

Appreciating W. D. Ross: On Duties and Consequences

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□ *In this article I describe the theoretical underpinnings of 20th-century British philosopher W. D. Ross's approach to linking deontological and teleological decision making. I attempt to fill in what Ross left on the whole unanswered, that is, how to use his duties to resolve dilemmas. A case study in journalism demonstrates how to apply the theory. I conclude with an analysis of what I take to be the strengths and weaknesses in Ross's theory.*

Persons should keep their promises. This seemingly obvious claim is one for which providing theoretical justification should be easy. Yet the many and various attempts to do so, including most notably those by Kant and Mill, are widely seen to have come up short. Although they have produced vital insight into the nature of morality, none has fully succeeded in providing final theoretical justifications for even the most apparent of moral assertions. Indeed, following G. E. Moore's (1903, 1912) arguments at the turn of the 20th century regarding the failure of traditional approaches to moral theory, most subsequent thinkers went one of two antiobjectivist routes: Either moral claims make no reference to real facts about the world but instead reflect only agents' emotions, desires, or attitudes, or moral claims are simply a reflection of cultural indoctrination and thus should be studied as empirical data by sociologists.

For many nonphilosophers these disputes border on the silly. Of course one should keep one's promises; if philosophers are unable to prove this, so much the worse for philosophy. In an important sense, W. D. Ross's (1930, 1939, 1988) position is of this sort. Deeply influenced by Moore, he too rejected Kant's and Mill's theories, but he also found the antiobjectivist alternatives absurd.¹ For Ross certain moral duties, such as promise-keeping, have objective moral force. One can know one should keep one's promises, even if one cannot rationally deduce this. Rather, he said, such objective moral truths are intuitively known, self-evident facts about the world.

Most of Ross's contemporaries and close successors, though, rejected the appeal to intuitive and thus immediate but unsubstantiated knowl-

edge. The problems with such appeals are just too daunting. For example, what is the source of intuitive knowledge? Where does it come from? How does one distinguish it from cultural indoctrination or emotional attachment? What is to be said about persons who apparently do not have it? Thus for decades his work was treated as an interesting but ultimately unimportant contribution to moral theory.

But then a funny thing happened. Philosophers doing so-called applied ethics began to worry far more about how ethical principles could be used to guide right conduct than about how to ground or justify those principles. Hence we get Tom Beauchamp and James Childress's (2001) seminal *Principles of Biomedical Ethics*, in which, particularly in early editions, the authors made almost no attempt to justify their principles—autonomy, nonmaleficence, beneficence, and justice—but instead more or less assumed their validity and showed how they can be used to make sense of the moral quandaries prevalent in health care. In later editions, after receiving sometimes harsh criticism,² Beauchamp and Childress greatly expanded the justification section. But even here a Rossian sensibility prevails; there remains a strong sense of “Oh, come on; we should obviously respect and promote these principles. We hope theorists can work out their justifications, but for now we have real people facing real moral problems.”

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Is this a legitimate move? Many, probably most, moral philosophers still think not, maintaining that intuition is too amorphous to serve as the foundation of moral theory and decision making. I too was once sympathetic to the insistence on justification. Over the years, though, I have seen my Rossian side emerge as I increasingly work outside the ivory tower, helping physicians, patients, journalists, and government bureaucrats attempt to manage tough moral dilemmas. In such real-world contexts, I have come to rely on what I now see as the knowledge that persons should keep promises, avoid causing harm, help others, and so forth. That is, I have come to the conclusion that the job of ethics theory is to explain *why* such moral principles are true, not to argue *that* they are.

Getting at the *why* of moral principles is, I am still convinced, a vital philosophical endeavor. But that this endeavor is incomplete does not speak against relying on the principles as a valid method for doing practical ethics. Ross's work is focused on the latter point and on the subsequent

ramifications for real-world decision making. It does much to clarify the nature and meaning of the principles and to provide helpful tools for their use. In this article I would thus like to show how his theory could be used for media ethics. The outline of the article is as follows: First, I give a brief description of the theoretical underpinnings of Ross's approach. Second, I attempt to fill in what Ross leaves on the whole unanswered, that is, how to use his duties to resolve dilemmas. I conclude with an analysis of what I take to be the strengths and weaknesses in his theory.

