

**Ethical Intuitions:
What They Are, What They Are Not, and How They Justify**

Forthcoming in *American Philosophical Quarterly*

M. S. Bedke
University of Arizona
mbedke@email.arizona.edu

Abstract

There are ways that ethical intuitions might be, and the various possibilities have epistemic ramifications. This paper criticizes some extant accounts of what ethical intuitions are and how they justify, and it offers an alternative account. Roughly, an ethical intuition that p is a kind of seeming state constituted by a consideration whether p , attended by positive phenomenological qualities that count as evidence for p , and so a reason to believe that p . They are distinguished from other kinds of seemings, such as those which are content driven (e.g., the sensory experience that a stick in water seems bent) and those which are competence driven (e.g., the intellectual seeming that XYZ is not water, or that one of DeMorgan's laws is true). One important conclusion is this: when crafting a positive theory of justification ethical intuitionists have fewer resources than intuitionists in other domains, not because of the subject matter of ethical intuitions, but because of the their structure. A second conclusion is that the seemings featured in substantive ethical intuitions deliver relatively weak justification as compared to other seeming states.

**Ethical Intuitions:
What They Are, What They Are Not, and How They Justify***

In recent literature on moral epistemology there are two ascendant views that try to answer the following questions: What are ethical intuitions? How do they justify? On a view defended by Robert Audi (1997, 1998, 1999, 2004) and Russ Shafer-Landau (2003) intuitions are understandings of self-evident propositions, where such understanding alone is sufficient for justification. On another view defended by Michael Huemer (2005, 2006, 2007, 2008) intuitions are *sui generis* seeming states, termed *initial intellectual seemings*, which are like other kinds of seemings (e.g., those based on sensory experience or memory) in the way they justify.

Assuming that there are undefeated, intuitively justified ethical beliefs, this paper argues that these dominant theories of *what* ethical intuitions are and *how* they justify are inadequate. After arguing that Huemer's intellectual seemings account is an improvement over self-evidence theories in section 1, section 2 draws some distinctions among seemings. All agree that when it seems to one that p one is taking some attitude toward content, among other things perhaps. What has not been sufficiently addressed, however, is where to locate the seeming. For any given seeming, one should ask whether it is located in a special *seemingish attitude* taken toward content, whether it is located in the very *content* under consideration (and not in a seemingish attitude), whether it is located somewhere else entirely, perhaps as a phenomenologically salient character that attends the attitude-content pair (which by itself doesn't make anything seem to be the case), whether the seeming features a combination of these options, etc. A commonly held position—that all seemings consist in special attitudes taken toward (propositional) contents—strains the facts upon examination. Some seemings are located in the contents under consideration, the very contents that are to be the subject of justified belief, while other seemings

are located in phenomenological characteristics attending attitude-content pairs. Some so-called *intellectual* seemings are competence-driven and ill fit any of these categories. The upshot is that not all seemings are cut from the same cloth, and this has some ramifications for whether, and the way in which, any given seeming justifies belief.

Section 3 argues that seemings in ethics—ethical intuitions—are no more than positive phenomenological qualities upon considering ethical propositions.¹ In these cases the seeming quality of an intuition is not constituted by a special seemingish attitude, nor is it featured in the very content under consideration. The seeming quality of an ethical intuitions that p is exhausted by phenomenological qualities that attend the attitude of consideration toward content p. The more detailed theory of ethical intuitions on offer has some implications for the strength of intuitive ethical justification, and the defeasibility of such justification (implications that might not apply to others kinds of intuitions). In some respects ethical intuitions are more vulnerable to defeat than other kinds of seemings, but in other respects they are less vulnerable. After discussing some of these subtleties section 4 ends with a final remark on the evidential status of intuitions and seeming states more broadly.

1 Self-Evidence Theory and the Move to Intellectual Seeming Theory

Both Robert Audi and Russ Shafer-Landau maintain that ethical intuition is grounded in self-evident propositions. Audi proposes the canonical view of a self-evident proposition as “a truth” such that “an adequate understanding of it is sufficient both for being justified in believing it and for knowing it if one believes it on the basis of that understanding.”² To make this a sufficiently illuminating theory of self-evidence more needs to be said about what it is to adequately understand a proposition,³ and what is special about self-evident propositions such that these can confer justification through understanding alone. Unfortunately, friends of the

view spend far more time telling us what self-evidence *is not* rather than telling us what it *is*. Thus Audi argues that self-evidence does not entail indefeasibility,⁴ that the support for self-evident propositions can be strengthened or weakened via non-intuitive modes of justification,⁵ that a suitably humble intuitionism does not require that one *see* a proposition's self-evidence, or have any intuitively justified beliefs about a proposition's self-evidence,⁶ and that one can adequately understand a self-evident proposition and yet fail to assent to it, or believe in it.⁷ Shafer-Landau makes similar remarks (2003: Ch. 11).

Fair enough. But it is not yet clear what it is to understand a proposition in a way that is sufficient for justifiedly believing it. An agent can understand the proposition that all crows are black, but that alone is hardly sufficient for justifiedly believing it. How, then, are certain ethical propositions different, or how is the notion of understanding different, that would distinguish intuitively justified ethical beliefs? Analytic truths might get by on understanding alone, but ethical intuitionists (rightly) deny that substantive ethical truths are analytic. Without any explanation of how this is supposed to work, the grasping of self-evident propositions is inadequate as a theory of what intuitions and intuitive justification.

In addition to this undischarged explanatory burden self-evidence theory is vulnerable to an objection based on the *fallibility* of intuitions. It is typically thought that self-evident propositions are *true*, which entails that ethical intuitions can only be had for true ethical propositions (which is consistent with defeasibility). This is far too strong. To see why, consider a classic trolley case.

Trolley: A trolley is on course to hit and kill five individuals on the track ahead. You are standing on a bridge above the track. The only way for you to save the five individuals is to push the man in front of you from the bridge onto the track, killing him, but activating the trolley breaks so it stops short of the five individuals. Question: Is it permissible to push the man off the bridge, killing him but saving five others?

