ridge have developed an argument that can be read as an attempt to address the problem that Audi's account of establishing the univalence of *prima facie* duties faces. Like Audi, they recognize that there are genuine cases of valence-switching, but they go beyond him in defending a more robust notion of univalence which holds even if the *prima facie* duty is not taken in isolation. They do this by codifying the contexts which affect the valence of a *prima facie* duty. This allows them to isolate cases like *Schadenfreude* or sadism and to maintain that all other instances of e.g. pleasure count always – and not only in isolation, but also in relation to other considerations – in favor of doing an action.<sup>15</sup> McKeever and Ridge's notion of invariance does not imply that it is *never* the case that e.g. pleasure counts against an action. However, it comes close to this by claiming that the valence of a *prima facie* duty is stable apart from a limited and in advance definable set of circumstances (I will call this form of invariance *quasi-invariance*). Ross, textual evidence suggests, would be happy with quasi-invariance.<sup>16</sup>

The way McKeever and Ridge's argument works is that they question how particularists interpret holism. In order to imply particularism, holism must contain two theses that are better kept separated: the first concerns the context-sensitivity of reasons, while the second holds that reasons are not codifiable. These claims can come apart since it is possible that a reason depends upon context, while all circumstances in which the context is able to affect this reason can be indicated. The denial of codifiability is therefore an extra ingredient of holism which is nothing more than a denial of quasi-invariance itself. Hence, to claim that holism consists in the conjunction of the two claims is to beg the question about the particularist's claim.<sup>17</sup>

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<sup>15</sup> McKeever and Ridge, who make this claim, didn't specifically intend to defend *prima facie* duties, but ethical principles in general. However, their argument can be used on the intuitionist's behalf. If principles in general can be quasi-invariant, so can *prima facie* duties.

<sup>16</sup> In response to W. A. Pickard-Cambridge (1932) who argues that utilitarianism fits better than intuitionism with common-sense because it can better explain cases in which special circumstances invalidate promises, Ross (1939) replies that for him, the binding-force of promises depends on certain circumstances (e.g. that the promisee hasn't lied), and this explains as well as the utilitarian these cases. Hence, Ross codifies the circumstances in which the fact that I have promised carries no positive valence.

<sup>17</sup> McKeever and Ridge develop this argument in their (2006), 25-32 and 41-43.

For their argument to be useful for the intuitionist' project, it has to be interpreted as an *epistemological* claim: We can rely on the quasi-invariant valence of ethical principles such as *prima facie* duties because it is possible *for us* finite beings to indicate all conditions which affect the direction in which the a consideration counts. It might be true that a complete list of those valence-changing conditions *exists*, but we as finite human beings need to have epistemic access to them in order to give *prima facie* duties the status of quasi-invariance.<sup>18</sup> In order to attack McKeever and Ridge's argument, it is therefore enough to show that the weaker epistemic claim is wrong.

McKeever and Ridge's argument can be illustrated with an example. Take the following formulation of the *prima facie* duty of beneficence:

*(U) The fact that an action would promote pleasure gives a prima facie duty to perform the action if and only if the object of the pleasure is not another's pain.*

(U) is a *context-sensitive* formulation of the *prima facie* duty of beneficence insofar as the promotion of pleasure is a reason in favor of the action only in certain circumstances. The theory is *codified* as these circumstances are limited and fully indicated in the formulation of (U). The example is compatible with quasi-invariance. Importantly, holism as understood by McKeever and Ridge cannot be used to criticize (U) because the example is not only compatible with the context-sensitivity of reasons, it even requires it. Hence, holism does not rule out quasi-invariance.

In order to evaluate McKeever and Ridge's argument, it is crucial to see that it implies a certain definition of holism. Their strategy is to drive a wedge between (A) context-sensitivity and (B) non-codifiability and to show that holism consists in (A), but not in (B). (A) alone allows for the quasi-invariance of *prima facie* duties, and does not support particularism. The particularist on the other hand believes that the concept of holism entails both (A) and (B); this entitles her to deny quasi-invariance.

Hence, the question becomes whether non-codifiability is part of the definition of holism or not. Dancy himself proposes a formulation of holism which, unfortunately, does not settle this question:

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<sup>18</sup> See Dancy (2004), 116f.

(H) “A feature that is a reason in one case may be no reason at all, or an opposite reason, in another.”<sup>19</sup>

This minimal definition of holism talks only about the fact that the same reason can count differently in different situations, but remains silent on whether the conditions that are responsible for the changes are codifiable or not.