Linking Deontology and Consequentialism

Although he is firmly rooted in the deontological camp, Ross is often, and I think rightly, described as providing a bridge between it and consequentialism. The first, deontological, designation is obvious. Much of the book is devoted to establishing that moral duties have inherent value and that agent motive is crucial to determinations of accountability as well as to critiquing especially G. E. Moore's version of consequentialism.

That latter critique can be distilled to a simple argument: Surely, he said, making a promise adds to the moral facts of a case. To elaborate on one of his examples (Ross, 1988, p. 39), imagine being stranded on a deserted island with no hope of recovery or even eventual discovery. Your sole island mate requests that should he die first, would you promise to bury him so scavengers won't eat his body. You think it over and promise to do so. Sure enough, he keels over not too long after. But it is a hot day, you are tired, and you do not have a shovel. And, besides, what difference will it make? Your friend is dead and no one will ever know.

On a strict consequentialist account the decision is straightforward: If only harm (hard work and physical discomfort) and no benefit will accrue, you are under no moral obligation to fulfill your promise.³ But this cannot be right, Ross said. Although there could be sufficiently weighty consequences that would override your promise-engendered duty, the burden of proof, he argued, clearly falls there; that is, unless there are sufficiently strong moral reasons otherwise, one is obligated to fulfill promises, even if no benefit results. Making a promise is a powerfully relevant-added moral fact independent of outcomes. And thus, Ross concluded, strict consequentialism must be false.

Add to this his claims that agents' motives are the grounding for accountability (Ross, 1988, pp. 1–5) and that duties are grounded in human relations (pp. 19, 22, 38),⁴ and Ross's deontological pedigree is apparent. Where, then, is the consequentialist link? It is present in two key components of his theory. First, he prominently included nonmaleficence and beneficence in his list of *prima facie* duties.⁵ Persons have a *prima facie* obligation to avoid harm and to produce benefit, that is, to bring about

desirable outcomes. These result-oriented duties are manifest in the earlier comment that there could be sufficiently weighty consequences that would justify violating a promise. Most of the other *prima facie* duties (i.e., promise keeping, fidelity, gratitude, and reparation) are clearly backward looking; they get their moral weight from previous acts. By contrast, beneficence and nonmaleficence satisfy the primary condition of consequentialist theories: They are forward-looking, getting their moral weight from (potential) outcomes.⁶

The second, and subtler, link to consequentialism is also, I think, one of Ross's more interesting and important arguments. As the book title suggests, Ross distinguished between the *right* and the *good*. The latter term refers to an objective if indefinable quality present in acts. It is something seen, not done. Right, on the other hand, refers to actions. A right action is something undertaken by persons motivated by correct reasons and on careful reflection. Not all right actions, however, will be productive of the good. Rather, Ross (1988) said, even the most careful, reflective actions necessarily involve

moral risk. We come, ... after consideration to think one duty more pressing than the other, but we do not feel certain that it is so. ... For, to go no further in the analysis, it is enough to point out that any particular act will in all probability in the course of time contribute to the bringing about of good or evil for many human beings, and thus have a *prima facie* rightness or wrongness of which we know nothing. (pp. 30–31)

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In other words, because persons are not "omniscient" (1988, p. 32), we cannot know all possible outcomes, and thus, unfortunately, not all right actions will result in good acts. This was a striking move on Ross's part: Whether a person's action is morally justifiable is a deontological question rooted in motives and reasoning; whether the act is good is, given our epistemological fallibility, ultimately a consequentialist question rooted in (often unforeseeable) outcomes. Ross clearly, and I think rightly, placed greatest emphasis on the deontological concern, but much of the power and originality of his theory emerged in this recognition of the need also to account for relevant consequences.

Duties: Prima Facie and Actual

The distinction between prima facie and actual duties is probably the single aspect of his theory for which Ross is best known.⁷ Simply put, prima facie duties are self-evident, intuitively known, and general; for example, persons should keep their promises. Actual duties are those that emerge in specific circumstances, when one evaluates the competing duties at stake and determines which, in the case, should be acted on. Prima facie duties are known with certainty and are true for all persons, whereas actual ones are closer to estimations. They are assuredly well considered and carefully and rationally reflected on, but they are nonetheless devoid of the intuitive certainty attached to duties in their prima facie state. Prima facie duties are broad and abstract; actual duties are specific and contextual.