Most have the intuition that pushing the man is morally impermissible. Even if deontology is false, and consequentialism true, one can have this intuition. An adequate theory of intuitions needs to account for this and self-evidence theory does not. A self-evidence theorist might grant the point and claim that truth is required, not to have an intuition, but for an intuition to confer *prima facie* justification. This epistemic claim also seems false – beliefs based on Trolley intuitions can be *prima facie* justified. Section 3 contains a more detailed treatment of intuitive justification in cases like this, but the important point for now is that self-evidence theory is inadequate insofar as it introduces a truth condition on having an intuition at all.

At this point those sympathetic to self-evidence theory might lodge a couple of replies. The first reply is that the Trolley example is ill chosen. Intuitionists, the thought is, propose certain mid-level principles as the objects of intuitive justification, and the Trolley case provides only an intuition on a hypothetical particular. That is true, but any adequate theory of intuitions must incorporate intuitions on particulars like that given in Trolley, for these seem epistemically probative if any intuitions are. Moreover, not all intuitionists who endorse the intuitive justification of mid-level principles deny intuitive justification of particulars. W. D. Ross was a particularist on this issue: “What comes first in time is the apprehension of the self-evident *prima facie* rightness of an individual act of a particular type. From this we come by reflection to apprehend the self-evident general principle of *prima facie* duty” (1930, 33).

In any event, the basic point is that the truth requirement featured in self-evidence theories is too strong, and this point stands with respect to mid-level principles, too. Consider someone who finds Ross’s *prima facie* duty of justice intuitive: Prevent distributions of happiness that are not in accord with merit. Surely one can have an intuition when considering the duty of justice (and can have justified beliefs based thereon) even if there is no such duty.

Intuitions are not just defeasible. They are deeply fallible, and yet justification conferring for all that.

The second complaint from those sympathetic to self-evidence theory is that the truth requirement is not essential to the view. Why not drop it and salvage the core of the theory? The short answer is that there doesn't seem to be any theoretical work for self-evidence theory to do. Alternative accounts of justification explain all there is to explain. To see this it helps to consider the rival seeming state theory, recently defended by Michael Huemer. Huemer classifies all intuitions as a *sui generis* kind of seeming state (or appearance state) – one that is *initial* and *intellectual*, but not a belief (2005: 99). Ethical intuitions, then, are initial intellectual seemings about ethical matters (2005: 102). And intuitions justify corresponding beliefs insofar as they instantiate the general principle of *phenomenal conservatism* (PC): “If it seems to *S* that *p*, then, in the absence of defeaters, *S* thereby has at least some degree of justification for believing that *p*.”⁸

As compared to self-evidence theory (even one that lacks a truth requirement), seeming state theory more perspicuously identifies and explains cases of intuition. Self-evidence theory earns its keep only if there is some theoretical work for it to do. Here are three obvious roles: 1) self-evidence could help to *characterize* some intuitions that do not feature seeming states at all; 2) it could be that in some cases of intuition self-evidence theory captures some element needed *in addition to a seeming state*; or 3) it could be that in some cases self-evidence *augments* intuitions otherwise constituted by seemings. It does none of these things. First, there does not seem to be a good example of an intuition that does not feature a seeming state (and no good example of an agent who has intuitive justification for some belief that *P* that is not based on a seeming). The self-evidence theorist needs to produce such a case if self-evidence is to take up

the slack. Second, it is possible that some intuitions are constituted by seemings *plus something else that self-evidence theory helps to capture*. Here again the onus is clearly on advocates of self-evidence theory to produce examples of ethical intuitions that cannot be fully understood in terms of seemings. Or if intuitions are fully constituted by seemings, but they justify only when they also feature a grasping of something self-evident, the self-evidence theorist must say more about the positive account of justification. Third, are there cases in which understanding a self-evident proposition might *augment* one's intuition, understood as a seeming state, which might then augment one's intuitive justification? This would certainly leave some room for self-evidence theory, but again it is difficult to think of cases that feature some psychological or justificatory residue left unaccounted for by seeming theory, and even more difficult to see how self-evidence might fill the gap. The onus is on the self-evidence theorist. Thus the provisional conclusion is that it will be more promising to pursue seeming state theory if one is to understand what ethical intuitions are and how they justify.

2 Different Kinds of Seemings

Seeming state theory's perspicuity and explanatory power can be improved by examining the nature of the seeming involved in different kinds of cases. Though Huemer distinguishes types of seemings—intellectual, sensory experiential, memorial, etc.—his view is that they are all constituted by attitude-(propositional) content pairs, where the nature of the propositional attitude determines which species of seeming is instantiated in any given case. In this vein he says:

I take statements of the form “it seems to *S* that *p*” or “it appears to *S* that *p*” to describe a kind of propositional attitude, different from belief, of which sensory experience, apparent memory, intuition, and apparent introspective awareness are species. This type of mental state may be termed an “appearance.” PC [phenomenal conservatism] holds that it is by virtue of having an appearance with a given content that one has justification for believing that content.⁹

(Accord Tolhurst (1998), who holds that all seemings are intentional states with propositional content.) Huemer is more generally concerned to rebut the view that only certain classes of seemings justify. A more nuanced question is whether different seemings justify in different ways. On the natural reading of PC all varieties of seemings bear on justification in the same way regardless of any differences between the species of seemings. This merits critical attention. And a good place to start is with the nature of various seemings.

2.1 Sensory Experience

Consider first sensory experience. On Huemer's view a sensory experience would feature one species of a seeming-type propositional attitude taken toward some propositional content. Though others have tended to agree, the view does not hold up on inspection. Firstly, what is perhaps a minor point, it is questionable that the contents of sensory experience are propositions. The contents of sensory experiences are typically quite rich, and their qualitative nature does not seem to be the nature of propositions. A more moderate view is preferable – that *some* of the contents of sensory experience are at least propositionalizable. *Prima facie* this friendly amendment does not threaten the justificatory work that sensory experiences are supposed to provide.