To make progress, it is helpful to step back and to turn to the phenomenon from which holism arises. This should clarify how the idea is to be formulated most plausibly. Particularists, especially Dancy, claim that not only moral but all reasons behave holistically.<sup>20</sup> It is easy to demonstrate that theoretical reasons are holistic: That something in front of my eyes seems to be red is normally a reason to believe that it is in fact red. If I have however taken a drug that changes my color perception so that all red objects appear blue and vice versa, the fact that something seems red to me is rather a reason to believe that it is blue. The same can be shown for moral reasons. My having borrowed a book from you is normally a reason for me to return it to you; but if I discover that you have stolen it from the library, this reason might vanish.<sup>21</sup> In another example, that an act that is fun is usually a reason for doing it, but the fun experienced in fox hunting seems to be a reason against it.<sup>22</sup> Further examples can be produced at will, but I think the point is clear. The structure of the examples presented is identical:

- (1) We have a reason normally counting in one direction.
- (2) In certain unusual contexts, the reason changes its behavior.
- (3) Therefore, the reason is not invariant.

The variance of *prima facie* duties is only codifiable if all valence-changing contexts in 2. are codifiable in advance. But why should we be able to exclude that unforeseen circumstances occur which affect the valence of a reason? This sounds implausible for both theoretical and practical reasons. Take theoretical reasons first: Until very recently, the fact that a planet was lacking either of carbon, hydrogen, nitrogen, oxygen, phosphorus or sulphur was taken to be decisive evidence that it wouldn't contain organic life. New experiments have however

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<sup>19</sup> Dancy (2004), 7 and 73.

<sup>20</sup> See Dancy (2004), 74-76.

<sup>21</sup> See Dancy (1993), 60.

<sup>22</sup> Dancy (1993), 61. See as well McNaughton (1991), 193.

demonstrated that a qualification has to be added to that rule: If phosphorus is replaced by arsenic, microorganisms can grow. A further point that this finding shows is that we shouldn't be confident that in the future, no further elements will be found that are able to substitute other elements from the original list. Or consider aesthetic reasons: It was once thought as always counting in favor of a piece of music if it respected the laws of tonality, but in the 20th century, some musicians have come to the belief that in the right context, atonality can also make good music. The same goes for moral reasons. Other than in the past, many people nowadays believe that the pursuit of profit is only morally legitimate if it does not harm the environment; now, many hold that a punishment for a crime is justified only if the criminal does not suffer from a mental condition. Through reflection and new empirical information, people have concluded in these cases that their moral rules have to be qualified.

As these examples demonstrate, we shouldn't put confidence in definite lists of valence-changing contexts. Reasons are context-sensitive, but not codifiable.<sup>23</sup> This insight makes it possible to formulate a more exhaustive definition of holism:

*(H')* A feature that is a reason in one case may be no reason at all, or an opposite reason, in another. The circumstances that affect the ethical significance of a feature cannot be codified in advance.

If we accept (H'), this allows us to reject McKeever and Ridge's argument. In contrast to (H'), McKeever and Ridge go for the interpretation that claims that we are able to indicate the conditions under which the changes occur. If we add their position about codifiability to the minimal definition of holism, we get:

*(H'')* A feature that is a reason in one case may be no reason at all, or an opposite reason, in another. The circumstances that affect the ethical significance of a feature can be codified in advance.

As seen above, (H'') is wrong. This allows the particularist to accept *with* McKeever and Ridge that "there is still going to be no argument from context-dependence to uncodifiability,"<sup>24</sup> but to hold *against* them that holism, if spelled out more thoroughly, contains an additional clause, the denial of codifiability. This clause allows for a rejection of quasi-invariance.

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<sup>23</sup> As discussed above, McKeever and Ridge's project should be interpreted as the *epistemic* claim that finite beings have access to the conditions that change the valence of a *prima facie* duty. Therefore, my argument against their claim questions whether we have such an epistemic access. This leaves however open the *metaphysical* question whether a list of valence-affecting conditions exists or not.

<sup>24</sup> McKeever in a private correspondence about an earlier draft of this paper.

## 4 Prima facie duties and thick ethical concepts

Both Audi and McKeever & Ridge fail to adequately respond to the particularist' attack against the univalence of *prima facie* duties. However, their arguments bring to light the requirements a satisfactory reply has to fulfill. As the discussion of Audi shows, intuitionists need to explain how a robust invariant valence-claim can be squared with the existence of cases such as sadism or *Schadenfreude* where a genuine valence-reversal occurs. Can a criterion be found that allows separating those cases from the ones where there is no change in valence? The problem with McKeever and Ridge's argument demonstrates how not to answer this question: We cannot simply indicate a list of contexts which cause valence-switching. The reason is that this response fails to take into account that given our epistemic limitations, we can never be sure to have such a list in our possession. An adequate response has therefore to take seriously holism in the theory of reasons.