Thus, despite how he is sometimes read,⁸ Ross is not an intuitionist when it comes to determining actual duty, or as he sometimes calls it, “duty sans phrase” (1988, p. 18); that determination comes only after extensive rational analysis, as I will show next. Intuition plays a role only when duties are in their prima facie state.

And, in fact, there is considerable ambiguity in the text over just how the prima facie duties are intuitively grasped. On the one hand, Ross talked about them as “general principles that are recognized as self-evident” (1988, p. 31), comparing them to the kind of knowledge persons have of mathematical axioms (1988, pp. 30, 32–33). He also, though, argued they are discerned only through experience of multiple cases that have inherent in them moral duty. When we encounter, for example, circumstances that include one or more parties having made a promise, we discern within those circumstances moral obligation. In our youth and immaturity, we may not fully understand the nature of that obligation. But over time and with additional experience, we learn to draw distinctions, to categorize the relevant duties.⁹ As Ross (1988) put it,

There is nothing arbitrary about these *prima facie* duties. Each rests on a definite circumstance which cannot seriously be held to be without moral significance ... [and] ... we see the *prima facie* rightness of an act which would be the fulfillment of a particular promise, and of another which would be the fulfillment of another promise, and when we have reached sufficient maturity to think in general terms, we apprehend *prima facie* rightness to belong to the nature of any fulfillment of promise. (pp. 20, 33).

There is a kind of Aristotelian logic at work here, a moving from the specific, particular acts with moral factors present within, to the general, abstract moral duties applicable to a wide range of cases. But, critically, the

abstract duties are not learned; rather, they are recognized. Again, they are self-evident and thus their validity is not derived from experience (as empiricists would claim). Rather, experience is necessary to produce enough cases for persons to achieve the “mental maturity” (p. 29) that provides, in a sense, access to the self-evident truth of the duty. Ross’s theory thus represents an odd mix of necessary experience combined with intuitive knowledge. The experience does not produce the knowledge but rather creates the conditions that make the knowledge possible.

Out of all this emerges an unusual pluralistic objectivism. Unlike Kant’s and Mill’s single primary objective principles—the categorical imperative and utility, respectively—Ross, again showing his debt to Moore, is a pluralist with multiple objective *prima facie* duties.¹⁰ Indeed, that these duties often conflict (again, contra Kant and Mill) is the very source and explanation of moral dilemmas.

Applying the Theory

It would appear Ross’s theory should be easy to apply. He provided relatively straightforward, intuitively evident, *prima facie* duties. Why cannot one simply determine which are present in any given case and then act on those most compelling? Ross took pains to show it is not this easy.

First, each case brings its own moral context, such that even relatively minor differences in cases will result in different actual duties:

I would contend that in principle there is no reason to anticipate that every act that is our duty is so for one and the same reason. Why should two sets of circumstances, or one set of circumstances, *not* possess different characteristics, any one of which makes a certain act our *prima facie* duty? When I ask what it is that makes me in certain cases sure that I have a *prima facie* duty to do so and so, I find that it lies in the fact that I have made a promise; when I ask the same question in another case, I find the answer lies in the fact that I have done a wrong. (Ross, 1988, p. 24)

Second, there is no a priori way of weighing the competing duties. Again, in Ross’s language, “It may be objected that our theory, that there are these various and often conflicting types of *prima facie* duty, leaves us with no principle on which to discern what is our actual duty in particular circumstances” (p. 23). In other words, each case is different and brings different obligations, and there is no underlying principle by which to determine which should prevail. Messy indeed.

As Ross pointed out (1988, p. 23), however, other theories face similar problems. They are either so strict and precise as not to be reflective of the real world (cf., Kant and Bentham) or they are so vague as not to provide

effective guidance (cf., Aristotle, Mill, and Moore). But if Ross is to offer a genuine improvement, he has to do better than simply point out the flaws in others.