Secondly, and more importantly, it is dubious that sensory experience features a seeming-type (propositional) attitude, as opposed to contents that *in themselves* make things seem a certain way. To see this choice clearly, consider a case where a representative agent, Abraham, looks at a stick that is placed in some water causing in him a sensory experience whereby it seems to Abraham that the stick is bent. The question here is whether the experiential mental state features a non-doxastic attitude in addition to the bentish content, and in virtue of which it seems to Abraham that the stick is bent. Importantly, the question is not whether Abraham can

withhold *doxastic* acceptance when it seems that the stick is bent—clearly, if he believes that the stick only looks bent because it is placed in water he can fail to believe that the stick is bent. The question is whether the seeming is in some special attitude taken toward the content, or in the content itself. A little reflection reveals the second option as the natural way to think about the case. If the seeming were in the attitude then it should be possible for Abraham to have the very same bent-stick experiential content before his mind without it seeming that the stick is bent. Just toggle the seeming attitude off and place some other attitude in its stead. Yet this is not a genuine possibility. Even someone with ideal imaginative capacities that can bring the bent-stick experiential content before his mind cannot do so without it thereby seeming to him that the stick is bent. At most he can withhold doxastic acceptance of the content, but he cannot withhold the seemingness if he has *that* content. The seeming, then, is built into the content of sensory experience, as it were, and not to be found in some attitudinal stance toward the content.¹⁰

If so, and if a seeming that *p* is sufficient to justify one's belief that *p* (absent defeaters) as the principle of phenomenal conservatism holds, then it is a character of the content of sensory experience that justifies beliefs based on that sensory experience, and not any attitude that is involved. Indeed, this seems right. When Abraham forms the belief that the stick is bent (without any inclination that it is placed in water) based on his sensory experience it is the content of the sensory experience that justifies the belief – the bent stickishness before his mind.

This view of experiences can be challenged if it turns out that any given sensory experience content can be held constant while varying whether that content seems to be the case. There are some interesting cognitive disorders that might be probative here. One disorder, known as face blindness, or prosopagnosia, causes individuals to lose their ability to recognize faces.¹¹ The disorder can come in varying degrees of severity, though it characteristically leaves

the ability to recognize other objects intact. Some prosopagnosics claim that faces don't "make sense" to them, and they cannot make similarity judgments when presented with faces for comparison. Others cannot identify faces that they have seen in the past, even the faces of family and friends.

What is going wrong here? It is interesting to note that subjects who are unable to make familiarity judgments when given would-be familiar and unfamiliar faces unconsciously exhibit emotional responses to familiar faces, as measured physiologically by skin conductance.¹² Thus, their inability to make familiarity judgments should not be attributed to a defect in emotional processing. This leaves us with two obvious alternatives for explaining the inability: either their sensory experience of faces lacks a certain content, or the normal content is there but prosopagnosics fail to take up some characteristic attitude toward the content that enables them to make the similarity judgments. If this second explanation is right, then it looks like the seeming does not inhere in the content alone.

The first explanation is more plausible if the goal is to account for the inability to make similarity judgments. The second explanation assumes that, for subjects to make similarity judgments, some attitude is required *in addition to the way the faces look*. There is no reason to think that this is the case. To make a *similarity judgment* between two faces it would seem that all one needs are the two faces before the mind. Things might be different if the goal is to explain an *inability to form a belief* about who these persons are. That plausibly requires a doxastic attitude. But the question here concerns prosopagnosics' inability to make similarity judgments, and without some reason to adopt the more complicated explanation that incorporates special attitudes into the story the simpler hypothesis is to be preferred. Though certainly not decisive, the best working hypothesis is that prosopagnosics *do not* consciously experience faces in a

normal way. If this is right, it is not the case that prosopagnosics have sensory experiences with propositionalizable content *p* (having to do with individual faces) and yet it does not seem to them that *p*.

Perhaps individuals that experience Capgras delusion are more probative of the question. Subjects with this disorder think that otherwise familiar family members and friends have been replaced with *identical looking* imposters.¹³ Unlike prosopagnosics, these individuals do not exhibit emotional arousal upon seeing familiar faces, and it is thought that this makes their sensory experiences of family members and friends *feel wrong* in some way, which then explains why they believe such familiars have been replaced by imposters.¹⁴

What is going wrong here? One explanation is that one with Capgras has experiential contents that include some propositionalized or propositionalizable content *P* (where *P* might be something like ‘my husband is standing before me’) and yet it does not seem to her that *P*. If so, the seeming is not in the experiential content. There is some support for this hypothesis, like the fact that subjects report that the believed imposters *look identical* to familiars. However, the subjects’ lack of emotional, physiological responses is also telling. For this suggests that what they lack is not an experiential seeming, but an emotional seeming – upon seeing someone who should be familiar something does not *feel right*, and this blocks an otherwise natural doxastic acceptance of the experiential seeming. If this is roughly right, then cases of Capgras delusion are consistent with the thought that experiential contents carry seemingness on their sleeve. In these cases the *sensory experiential* seeming competes with an *emotional* seeming, where the emotional seeming leads to a dogged refusal to accept that things are as they experientially seem to be. And absent the funny emotional seeming their sensory experiences would have the requisite character to generate and justify beliefs with some propositionalized content of the

sensory experience.

The best explanation to date, which is certainly open to change, does not impugn the view that the contents of normal sensory experiences are laden with seemingness.

2.2 Intellectual Seemings

Intellectual seeming states present a striking contrast to seemings of sensory experience. The different nature of non-experiential seemings will lead to a different conception of how intuitions justify even if they all satisfy the principle of phenomenal conservatism.

Consider the case where it seems to some agent, Anne, that some deductive argument is valid, perhaps after due reflection. It is natural to say that, prior to the argument seeming valid, Anne is doing something like *considering* whether the argument is valid, or *entertaining* whether it is valid, or perhaps *hypothesizing* that it is valid. So the content is a proposition about the validity of the argument. Focusing on just these two elements—the attitude and the content—it is not yet the case that the argument *seems* valid to Anne. In particular, the seeming is not in the content like it was for the perceptual case. And as a result merely hypothesizing or wondering about a proposition is not enough to *justify* a belief in that proposition. For the argument to seem valid and to justify belief something more must be added.

George Bealer makes similar remarks about laws of logic: “[W]hen you first consider one of De Morgan's laws,^[15] often it neither seems to be true nor seems to be false; after a moment's reflection, however, something happens: it now seems true; you suddenly “just see” that it is true. Of course, this kind of seeming is intellectual, not sensory or introspective (or imaginative). The subject here is a priori (or rational) intuition” (Bealer 1996: 123). The same can be said for ethical intuitions. Ethical contents do not carry their seemingness on their face, and consideration whether p is not sufficient to justify the belief that p. What, then, is the nature

of these other seemings, and how do they justify?

