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## ***Prima facie*** **duties**

Common sense suggests to many that there is more to doing what is right than maximizing happiness (or good), as utilitarians suppose. There should, surely, be a place for duty – the idea that some things are worth doing simply because they are the right things to do. And yet the sheer austerity of Kant’s notion of absolute duties, to be followed come what may, seems to take things too far. Our lives are full of moral compromise and dilemma, where numerous claims compete and conflict, dragging us simultaneously in different directions.

If it really happened that the secret police knocked at my door, intent on shooting my lodger (see page 52), I should of course lie about her whereabouts. Kant’s absolutism seems crazy in this case. And yet the justification for telling such a lie is not, as the utilitarian suggests, that I would thereby bring about a net gain in human happiness (or good). Perhaps I would, perhaps I wouldn’t. The simple fact of the matter is that, in these circumstances, my duty to protect an individual is more pressing than my duty to tell the truth.

### ROSS ON DUTIES

One of the great attractions of the Scottish philosopher Sir David Ross’s view of morality, set forth in the first half of the 20th century, is that it

THE  
WORLD  
IN  
THE  
18th  
CENTURY

### 1785

Immanuel Kant gives an absolutist account of duty in *Groundwork of the Metaphysics of Morals*

### late 18th century

Jeremy Bentham lays the foundations of classical utilitarianism

sits comfortably with common sense, reflecting the perennial human struggle to determine the right thing to do in any given situation and then to do it. He recognizes that we have many moral duties and that these often conflict with one another.

**ANY POSSIBLE ACT HAS MANY SIDES TO IT WHICH ARE RELEVANT TO ITS RIGHTNESS OR WRONGNESS.**

Sir David Ross,  
*The Right and the Good*, 1930

In Ross's view, while we acknowledge numerous such duties, these are not absolutely binding. In considering how we should act, it is our task as moral agents to weigh up the competing claims and to reach a decision that is right in the circumstances. He calls these duties *prima facie*, from the Latin meaning 'on first appearance', not because they are not genuine obligations, but because they can be overridden and may have to yield to other duties that take precedence in a particular situation.

While stressing that his list is not necessarily complete, Ross enumerates seven kinds of *prima facie* duty:

- 1 **Fidelity** The duty to be honest (tell the truth, keep promises).
- 2 **Reparation** The duty to compensate for a previous wrongful act.
- 3 **Gratitude** The duty to acknowledge services done by others.
- 4 **Justice** The duty to be fair (to resist unjust distribution of goods).
- 5 **Beneficence** The duty to help others less fortunate.
- 6 **Self-improvement** The duty to improve one's own virtue, intelligence, etc.
- 7 **Non-maleficence** The duty not to harm others.

#### BALANCING DUTIES

Ross gives a number of examples to show how, in practice, competing *prima facie* duties can be weighed and appraised, through moral reflection, in order to determine an actual duty – that is, what it is in fact right to do in a particular set of circumstances. Considering a conflict between the claims of

### 1930

Sir David Ross's *The Right and the Good* gives an account of morality in terms of *prima facie* duties

fidelity (keeping a promise) and of beneficence (helping someone in distress), he writes:

Besides the duty of fulfilling promises I have and recognize a duty of relieving distress, and ... when I think it right to do the latter at the cost of not doing the former, it is not because I think I shall produce more good thereby but because I think it the duty which is in the circumstances more of a duty.

Here, Ross makes it clear that such judgments should not be made (solely) on utilitarian grounds – that is, by adopting whatever course produces more happiness or good. He concedes that bringing about the best possible consequences may be a *prima facie* duty, but it is of course only one of many and not necessarily the most important.

Indeed, elsewhere Ross is explicitly *anti-utilitarian*. He imagines a situation in which keeping a promise to person A produces very slightly less good for her than doing some other act would produce for person B, to whom no promise

has been made. He judges that (other things being equal) it is our duty to keep the promise, thereby rejecting the utilitarian response. It is a matter of degree, however, and each case must be considered on its merits. For if breaking the promise produced ‘a much greater disparity of value between the total consequences’ for A and B, he thinks that (other things being equal) we would be justified in not keeping our word. Ross, clearly, is neither utilitarian nor absolutist.

### Helping and harming others

Suppose that it is the rush hour and you are in the Underground, standing at the edge of the platform as the train approaches. Suddenly the crowd behind you surges, threatening to push the person standing next to you onto the tracks and in front of the train. At the last moment, you barge somebody else off the platform and onto the tracks, thereby making room for the person next to you, saving her life. The classic utilitarian response here is that it makes no difference, morally, what you do. However, Ross, as usual, stays closer to our common intuitions, insisting that in such cases the duty of beneficence (helping others) is trumped by the duty of non-maleficence (not harming others): ‘We should not in general consider it justifiable to kill one person in order to keep another alive.’

### WHERE DO DUTIES COME FROM?

The picture Ross gives of conflicting duties competing for priority seems to mirror the common view of how

we reach moral decisions. But how and whence does he derive the *prima facie* duties around which his theory revolves?

Ross believes that 'the convictions of thoughtful, well-educated people' provide 'the data of ethics'. His *prima facie* duties are self-evident, he thinks, to people who reflect clearly and calmly, with minds undistorted by self-interest or faulty moral upbringing. In other words, we have an intuitive grasp of these moral truths, which neither require nor admit of evidence beyond themselves.

The problem with things beyond proof is that they cannot be shown to be right or wrong. We can never be sure that what seems self-evident to Ross will seem so to others; indeed, the fact that other theorists find things self-evident and that these things are not always the same as Ross's suggests that we are justified in being sceptical about such claims. Similar concerns about the fallibility of intuition surround Ross's attempts to explain how and when, in particular situations, one duty is found to be less pressing than another and so should give way to it.

A suspicion lingers that Ross has given a plausible account of how moral deliberation works without encouraging much confidence that the fruits of that deliberation are securely founded.

The condensed idea  
**Making sense of moral conflict**