We must of course begin with the duties. Ross (1988) gave a provisional¹¹ list of eight: promise-keeping and honesty (which fall under the general heading of fidelity), reparation, gratitude, justice, beneficence, self-improvement, and nonmaleficence. This list is not intended to be hierarchical because actual duty can be determined only in the context of specific circumstances: "For the estimation of the comparative stringency of these *prima facie* obligations no general rules can, so far as I can see, be laid down" (p. 41). But he did say, "a great deal of stringency belongs to the duties of 'perfect obligation'— the duties of keeping our promises, of repairing wrongs we have done, and of returning the equivalent of services we have received" (pp. 41–42).¹² He also noted that nonmaleficence is more stringent than beneficence (p. 21). Again, though, this is at best a *prima facie* hierarchy, that is, all else being equal, perfect obligations take precedence. In the real world, though, all else is almost never equal; specific cases necessarily bring their own hierarchies of duty.

Take a simple example. When I ponder whether to give my young child an inoculation, three duties are at stake: beneficence, fidelity, and non-maleficence. Fidelity is essentially a wash because I have, at the least, an implied promise both not to hurt and to help. Beneficence and non-maleficence, however, are clearly in conflict. The latter says it is wrong to cause my daughter harm (even assuming no negative side effects, the mere giving of the shot causes physical pain and emotional distress); the former demands that I do her the good of attempting to ward off future disease. Two objectively true, abstract, *prima facie* duties are thus at odds. If the facts are unambiguous, the actual duty in this sort of case is easy to determine: Beneficence is clearly the more pressing duty. One can readily imagine, though, additional information that would complicate even this seemingly simple choice, for example, if there were a known causal connection for some percentage of recipients between the inoculation and a more serious disease¹³ or if there were a chance the vaccine was contaminated or if the child has other physical ailments that would be exasperated by the inoculation. The more muddled the details, the more difficult it is to determine one's actual duty.

A Journalistic Application

Consider, then, one such "muddled" case:

You are a reporter for a midsize newspaper. You receive a call one day from Brett, an old high school lover. It has been years since you spoke, so you spend some time catching up. You are sorry to hear he has been unable

to sustain a healthy, long-term relationship or a permanent job. He explains, in fact, this is why he called: He is convinced his trouble can be traced to childhood sexual abuse suffered from his minister. He has decided to go public with the story and wants your help.

As the conversation proceeds, it becomes clear that Brett's motives are anything but pure. He admits to being driven in large part by a desire for revenge, especially because the minister and church deacons refuse to acknowledge his claim. He also hopes publicity will force the church to reach a financial settlement with him.

You express concern about publishing an unsubstantiated accusation but offer to question the minister and see whether a story emerges. Brett also gives you the name of another person, Joe, who he believes was similarly abused.

The minister reacts icily to your phone call, saying Brett is a disturbed young man looking for easy money. Your initial judgment is that the minister is a bit of a jerk, haughty and unsympathetic, but otherwise there is nothing to substantiate Brett's accusations.

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You then call Joe. He is angry Brett gave you his name and simply says, "Look, whatever happened was many years ago. I have no desire to dredge up the past." You point out you are trying to confirm the plausibility of Brett's accusation; you do not want to unjustifiably sully the minister's or the church's reputation. You also note that his response does not sound like much of a denial. He refuses to say more except to beg you not to include his name in any eventual story.

You seek advice from your editor, but in her usual manner she says, "You are the reporter. If in your judgment the story is newsworthy and substantiated, we'll run with it."

To determine the actual duty, one must first judge which prima facie duties to be at stake and to what extent. Thus you have the following:

Promise keeping. You have made no promises to any of the parties involved, but your one-time close relationship with Brett creates some, if only a little, fidelity-based obligation to lend him support.

Honesty. As a reporter you take truth telling to be one of your more stringent duties. You could, with complete accuracy, simply tell the facts—Brett’s account, the minister’s denial, and Joe’s “no comment.” Brett’s story, however, engenders considerable doubt and thus accuracy may not be equivalent with honesty. If you decide to go with the story, you must do so in a way that is both accurate, that is, gives the relevant facts, and honest, that is, truthfully captures the ambiguity in the case.

Reparations. You have, as yet, not damaged any of the players. Should you, however, run the story and cause unwarranted harm, you will then have an obligation to try to repair the damage.