Once sensory experiential seemings are set to one side, it is common to assume that all intellectual seemings are cut from the same cloth. Ross, for instance, said that intuitions of *prima facie* duties are self-evident “just as a mathematical axiom, or the validity of a form of inference, is evident” (1930, 29). And Huemer frequently appeals to non-ethical intuitions to illustrate what intellectual seemings are. This is a mistake. There are distinctions to be made within the broad category of intellectual seemings between, e.g., it seeming to one that de Morgan’s law is true versus it seeming to one that pushing the man off the bridge in the trolley case is impermissible. The distinctions do not merely concern content, but structure, and this has ramifications for justification.

For instance, some (but not all) intellectual seemings have something to do with one’s competent understanding and application of either a procedural rule or a concept. Reflection on the familiar example that XYZ is not water, and Bealer’s logic example, will help sharpen intellectual seemings related to competence, and it will draw forth other varieties of intellectual seeming that are not so related to competence. Recall, then, that on Putnam’s twin earth there is a watery substance (one that falls from the skies, is clear and potable, etc.) that is not composed of H₂O, but is composed of some other chemical compound, abbreviated XYZ.¹⁶ Given that watery stuff around here is H₂O, on considering the twin earth case it sure seems that XYZ is not water. Psychologically speaking, what is going on here is some competence based performance, i.e., when one judges that XYZ is not H₂O one *competently applies the concept* ‘water’ (given some potentially fallible information about the watery stuff of our acquaintance) to a hypothetical case. It is part of how that concept works that, given certain background assumptions about what watery stuff around here is, XYZ on twin earth simply fails to meet an

application condition of the concept ‘water.’ And lack of the appropriate intuition belies a failure to grasp the concept, or a failure to apply it competently. This intuition is typically taken to support various other views: that water is necessarily H₂O, that the term or concept ‘water’ rigidly designates the stuff of our acquaintance, and so on.

Something like this is going on in Bealer’s case, too, albeit the competency involved need not be informed by empirical information. Nevertheless, when one considers one of de Morgan’s laws and things “click,” psychologically speaking one is bringing to bear a certain competence (perhaps purely syntactic) with the logical operators. This same rough account also captures what goes on when a mathematical axiom or theorem is intuitive, or when a deductive argument seems valid, at least in the usual circumstances. In these cases one brings to bear a procedural competence in applying a rule of logic much like bringing to bear linguistic knowledge to judge a sentence grammatical.

There is more to say about the structure of intuitions in cases like these. These seemings differ from those in sensory experience in that the intellectual seeming that p is not part of the content p , for in the case of intellectual seemings it is possible to hold the content fixed (e.g., one of DeMorgan’s laws, or the proposition that XYZ is water) and toggle the seeming on and off, something that cannot be done in cases of sensory experience. How about the other options mentioned at the outset – locating the seeming in a special attitude toward content p , or some phenomenological character that attends the attitude-content pair? Consider the latter option first. In the cases under consideration there is a *felt appropriateness* or *felt veridicality* when one considers the propositions in question. It feels appropriate to deny that XYZ is water and the formula $\sim(p \wedge q)$ iff $(\sim p) \vee (\sim q)$ feels right after some reflection. So there is something of a phenomenological character that attends considerations whether p , and that might constitute

seemings in some cases. But there is also a sense in which one takes these intuitive judgments to be *required* by the concept or rule being applied. When one of deMorgan's laws "clicks" or when it seems that XYZ is not water, these judgments feel *competence-driven*, which is something more than the disposition to apply the concept, and which shows up in phenomenology as something more than a mere felt appropriateness or veridicality. Consider, for instance, that Abraham finds the following intuitive: given that the watery stuff of our acquaintance is H₂O, 'water' could refer to something other than H₂O.¹⁷ Perhaps he hasn't heard of the twin earth case, or hasn't attended to it sufficiently. In any event it is widely thought that Abraham is not just mistaken, but that he is failing to competently use the concept 'water,' which suggests that the widespread intuition that XYZ is not water is competence-driven.¹⁸ One can say this without denying Abraham his intuition. He might have an intuition, but what likely constitutes it is some felt veridicality or appropriateness. Either that or he really is applying some different concept than those he disagrees with.

So the main suggestion here is that, when it appears, the phenomenal quality of taking a judgment to be competence-driven constitutes (perhaps partially) an intellectual seeming, or intuition, where the relevant phenomenal quality attends some relevant attitude-content pair like considering whether p.

Concerning the epistemic status of such intellectual seemings there are a variety of options. One option is to find the feeling of being competence-driven sufficient to *prima facie* justify beliefs. One normally takes such items to justify one's beliefs, and one normally takes them to deliver greater justification than the mere feeling of confidence or appropriateness, for upon considering the twin earth scenario with sufficient attention any prior justification conferred by an intuition constituted by feelings of confidence or appropriateness is defeated by

the competence-driven intuition that XYZ is not water. This happens in other cases as well. One might find a certain mathematical axiom to be intuitive insofar as there is a felt confidence or veridicality to it, but if things click and one “sees” that it is false the competence driven intuition epistemically defeats the previously judgment.

This story might satisfy an accessibilist internalist, but one might think that the feeling of being competence driven has superior justification-conferring power only when it attends *actual* competence (or indeed, it counts as a psychological intuition only when competence driven). On this view the best case, epistemically speaking, is to experience the felt veridicality or appropriateness of *p* upon consideration, to have the feeling that one’s judgment that *p* is competence driven, and (what is not accessible to the agent) for it to be the case that one’s judgment that *p* is competence driven. Some of these elements are phenomenological, but there is the fact of being driven by competence, which does not fit well into the categories of locating the seeming in content, attitude, or accompanying quality. Instead, it might be best to think of competency as kind of successful non-inferential performance that *enables* the extra justificatory power of a seeming. This theory retains the view that the seeming itself is justification conferring while acknowledging the epistemic relevance of other factors as conditions that must be met for the seeming to confer justification.

It is beyond the purview of this paper to thoroughly defend a positive account of intuitive justification for these intellectual seemings. The important point is that intuitionists working with these examples have a rich set of resources on which to build a positive theory, and some element of competence-drivenness seems to deliver relatively strong justification as compared to phenomenological qualities of felt appropriateness and veridicality. Even if all intuitions satisfy the principle of phenomenal conservatism, the intellectual seemings just canvassed might do so

in a very different way than seemings of other sorts.