A more promising solution to the problem of univalence starts by analyzing the meaning of *prima facie* duties. As it turns out, they contain an element that sets them apart from most other considerations: *thick ethical concepts*.

The notion of thick ethical concepts has been introduced by Bernard Williams.<sup>25</sup> What sets thick ethical concepts apart from other concepts is that they can be analyzed into a descriptive and a prescriptive element. Take reparation as an example. There is certainly a descriptive element in reparation: In order to count as an act of reparation, its beneficiary must have suffered a harm for which the person who pays the reparation is responsible. But in addition to that, there is also a prescriptive element involved since only those harms that result from a wrongful act amount to a reparation. If the state has punished somebody who was rightfully convicted, it wouldn't make sense to ask for reparations.

Both the descriptive and the prescriptive element are constitutive for the understanding of the thick term.<sup>26</sup> Knowing that somebody has been wronged is taken by itself insufficient for identifying acts that amount to reparation (perhaps no harm has occurred), whereas knowledge of the fact that somebody has been harmed doesn't provide enough information either to pick

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<sup>25</sup> See Williams (1985), 140-143. Although Williams' discussion has become the point of reference for debates about thick ethical concepts, similar distinctions can be found in Anscombe (1958) and Foot (1977).

<sup>26</sup> Thick ethical concepts stand in the middle between thin ethical concepts and purely non-moral concepts. In contrast to thick concepts with both evaluative and descriptive content, thin ethical concepts like "morally good" or "morally bad" lack descriptive aspects and consist merely in an evaluative element, while non-moral concepts lack evaluative parts and contain only descriptive elements.

out those cases for which reparation can be paid (possibly the harm has not been wrongfully inflicted).

*Prima facie* duties contain thick ethical concepts. The concept of reparation as it occurs in the *prima facie* duty of reparation, as discussed above, illustrates this idea. As another example, take the *prima facie* duty of fidelity. Whether or not I have violated my duty of fidelity by breaking a promise depends not only on whether there was an (implicit) agreement; it must also be the case that the promise wasn't deeply immoral itself. Similarly, I have a *prima facie* duty of gratitude only in case the act that was done to my benefit didn't violate moral standards. For example, if I discover that unbeknownst to me, the organ transplant that I received was taken from somebody else against his or her will, I have no duty of gratitude towards those who organized it for me. Reasons of space don't permit to discuss all *prima facie* duties here, but the idea should be clear:<sup>27</sup> the elements on Ross' list contain thick ethical concepts.<sup>28</sup>

It is in virtue of these thick concepts that *prima facie* duties have their invariant valence.<sup>29</sup> The prescriptive element that is part of the definition of the thick ethical concept establishes a necessary link between the *prima facie* duty and a thin ethical concept.<sup>30</sup> For this reason,

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<sup>27</sup> Especially, I cannot deal here with complications that arise from the *prima facie* duty of justice – some philosophers argue that it is a thick ethical concept (see McNaughton and Rawling (2000), 268f.), while others believe that it is a thin concept (see Dancy (2004), 84).

<sup>28</sup> Another question in this context concerns the variance of those thick ethical concepts that don't appear in the list of *prima facie* duties. Why are, according to the thick intuitionist, the thick ethical concepts that are part of *prima facie* duties invariant, but not those that don't? Here, I don't have the space to take up that issue, but I am inclined to agree with McNaughton who discusses the problem in his (2002). There, he argues that *prima facie* duties are basic and that all other thick ethical concepts can be defined in terms of them.

<sup>29</sup> McNaughton and Rawling (2000) argue as well for the claim that *prima facie* duties contain thick ethical concepts, but my version of "thick intuitionism" differs from theirs: McNaughton and Rawling don't have a satisfactory answer to the argument from holism: Why should we suppose that the valence of *prima facie* duties remains stable in all contexts? They claim that holism demonstrates only that the reasons used in the particularist's examples vary in valence; nothing in the argument from holism shows that context-sensitivity extends to other reasons as well (267). In addition, even if some primary reason turns out to depend on context, we can spell out these circumstances: "the list of conditions is not open-ended, and it is knowable in advance" (269). As argued above, these replies underestimate the argument from holism. Our previous discussion has shown that we cannot trust our ability to recognize in advance which contexts change the valence of a reason. Furthermore, to reduce the argument from holism to a list of examples shows that McNaughton and Rawling misunderstand the argument; its purpose is to unveil a general feature of how reasons interact with each other.