Gratitude. The only hint of a duty of gratitude, at this point, is to Brett for bringing you a potentially important story. The duty, though, is weak at best, even weaker than fidelity.

Self-improvement. Because self-improvement is not equivalent to self-interest (i.e., any personal benefit you might receive from the story) and because the only character-building elements are rooted in the ongoing obligation to be a professionally competent journalist, the duty is not otherwise relevant in this case.

Justice. There is a range of merit-based concerns present. For example, if you conclude there is sufficient evidence of abuse, then you have some obligation to help see that the minister gets what he deserves. This does not mean reporters must see themselves as somehow an integral part of the criminal justice system. But, as informationally privileged members of a moral community, they at least have the duty to forward relevant knowledge to persons who are. Second, does Brett deserve monetary compensation? Again, if the minister is guilty of abuse and if the experience so damaged Brett’s life, he deserves at least restitution and you have some obligation to help bring it about, a duty easily fulfilled by making the relevant information public through your story. But then what of Joe (and any other victims who may come forward)? Does he also deserve compensation? In other words, how far does your obligation extend? To the point of doing a thorough, accurate, and honest story, one that helps motivate criminal or civil proceedings, if appropriate.

Beneficence and nonmaleficence. I combine these two because they are clearly the most pressing in the case. Any number of harms will result if you write the story. The minister will be harmed (his privacy invaded, his reputation damaged, and other ways) and, important on a Rossian analysis, this is morally relevant even if he committed the abuse. He may, on

some conceptions of justice, deserve such harm, or it may be warranted by the fulfillment of other moral duties (e.g., beneficence), but he will nonetheless suffer and this violation of nonmaleficence must be included in the analysis. Also, the church and its parishioners will be harmed. If you decide to include Joe in the story, he also will be damaged, at the very least by an invasion of privacy, that is, the public revelation of information he wants kept confidential.

These are all known and serious harms. Against them is one known, but relatively minor, benefit: Brett will have been made happy. There are also, however, other weighty but only possible benefits: the protection of future victims, Brett's receiving monetary reward, and the church's hiring a new morally and spiritually upright minister.

There is thus one known *prima facie* duty, nonmaleficence, telling against running the story and it is, in this case, a weighty duty. Considerable harm is at stake. There are also three known *prima facie* duties in favor of the story: fidelity, gratitude, and beneficence. None of these latter duties, though, carries much force; that is, as instantiated in these circumstances, they are all relatively trivial.

There are, however, other and potentially very powerful supporting duties, that is, weighty versions of justice and beneficence, but at this stage they are only possible with insufficient supporting evidence. The minister may deserve to be punished, Brett may receive compensation, and other victims may be protected.

When do enough of these *mays* add up to an *ought*? Ross does not give an answer or even, so far as I can tell, address the question. Furthermore, I do not believe one is possible. Such weighing is part of the educated estimation, the reflective moral judgment involved in evaluating moral cases. On my reflective judgment, this case simply has too many; that is, there is so much uncertainty that even though the potential benefits are great, the mere possibility of their coming to fruition cannot justify the many harms that will assuredly occur if the story is run. Thus, I would conclude, the actual duty in this case is nonmaleficence. The reporter's most pressing obligation is to prevent harm. Granted, if we were given full, or even much more, knowledge (e.g., if other victims came forward), that actual duty could well change. As is, nonmaleficence must prevail.

This conclusion, admittedly, is wholly consistent with one that would likely emerge from a traditional journalistic ethic: Do not let personal biases (for Brett and against the minister) prejudice the story, and do not print insufficiently substantiated accusations. So why engage all the bother of the fuller analysis? Because, first, the process also exposes the inadequacy of a too common journalistic view, that is, so long as one reports facts only—Brett said such-and-so, the minister denied it, and Joe had no comment—one has acted morally. Working through the *prima facie* duties

in this way reveals how journalistic activities are richly endowed with a range of moral obligations. The process thus, second, forces the conscientious reporter to confront the moral complexity of her job and to embrace her role as a full moral agent therein. Indeed, if Ross is right, reporters have an obligation—of self-improvement—to engage the full analysis, to develop one's character so that this kind of moral reflection becomes second nature.¹⁴

There is, furthermore, an additional step that is, I think, both vital to moral decision making and generally absent from standard journalistic ethics: a determination of what new duties emerge as a result of, in this case, the decision not to run the story. That is, when one determines one's actual duty, one must also determine how acting on it affects one's other *prima facie* duties. This additional step again shows a crucial difference between Ross and his predecessors. On most theories, especially those coming out of Kant or Mill, if one has made the right moral choice, one is, in essence, done. No other obligations exist. How could they? If one correctly acts on the categorical imperative or utility, one thereby fully satisfies one's obligation.