3 Ethical Intuitions

With these distinctions in mind, what story should be told about ethical intuitions? What resources are available to the ethical intuitionists? While it is possible that ethical intuitions are a mixed bag without a unified epistemic account, this section argues that all substantive ethical intuitions are of the phenomenological sort and they are not competence driven. This result serves to distinguish ethical intuitions from other kinds of intellectual seemings, and it places a burden squarely on ethical intuitionists to provide a compelling account of justification with the resources available.

There are various possible objects of ethical intuitions. There are intuitions about particular cases, such as the moral permissibility of various actions in trolley cases. There are intuitions about mid-level moral principles, such as Ross's *prima facie* duties of fidelity, reparation, gratitude, justice, beneficence, self-improvement, and non-maleficence. And there are intuitions concerning the most general moral principles, such as act utilitarianism, or abstract formal principles, such as some supervenience thesis. Along another dimension, the various objects of intuitions can feature thin ethical concepts, like rightness, to thick concepts, like cruelty. The strategy here is to consider some probative cases along both dimensions, argue that they feature only the phenomenological variety of seeming whereby the seeming is constituted by felt appropriateness, veridicality, or the like, and suggest that the account generalizes to cases not considered.

For a particularist ethical intuition recall the Trolley case, where one considers whether it is right to push a man off a bridge in front of an oncoming trolley, killing him but saving five others further down the line. Without aiming for historical accuracy, suppose Bentham finds it

intuitively permissible, and Kant finds it intuitively impermissible (or fails to find it intuitively permissible). If the conceptual competence story applies here, at least one of them would have the feeling that the verdict is *compelled* by the competent use of the concept of permission or impermission. If so, at least one of them must think the other is failing to grasp these moral concepts, or failing to competently apply them. But that doesn't seem true to the intuitions in this case (and here the reader is invited to introspect on any intuitions he or she might have on the case). That treatment is far too heavy-handed. Both parties can understand and employ the concepts of right (permission) and wrong (impermission) perfectly well, and simply manifest a *theoretical* disagreement about what is right and what is wrong. Indeed, if one party fails to competently apply concepts there cannot be a genuine disagreement here at all, just as there is no disagreement between those who use the concept 'water' to refer to H₂O and twin earthers who use the concept 't-water' to refer to XYZ. But surely genuine disagreement is a possibility in the ethical case, which is evidence that the intuitions there are not competence driven. At most each side to the dispute has some felt veridicality and appropriateness accompanying his consideration of the case and his favored verdict.

Of course, contemporary intuitionists advocate mid-level principles as the objects of intuition. But the same general complaint should apply to these cases as well as the more general and abstract principles. Consider first the mid-level principle that individuals have some *prima facie* duty to promote pleasure. Again, without aiming for historical accuracy, suppose that Epicurus finds it intuitive that there is reason to pursue pleasure for its own sake, while Plato has the intuition that one does not have reason to pursue pleasure for its own sake. If the conceptual competence theory applies here, one of them must either fail to grasp the concept of a *prima facie* duty, or fail to competently apply it. But that treatment is far too heavy-handed in this case

as well. Both can understand and employ the concept of a duty (or perhaps a reason for action) perfectly well, and simply manifest a theoretical disagreement about what duties (or reasons) there are. This putative disagreement does not entail that at least one of them lacks non-normative information, or the very concept of permission, or that one of them simply incompetently applies the concept to this case. If it did then these two could not have a genuine disagreement.

Perhaps there are ethical cases that are more plausibly competence-driven. Consider the principle that it is always morally wrong to torture others for fun, or the weaker claim that there is always a moral reason not to torture others for fun.¹⁹ It would be hard to take someone who denies these principles seriously, but for all the strength of conviction in cases like this, they lack certain characteristics of the intuition, say, that one of de-Morgan's laws is true. When the logical formula "clicks" the intuition includes the phenomenology of being *competence-driven*, and that those without the intuition must fail to competently apply concepts or rules on this particular occasion. There can be no genuine disagreement. Yet those who think it is wrong to torture others for fun can and do genuinely disagree with a nihilist—one who does not believe there are any normative properties instantiated in the actual world. The nihilist rejects the principles, but he need not necessarily do so because he fails to understand or apply the very concept of moral wrongness or a moral reason.

Alternatively, consider a consequentialist who does not find "It always morally wrong to torture others for fun" intuitive.²⁰ Must this rare bird fail to understand what moral wrongness is? An even stranger character might deny that there is always a moral *reason* against torture, for he might hold a conception of the good and what there is reason to promote that does not include or imply a reason not to cause pain in every case. Does he not know what a moral reason is?

Here I think the most one can say, and what people usually do say to hypothetical characters like this, is that they exhibit a *corrupt* mind. This brings to bear one's normative commitments in condemning these people. One might not want to engage with such a person, and one might not be able to convince him, but it is too much to say that one cannot genuinely disagree with him.

There might be something in the area of competence-driven intuition when we turn to thicker concepts, like cruelty. How about the intuition that torture for fun is cruel. Here the clear-headed thing to say is that there can be descriptive desiderata that must be met to apply the concept of cruelty to a case, and failure to abide the descriptive criteria exhibits incompetence. Something like this might occur if we emphasize *moral* in *moral* duty – moral duties might refer to a resemblance class of duties, where sufficient resemblance to the class is needed to call a duty moral. But on the crucial normative question, such as whether there is always reason not to torture, competency requires no particular verdict. This explains why it makes sense to ask: I know torture is cruel, but should I refrain from doing it?