<sup>30</sup> A problem this approach raises is that it already presupposes knowledge of ethical terms. As Audi argues, "if any set of principles is to be an independently good guide in moral conduct, we need a way of applying them that does not require an appeal to an independent basis of moral judgment" (Audi (2004), 115). I cannot deal with this problem here, but I believe that it does not amount to a *rejection* of thick intuitionism.

*Schadenfreude* does not fall under the duty of beneficence, although it brings about pleasure:<sup>31</sup> Only those kinds of pleasure that are worthy of support can fall under this duty. The prescriptive element that is part of beneficence blocks all kinds of counterexamples that particularists might bring up. Even if we are unable to codify valence-changing contexts, the fact that *prima facie* duties contain a thick ethical concept guarantees that they do not apply to these cases.

This response solves Audi's problem of explaining why in contexts like *Schadenfreude*, pleasure has a negative valence. As Audi himself notices, "this is the wrong kind of pleasure".<sup>32</sup> It was difficult to fit this statement with his claim that all instances of pleasure have a positive intrinsic value. Thick intuitionism however can argue that given the prescriptive part in the meaning of beneficence, cases where pleasure has a negative valence are excluded. This solution avoids as well McKeever and Ridge's problem of presupposing that we are able to codify all valence-switching circumstances. Instead, thick intuitionism blocks counter-examples even without knowing them in advance. Once a situation occurs in which e.g. pleasure has a negative valence, it doesn't fall under the *prima facie* duty of beneficence.

Yet, this solution seems to come at a high cost: It apparently reduces thick intuitionism to a mere conceptual claim. If and only if pleasure counts in favor of an action, we call its bringing about a *prima facie* duty of beneficence; otherwise, we don't. Or, as Margaret Little puts it: "In the end, the most one can say is that, in contexts in which a feature is good-making, it is good making – not exactly late-breaking news."<sup>33</sup>

Responding to this charge, the intuitionist can argue two things. First, she can claim that a correct conceptual analysis of a central class of ethical concepts is already a noteworthy achievement. If the present analysis clarifies our understanding of how we use concepts such as justice, beneficence or fidelity, we should not criticize it for such a result.

At the same time, it is true that the intuitionist's analysis would be more attractive if it gave us a more substantive reason *why prima facie* duties are univalent. Such a reason would have to indicate what makes these duties important to us; this would not only explain *that* only those

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<sup>31</sup> Another example of inappropriate pleasure particularists have brought up is the pleasure in foxhunting. See McNaughton (1988), 11.

<sup>32</sup> Audi (2004), 72.

<sup>33</sup> Little (2000), 288f.

considerations that count in favor of an action fall under a *prima facie* duty, but as well *why* this was the case.

Such a reason can be found in Audi's own account. He provides a systematization of *prima facie* duties by reference to a version of Kantian ethics. Other than Ross might have thought, such a project is compatible with the plurality of morally relevant considerations: *prima facie* duties can be non-inferentially known, have a normative force that is not reducible to an underlying factor, and can even be better grounded as more basic reasons, and still be illuminated and systematized by reference to a fundamental rationale.<sup>34</sup> Kantian ethics offers such an overarching moral theory in the Categorical Imperative.<sup>35</sup> If we accept the *universality formulation* and the *formula of humanity* as our basic ethical framework and ask what concrete moral principles we would derive from them for our everyday moral deliberation, the result would be something close to Ross' list of *prima facie* duties.<sup>36</sup> The perfect duties in Ross' list – those of fidelity, reparation and non-maleficence – stem from the universality formulation, whereas the positive duties – those of gratitude, justice, beneficence and self-improvement – can be derived from the formula of humanity.

As Audi argues, the Categorical Imperative in its formulations expresses the idea of respect for the dignity of persons.<sup>37</sup> If this idea reflects what stands behind our ethical reasoning, and if *prima facie* duties translate this abstract thought into moral principles for everyday situations, we have a further explanation of why *prima facie* duties have an invariant valence. Insofar as we care for the dignity of persons, the fact that a certain situation helps to achieve this aim always counts in favor of doing it. *Prima facie* duties play according to this Kantian reading the role of indicating when this is the case. Therefore, whenever they are instantiated, they have an invariant valence.

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<sup>34</sup> See Audi (2004), 90 and 104. These claims need more elaboration as I can offer here. Audi argues for them in his (2004), especially 48-54.

<sup>35</sup> Audi stresses that he is not interested in a faithful interpretation of Kant's texts; he rather relies on an ethical framework that is inspired by Kant's ideas. See Audi (2004), 90.

<sup>36</sup> See Audi (2004), 102f.

<sup>37</sup> See Audi (2004), 110 and 112.

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