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For Ross, though, all moral dilemmas represent, by definition, a conflict among *prima facie* duties. In this case, that the reporter's actual duty turns out to be nonmaleficence does not negate her duties of fidelity and beneficence. Rather, she in a sense violates these latter duties, even while doing the right thing. And thus a new *prima facie*¹⁵ duty emerges: reparation. That is, she now has a *prima facie* duty to try to repair her relationship with Brett by, if he wants it, offering friendship and support. She also has an ongoing *prima facie* obligation of beneficence to potential future victims, one she can satisfy by keeping the story on her desk, watching out for other possible witnesses, being ready to quickly revive and publish the story, and other things. In fact, that Ross's theory promotes this notion—that duties retain moral force, even when overridden—is, I believe, one of its greater strengths, a point I will return to.

Conclusion

The theory clearly has problematic areas, not the least of which is the initial starting point in intuition.¹⁶ If one cannot accept some version of the

apologia provided at the outset, the theory is in deep trouble. One could try a Rawlsian move, arguing that were one behind a veil of ignorance, surely one would rationally come up with something like Ross's list of prima facie duties. This, though, just adds another problematic layer because many theorists reject the very possibility of achieving Rawls's original position. And even if doing so is possible, it is not at all clear that Ross's principles would thereby emerge.

Gert (1984, 1992) attempted to get around the intuition problem by declaring prima facie duties (*rules* in his language) to be part of what he called *common morality*. He said, for example, "There are certain simple kinds of actions that everyone counts as immoral, for example, killing, causing pain, deceiving, and breaking promises," and "*No one seriously doubts* that causing pain to people [or] deceiving them ... are the kinds of actions that need justification [*italics added*]" (1992, pp. 14–15). Gert did not make at all clear, however, the grounding of this common morality. His view, I think, can be plausibly interpreted as simply another form of intuition or, worse, a mere appeal to historical social norms, worse because of the relativism such a view would entail.

Maybe another theory will emerge that will provide sufficient rational grounds for a list of prima facie duties, though I have my doubts. In the meantime, one must either accept them as something like intuitively self-evident, or one must abandon this approach altogether.

A second problem is Ross's reliance on "sufficient mental maturity." Is this simply a way of explaining away those who do not acknowledge his version of prima facie duties? Is it a kind of self-defining prophecy, that is, if one does not see the self-evidency of the duties, one is, therefore, by definition, immature (and vice versa)? Grounding the maturity in empirical experience helps but does not seem to go far enough. What should we make of, for example, the long-lived person who simply refuses to acknowledge a duty of beneficence? He may well think he should help friends and family, but all others are on their own. Surely the problem here is not a lack of experience. A more satisfying view, I think, would also have to take into account the effects of ideological indoctrination. I see no appreciation of this in Ross's writing.

A third criticism often made against the theory attacks the lack of certainty attached to the determination of actual duty. There is just too much fuzziness, no clear method, too many opportunities for rationalization. ("Hey, I sincerely reflected on my choices and decided I had a duty to steal.") for the theory to provide adequate grounds for moral decision making. What, though, is the alternative? If one is looking for the kind of certainty provided by the categorical imperative, then one will be assuredly dissatisfied with a Rossian approach. But Kant's theory has exactly the sorts of real world application problems that Ross raises. Those coming

from an Aristotelian or other virtue model are in no better shape, given their near absence of direct decision-making guides. Mill's utilitarianism is somewhat better off, but it too cannot provide precision, given the uncertainty of consequences and the amorphous nature of qualitative pleasures. Indeed, it was Bentham's attempt to make moral decision making too precise that motivated Mill's famous split from the hedonistic calculus.