When we turn to the most general principles of ethics, such as act utilitarianism, it is fairly clear that any intuitions here are not competence driven. All this suggests that *substantive* ethical intuitions of all sorts do not include the phenomenology of being competence driven, and cannot garner added epistemic import when actually produced by competence. Purely formal, non-substantive ethical might be competence driven. Consider some that Huemer lately defends:

1. If x is better than y and y is better than z, then x is better than z.
2. If x and y are qualitatively identical in non-evaluative respects, then x and y are also morally indistinguishable.
3. If it is permissible to do x, and it is permissible to do y given that one does x, then it is permissible to do both x and y.
4. If it is wrong to do x, and it is wrong to do y, then it is wrong to do both x and y.
5. If two states of affairs, x and y, are so related that y can be produced by adding something valuable to x, without creating anything bad, lowering the value of anything in x, or removing anything of value from x, then y is better than x.
6. The ethical status (whether permissible, wrong, obligatory, etc.) of choosing (x and

y) over (x and z) is the same as that of choosing y over z, given the knowledge that x exists/occurs.²¹

One whose judgments do not conform to some supervenience of the ethical on the non-ethical (judging that two acts identical in all non-ethical respects differ ethically, captured by Huemer's (2)) is likely conceptually confused. Even if intuitions on some such principles are grounded in competence, however, it is doubtful that any substantive ethical theory can be squeeze out of such intuitions. Disagreements that matter in ethics are not likely to be settled on purely formal grounds.

With substantive ethical intuitions, then, the developing picture is that the seemingness is wholly constituted by a felt veridicality, appropriateness, familiarity, or confidence upon considering an ethical proposition. Let us accordingly spell out the ethical intuitions as positive phenomenological features thesis:

A's having a substantive ethical intuition that p is fully constituted by

a) A's considering whether p, and upon doing so

b) A experiences *positive phenomenological features* attending the consideration, such as a felt veridicality, appropriateness, confidence, familiarity with p, etc.²²

The best way to articulate the nature of ethical intuitions is in terms of *sui generis*, special phenomenology that does not attend mere considerations, and that need not attend mere belief. Ethical intuitions are unlike sensory experiential seemings in that the seeming that p is not located in the content p. And in contrast to claims that all seemings are propositional attitudes, taken from Huemer and Tolhurst, it would be odd to call these positive features the manifestation of a special non-doxastic attitude taken toward p. In having an ethical intuition all that need be on the scene is the attitude of consideration toward p with special positive phenomenological features. Though the positive features might give rise to dispositions to believe p, they are not themselves dispositions.

On this view, if ethical intuitions justify, it is these phenomenological characteristics that would do all the epistemic work. As with the competence-driven intellectual seemings, the ethical intuitionist has options. One option is to maintain that these phenomenological qualities attending the consideration whether *p* are typically sufficient to support a *prima facie* justified belief that *p*, at least when the belief is based upon positive features in the right way.²³ Reflection on some of the cases considered above suggests that some ethical intuitions are very psychologically compelling, and one normally takes them to confer some degree of justification. Perhaps one has no reason to treat them otherwise. This would be amenable to epistemic internalism. Another possibility is to borrow a suggestion given for competence driven intuitions. There it was suggested that actual competence can *enable* the greater justificatory power of attendant seemings. Analogously, one can argue that something like *reliability* enables the justificatory power of ethical intuitions; that is, ethical seemings justify only when they are part of processes that reliably produce true beliefs. To vindicate the justificatory power of the seemings themselves, this would differ from classical process reliabilism, where reliability confers justification. Here the thought would be that reliability might enable other features—phenomenological qualities that are part of reliable processes—to confer justification.²⁴

The general framework here admits of the kind of nuances intuitionists, and epistemologists more generally, want to have. Intuitions located in phenomenal qualities can be strengthened (e.g., by engaging in reflective equilibrium and finding support) attenuated (e.g., when we search for features in a situation that would support or corroborate our intuitions, but find those features missing), or defeated (e.g., by discovering that they are caused by processes that have no positive epistemic status). And though a detailed treatment of all the options would take us beyond the preview of this paper, the justificatory status might vary with context or

speaker interests.

What is most important for present purposes is that, even if ethical intuitions satisfy the principle of phenomenal conservatism, they do so in a different way than other kinds of seemings. Compared to other intellectual seemings, they have fewer resources to feature in any positive account of epistemic justification. Thus some defenses of ethical intuitions are no longer available. For instance, in reply to the question whether these phenomenological characteristics are justification conferring at all, even to a slight degree, the typical response is unavailable. The innocence-by-association move is now suspect because of the important distinctions to be made among seemings and among intuitions. As a consequence, skepticism about ethical intuition and the phenomenological qualities they feature can be disassociated from skepticism for all seeming states. One can question certain kinds of seeming states without questioning them all, and one can stand firmly on seemings that deliver strong justification while questioning the justificatory force of other, more weakly justifying, kinds of seemings.

With a clearer view of what ethical intuitions are and how they might justify it would seem that some defeaters apply to this brand of seemings that do not apply to other brands of seemings and vice versa. The simplest kind of defeat for ethical intuitions is when countervailing evidence overwhelms them. If the non-ethical cases are any guide, we must acknowledge that intuitions exhausted by these phenomenological characteristics deliver weaker justification than intuitions that are competence-driven, or seemings that are located in the content to be justified. So ethical intuitions are more vulnerable to defeat when evidence outside of ethics undercuts intuitive justification. For instance, explanations of why one has ethical intuitions, explanations recently given in terms of bias and other cognitive errors²⁵, might make one seriously consider abandoning some of his ethical beliefs. Intuitions grounded in conceptual

competence, by contrast, are not so easily defeated. When it seems to you that XYZ is not water, or that $\sim(p \wedge q)$ iff $(\sim p) \vee (\sim q)$ is true, the justification you thereby have is not undermined by a story about the source of the intuition unless the story somehow undermines the thought that the intuition is grounded in competence.

Having said that, we are not left with skepticism about ethical intuitions. Interestingly enough, because ethical intuitions are not required by the normative concepts involved, one of the big sources of concern historically for ethical intuition—ethical disagreement between competent persons—might not be such a worry after all. If two individuals have a disagreement over whether water counts as H_2O , and each thinks the other *competent* with the concepts involved, that produces serious pressure for each disputant to reconsider his or her judgment. Intuition driven by competence typically delivers strong justification, but if two disputants with disagreeing intuitions believe that they each are informed and competent, they must believe that at least one person has erred. This generates some pressure to double-check one's intuition. By contrast, if genuine disagreement can happen without charging one party with incompetence there is less pressure on each party to reconsider. Such disagreements would be more like theoretical disagreements in the various sciences. Each view has to be measured against others to see which counts as the best theory, and the mere fact of disagreement is no evidence that someone has erred (except in failing to render a true judgment).

4 A Final Remark on How Seemings Justify

Before closing it is worth considering not just whether intuitions are justification conferring, but whether they count as evidence. Intuitionists rather uniformly deny that intuitions have evidential status. Huemer explicitly denies that seemings that p count as evidence that p in a way that supports the belief that p , and this claim he associates with

foundationalism more generally: “Phenomenal Conservatism and my version of intuitionism are forms of foundationalism: they hold that we are justified in some beliefs without the need for supporting evidence.”²⁶ Audi espouses a similar position when he distinguishes *conclusions of inference* (non-intuitive), which are “premised on propositions noted as evidence,” from *conclusions of reflection* (intuitive), which do not emerge from “evidential premises,” or as he otherwise puts it, “propositionally represented information.”²⁷

It will clarify matters to note that there is a very natural way characterizing evidence according to which intuitions, and seeming states generally, count as evidence. That natural way of thinking is this: evidence that *p* just is a consideration that *epistemically supports* *p* and provides some *reason to believe* that *p*. Reading evidence this way, if intuitive seemings that *p* are not evidence that *p*, then intuitive seemings that *p* do not epistemically *support* the belief that *p*, and they do not provide some *reason* to believe that *p*. If intuitive justification requires intuition nonetheless, just what is relation the intuition bears to this kind of justification? It looks like the only answer left is that intuitions are necessary *conditions* on intuitive justification without actually *contributing* to intuitive justification by supporting propositions and providing reasons to believe in those propositions. Call this the *intuitions as conditions view*.

Let us call the alternative the *intuitions as evidence view*. Here are two arguments for accepting the intuitions as evidence view over the intuitions as conditions view. The first, cheap argument is that the evidential view of seemings is intuitively right, while the intuitions as conditions view is intuitively wrong. If so intuition itself *prima facie* justifies the intuitions as evidence view. To make this less cheap consider particular cases of intuition. The intuitions as conditions view licenses particular claims like the following: “It looks like there is a glass of water on the table, but I have no evidence that there is a glass of water on the table; indeed, I

have no reason to believe there is a glass of water on the table.” At the level of particular examples like this, it certainly *seems* like the intuition counts as evidence, and so constitutes a reason to believe the glass is there. When one justifiedly believes the glass is there on the basis of the seeming, it is not just that the belief is justified, but that the seeming *justifies* the belief. Thus reflection on particular cases, and not just the view itself, supports the evidential view of seemings.

Second, if some particular seeming that P is not evidence that P, and so no reason to believe that P, it is hard to see why there would be anything epistemically wrong when one fails to believe that P in the face of the seeming, *ceteris paribus* of course. Of course, the intuitions as conditions view says what is *right* about the belief should you have it, viz., it is justified. But why form the belief? To sharpen the complaint, consider a sensory experiential seeming. It seems to Anne that a glass of water is on the table (via a visual percept) but Anne is on the phone with her usually trustworthy roommate, and the roommate tells her that there is no glass of water on the table (because he remembers clearing a glass on the table earlier that day). On the basis of the roommate’s testimony Anne believes that there is no glass on the table. If the intuitions as conditions view is right Anne’s seeming is not itself evidence, and she has no evidence in conflict with her roommate’s testimony, and no reason to believe anything inconsistent with the roommate’s testimony. Plainly, that is not right. Anne has reason to reject her roommate’s testimony, viz., it looks like there is a glass on the table.

Why do intuitionists resist the evidential view of seemings? Huemer thinks that something like the evidential view would conflict with his position on direct realism, according to which sensory experiences and intuitions “constitute our awareness of external things.”²⁸ He thinks that the evidential view would require that seemings be *internal states*, not awarenesses of

external things, from which one non-inferentially *infers* beliefs about “extra-mental reality.” This connection between evidence and inference is also found in Audi. Audi thinks that intuitively based conclusions of reflection are not based on evidence because that would necessitate non-intuitive *inference* to belief.

But why does evidence entail inference? If Huemer is right about direct realism, why not say the following.

Direct awareness of things provides evidence for, and so a reason to believe in, propositions about those things. Though one’s belief must be based on the requisite intuition to be justified, the basing relation need not be inferential. It can be merely causal (though not just any causal chain will do).

And if Audi is right that intuitions do not feature propositionally represented information, why not say the following.

The non-propositional character of intuitions gives us evidence for, and so reason to believe in, certain propositions. Evidentially based justification does not entail inference-based justification, and so intuitionists have no reason to deny the evidential value of intuition.

The view that evidence entails inference is under motivated, and it just doesn’t follow from one very natural way of thinking about evidence.

5 Conclusion

In the end all ethicists appeal to intuition. They can do no other. But it has been too easy to gloss over the details of what these things are and how they justify. This paper has tried to remedy that situation with the beginnings of a more detailed view about ethical intuitions, contrasting them with sensory seemings and competence-driven seemings both in terms of their structure and how they justify beliefs. The hope is that this provides an improved starting point for further inquiry in ethical epistemology. The views given here shed light on how ethical intuitions can be genuinely evidential of ethical propositions without supporting those

propositions through inference. And they also shed light on the strength of substantive ethical intuitions and potential defeaters.