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This acceptance of moral uncertainty, especially because it is combined with a first layer of moral absolutes, is, for me in fact, one of the real strengths of Ross's theory. If one accepts that prima facie duties are intuitively self-evident, the theory allows for universal knowledge of objective moral truths, knowledge that all persons can access, regardless of culture or historical circumstances. But because these duties conflict in moral dilemmas, there is no abstract, a priori, or even prima facie way of determining which duties should prevail in any given case. Actual duties are wholly contextual, with each situation bringing different moral facts. In one case fidelity will be the most pressing duty; in another, it will be outweighed by nonmaleficence, and so on.

Hence Ross's theory is, to strain the language a bit, a universalist contextualism: universal in abstract prima facie duty, contextual in actual duty. And this position, it seems to me, is a far more accurate reflection of humans' moral reasoning, both in fact and in capability. Persons can, I think, grasp universal moral truth at the abstract level, but our moral decision making in actual cases is fraught with uncertainty and ambiguity. Ross, better than any other theorist, captured this tension.

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A second strength is related: Persons can, Ross said, be legitimately held responsible only for making the right choice. If one sincerely undertakes to make the right choice, that is, if one's motives are correct and one puts sufficient effort into acquiring the relevant information, one cannot be blamed if the right action does not produce a good act. Were one omniscient (and

motivated by duty alone), there would be no gap between the right and the good because such a being would always have the full knowledge necessary to bring about the good. Given, though, humans' epistemological limitations (and recalling Kant's admonition that ought implies can), persons can be rightly blamed only for those choices "which it is reasonable for [them] to think [their] duty" (Ross, 1988, p. 32). Thus Ross correctly argued that motive is the key determinant for assessing moral accountability. But he also, again correctly, rejected Kant's claim that the person who accurately applies the categorical imperative cannot commit moral error. Ross's position is distinctly more compassionate, more appreciative of how human limitations affect moral decision making. Even the most duty-bound, most morally committed person will make mistakes because of inadequate information, but such a person should not be held morally accountable for those mistakes.¹⁷

In this distinction between the right and the good, Ross effectively addressed what I take to be a fundamental problem in Kant and Mill. That is, he pointed out the error in Kant's conclusion that right actions will always align with good acts and also rejects Mill's argument that only acts (results) should be evaluated, that right action (motive) is irrelevant. And, again, I would argue this approach is much more in line with how persons engage their own moral lives and evaluate the moral lives of others.

Finally, as noted earlier, the theory supports the idea that, even when overridden, duties retain moral force. Although Ross probably did not think of the issue in these terms,¹⁸ his theory is generally interpreted as at least being consistent with, even requiring, some notion of moral valency.¹⁹ Why is this a strength? A view that ascribes residual moral force to overridden duties promotes, I think, a notion of strong human connectedness. Such a view recognizes that moral relationships are imbued with duties and that these grow off one another, continuously enhancing our obligations toward others, especially of gratitude, reparation, and fidelity. The stronger the relationship, the richer and more binding are the duties. Ross's approach is thus consistent with that of any number of recent feminist moral theories,²⁰ but unlike many of them retains a strong sense of absolute and abstract duty.

In short, Ross's theory, though hardly problem free, combines the key strengths of the main alternatives.²¹ That is, it takes the core elements of deontologism—that duties have moral value inherent in them and that agents' motives are key to determining accountability—at the same time also recognizing that consequences matter and are, in fact, embedded in two of the *prima facie* duties: beneficence and nonmaleficence. And, as in feminist theory, Ross also strongly emphasized the importance of relationships, both in how they affect context, and thus the determination of actual duty, and in how duties' residual force reflects and reinforces their

strength. The theory thus emerges as a viable tool for engaging, even resolving, real world problems, including those in media ethics.

Acknowledgments

I thank Paul Newberry and Joshua Glasgow for their helpful corrections to earlier drafts of this article.