Works Cited

- Audi, R. 1996. "Intuitionism, Pluralism, and the Foundations of Ethics," in Walter Sinnott-Armstrong and Mark Timmons (eds.), *Moral Knowledge?* (Oxford: Oxford University Press, pp. 101-36).
- Audi, R. 1998. "Moderate Intuitionism and the Epistemology of Moral Judgment," *Ethical Theory and Moral Practice* 1(1): 15–44.
- Audi, R. 1999. "Self-Evidence," *Philosophical Perspectives* 13: 205-28.
- Audi, R. 2004. *The Good in the Right*. Princeton, NJ: Princeton University Press.
- Bauer, R.M. 1984. "Autonomic recognition of names and faces in prosopagnosia: a neuropsychological application of the Guilty Knowledge Test." *Neuropsychologia* 22(4): 457-69.
- Bealer, G. 1996. "A Priori Knowledge and the Scope of Philosophy," *Philosophical Studies* 81: 121-142.
- Ellis, H. D., Whitley, J. & Luaute, J. P. 1994. *Delusional misidentification. The three original papers on the Capgras, Frégoli and intermetamorphosis delusions* (Classic Text No. 17). *History of Psychiatry* 5(17): 117–146.
- Ellis, H. D., & Young, A. W. 1990. "Accounting for delusional misidentifications." *British Journal of Psychiatry*, 157: 239-248.
- Hooker, B. 2002. "Intuitions and Moral Theorizing," in Philip Stratton-Lake (ed.), *Ethical Intuitionism: Re-evaluations* (Oxford: Oxford University Press).
- Huemer, M. 2005. *Ethical Intuitionism*. New York: Palgrave Macmillan.
- Huemer, M. 2006. "Phenomenal Conservatism and the Internalist's Intuition." *American Philosophical Quarterly* 43: 147-58.
- Huemer M. 2007. "Compassionate Phenomenal Conservatism." *Philosophy and Phenomenological Research* 74: 30-55.
- Huemer, M. 2008. "Revisionary Intuitionism." *Social Philosophy & Policy* 25: 368-92.
- Kirchin, S. 2005. "What is Intuitionism and Why Be an Intuitionist?" *Social Theory and Practice* 31(4): 581-606.
- McNaughton, D. 2006. Review of *Ethical Intuitionism*, Notre Dame Philosophical Reviews: <http://ndpr.nd.edu/review.cfm?id=7604>.
- Putnam, H. 1975. "The meaning of 'meaning'." In *Philosophical Papers, Vol. 2: Mind, Language and Reality*. Cambridge University Press.
- Rachels, S. 2006. "Counterexamples to the Transitivity of Better Than." In Michael Zimmerman and Toni Rønnow-Rasmussen (eds.), *Recent Work on Intrinsic Value*. Springer Netherlands. pp. 249-263.
- Ross, W. D. 1930. "The Right and the Good." Hackett Publishing.
- Scanlon, T. M. 1998. *What We Owe to Each Other*. Cambridge, MA: Belknap Press.
- Shafer-Landau, R. 2003. *Moral Realism: A Defence*. Oxford: Clarendon Press.
- Sinnott-Armstrong, W. 2006. *Moral Skepticisms* (New York: Oxford University Press).
- Tolhurst, W. 1998. "Seemings." *American Philosophical Quarterly*, 35: 293–302.
- Whiteley, A.M, & Warrington, E.K. 1977. "Prosopagnosia: A clinical, psychological and anatomical study of three patients." *Journal of Neurology, Neurosurgery and Psychiatry* 40: 395-403.

* Many thanks to an anonymous reviewer for helpful comments on a previous draft.

¹ For continuity with the literature, this paper takes the contents of intuitions to be propositions. One could take them to be external things like objects and events as well. The literature does not do so, which is likely due to an inclination to be epistemic internalists here.

² Audi (2004: 49). Accord Audi (1999: 206), (1998: 20), (1996: 114). Note that Audi does not think that all intuitions have self-evident propositions as their objects, though he does argue that *ethical* intuitions have self-evident propositions as their objects. Because ethical intuition is the primary focus here, this section only discusses his theory intuitions insofar as it involves understanding the self-evident.

³ For a start see Audi (2004: 49-50).

⁴ See, e.g., Audi (2004: 44).

⁵ Audi (2004: 54).

⁶ Audi (2004: 42-44).

⁷ Audi (2004: 49, 54).

⁸ Huemer (2007: 30). For an earlier statement see Huemer (2005: 99).

⁹ Huemer (2007: 30) (footnotes omitted).

¹⁰ The following objection is not a good one: one's experiential seemings can change as one's doxastic makeup changes; therefore, the seeming is in an attitude. Doxastic changes only affect an experiential seeming that p by affecting the content of the seeming. In the Muller-Lyer illusion, for instance, if one line does not seem to you to be longer than the other, then the content of your experience must differ from that of others. Either that or when you say 'I've

learned my lesson - it doesn't seem that one line is longer any more' you mean that you've learned to withhold doxastic acceptance of the proposition that one line is longer.

¹¹ See Whiteley and Warrington (1977) for a classic study.

¹² See Bauer (1984).

¹³ See Ellis, Whitley, & Luaute, (1994).

¹⁴ See Ellis and Young (1990).

¹⁵ An example of one such law is: $\sim(p \wedge q)$ iff $(\sim p) \vee (\sim q)$.

¹⁶ See Putnam (1975).

¹⁷ Huemer (2006) discusses a case like this, though he is concerned to show that introspective beliefs about the contents of one's intuitions can be false.

¹⁸ The issue might be more complicated than indicated. Some argue that the concept 'water' is like the concept 'jade' in that it can refer to watery stuff that is not of our acquaintance, was not part of the baptism, doesn't regulate out use of the term, or what have you. Fortunately the taxonomy given and the epistemic options discussed do not depend on the outcome of this debate. If it turns out that the judgment that XYZ is not water is not competence-driven in the ways discussed, then it would not have the epistemic status accorded a competence driven intuitions, and the logical and mathematical cases would be more apt.

¹⁹ Thanks to an anonymous referee for pressing me to address an example like this.

²⁰ Note that a consequentialist's moral theory might influence his intuitive reactions. What is important is that the influence not render the justification inferential. Intuitions are meant to be non-inferential sources of justification.

²¹ Huemer (2008: 386). For some of these principles there is the worry of overgeneralization. For instance, (1) articulates some form of transitivity for the better than relation. While many cases exhibit transitivity, certain counterexamples seem to hold (see, e.g., Rachels (2006)). Particularly telling is the atomist-holist debate, related to the particularist-generalist debate, where holists argue that the value of an item X varies with X's context. If so, one can expect deviations from the unqualified transitivity principle in (1).

²² A negative ethical intuition, or a case where ethical proposition p seems false, is a case where there are negative features, such as felt doubt and concern, unfamiliarity, etc., or at least a case where there are no positive features, attending the consideration whether p.

²³ Though the basing relationship is absent from Huemer's book, it does get included in some of his other work (see, e.g., his 2007). Other ethical intuitionists also include a basing relationship. See, e.g., Audi's (1999: 220).

²⁴ A reviewer also suggested requirements of proper function, or Alstonian doxastic practice constraints, for these intuitions to justify. These are options, though they would need to be enablers of the intuitions themselves, rather than factors that directly contribute to justification, to maintain a robustly intuitionist alternative to these views.

²⁵ See Sinnott-Armstrong (2006: Ch. 9).

²⁶ Huemer (2005: 120).

²⁷ Audi (2004: 45).

²⁸ Huemer (2005: 121).