Notes

1. This is a bit misleading because although Ross does explicitly address the sociological approach (pp. 12ff), most of the subjectivists and emotivists wrote after Ross. The general argument, however, of *The Right and the Good* (1930) effectively anticipates many of their claims. (In addition to a number of works on Aristotle, Ross also wrote one other ethics text, *The Foundations of Ethics*, 1939, devoted primarily to clarifying issues raised in *The Right and the Good*. In this article, unless otherwise noted, all page references are to the Hackett edition of *The Right and the Good*, 1988).
2. See Gert (1984). See also Gert and Clouser (1990), Green (1990), and Lustig's (1992) reply, and Green, Gert, and Clouser (1993).
3. Consequentialists sometimes argue, in these kinds of scenarios, that the breakdown of social trust, or the impact on the agent's future actions, provides the necessary consequential justification. I think those arguments are compelling, but this case is intentionally constructed to make them not relevant.
4. Much of recent feminist moral theory works off the argument that traditional theory rejects the importance of human relations in moral analysis. To whatever extent that argument is valid against Kant and Mill, it is not against Ross, a point I will elaborate on.
5. In the next section, I explain in detail Ross's distinction between prima facie and actual duties.
6. Ross is unclear about whether the duty of justice is strictly deontological or includes consequentialist elements. Most of his comments characterize the duty as being grounded in merit, making it backward looking and deontological. In places, though, he describes it in terms that hint at a utilitarian conception via distributive justice (pp. 26–27). He emphasizes, however, the former reading throughout the book, and thus I give it that focus in what follows.
7. Contemporary parlance uses *principles* rather than *duties*. Because there appears to be no substantive difference in the terminology, I stick with Ross's language here.
8. Compare Donagan (1996). For an interpretation closer to mine, see McNaughton (1996).
9. Again, as we do with mathematics, where sufficient experience is necessary to move from concrete examples to a recognition of abstract necessary truth (pp. 32–33).

10. Kant's discussion of the duties that emerge from the categorical imperative, along with his inclusion of imperfect duties, and Mill's inductive general rules might be seen as suggesting that their theories are pluralist as well. In Kant's case, however, the emerging duties are derivative only while the imperfect ones are not strictly binding. For example, one is encouraged to promote the happiness of others but not obligated to do so. And Mill's rules, for example, his rules of justice, are derived directly from his monistic principle, utility, and are thus no more than nonobjective, broad recommendations; that is, if they promote utility, they should be followed, otherwise not.
11. As other like-minded theorists have developed their own lists, the number has varied considerably. For example, Frankena (1973) conflates nonmaleficence and beneficence, and Beauchamp and Childress (2001) list four (rejecting Frankena's conflation, including justice and adding autonomy). My own list is closer to Ross's but includes both deletions and additions: respect for persons, nonmaleficence, autonomy, trust (i.e., one should avoid deception, both by commission and by omission), reparation, beneficence, merit, and distributive justice (i.e., the Rawlsian notion that society's primary goods should be distributed in a way so as to reduce harmful inequalities).
12. I have to think Ross was just not careful here. Although contemporary theorists consistently present promise-keeping as among persons' most compelling duties, there would seem to be a logical, *prima facie*, priority of nonmaleficence over reparation (if one does not commit the harm in the first place, one has no obligation to repair). Most contemporary theorists would also, I think, hold nonmaleficence as generally more binding than gratitude.
13. The pending choice facing parents whether to inoculate their children for smallpox fits in this category.
14. Ross here is clearly borrowing from Aristotle's linkage of habit and virtue.
15. The *prima facie* status must again be emphasized. Any of the following duties may be overridden by more compelling obligations.
16. Jonathan Dancy (1991) makes much of this problem.
17. This raises an additional problem of how much work one must put into seeking the relevant information. Ross, admittedly, does not give a very satisfactory answer, saying only that persons must make reflective effort (p. 32).
18. Ross makes a number of suggestive comments that point to an Aristotelian notion that duties have inherent potential (moral force?) that gets instantiated to greater and lesser degrees. See his discussion about *totiresultant* and *partiresultant* attributes on pages 28 and 33 (note 2).
19. Compare McNaughton (1996).
20. Compare Tong (1993). See also Cole and Coultrap-McQuin (1991) and Card (1991).
21. Although I do not have space to elaborate here, Ross's approach is also wholly compatible with virtue theory. I believe, in fact, that a combination of the two theories is the most effective method for helping working professionals, first, to understand the nature of the dilemmas they face, and, second, to motivate them to adjust their behavior accordingly. See Beauchamp (1995), especially pp. 193–195.

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