

The Problem of Explanation and Reason-Giving Account of *pro tanto* Duties in the Rossian Ethical Framework

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Abstract: Critics often argue that Ross's metaphysical and epistemological accounts of all-things-considered duties suffer from the problem of explanation. For Ross did not give us any clear explanation of the combination of *pro tanto* duties, i.e. how principles of *pro tanto* duties can combine. Following from this, he did not explain how we could arrive at overall justified moral judgements. In this paper, I will argue that the problem of explanation is not compelling. First of all, it is based on the classical account of *pro tanto* duties. Principles of *pro tanto* duties can be understood in another way, i.e. in terms of reason-giving account that might be of help to provide a response to the critics. Furthermore, critics fail to see some evidence in Ross about how we can arrive at moral judgements.

Key words: W. D. Ross, *pro tanto* duty, all-things-considered duty, the problem of explanation, reason-giving account.

W. D. Ross's contribution idea of *prima facie* duty has been admired by A. C. Ewing as "one of the most important discoveries of the century in moral philosophy" (1959, 126). Ross believes that we should distinguish between *prima facie* duties and actual duties or a duty proper. He sometimes calls a duty proper a "toti-resultant attribute" of an action and a *prima facie* duty a "parti-resultant attribute" (1930; 2002, 28). Whether an act is a *prima facie* duty depends on whether it has a morally-relevant non-moral property. However, Ross believes that "[w]hether an act is a duty proper or an actual duty depends on all the morally significant kinds it is an instance of." (1930; 2002, 19-20)

Ross does not use the terminology of "*prima facie* duty" to refer to a duty that seems to be a duty *at first sight*, though it may turn out to be illusory on further reflection. Rather, the phrase "*prima facie* duty" is supposed to refer to a duty that comes from *part* of the nature of the moral situation. This duty that comes from *part* of the nature of the moral situation must be distinguished from overall duty that arises from the *whole* nature of the situation.

To illustrate this, suppose I promise my wife that I will go out with her tonight; however, my mother is sick, and I should stay with her. I have then two *prima facie* duties of fidelity and beneficence. To find out which duty is my actual duty, we have to use our judgement or perception in an "all things considered" way. We should consider the *whole* nature of the situation to reach our verdict. Of course, we may make a mistake in identifying something as a *prima facie* duty, but we may also make the same mistake in identifying something as an actual duty. Some of what we take to be actual duties may turn out to be illusory as well.

Moreover, it is not true that the contrast between *prima facie* and actual duties is a contrast between an *apparent* and a *real* duty. *Prima facie* duties are real moral considerations, not ones that seem to be duties at first sight. This leads us to think that a

prima facie duty, in fact, is *not a type of duty*. But it is *related to duty in a particular way*. Ross explicitly writes in this regard that:

[The *prima facie* duties] suggest that what we are speaking of is a certain kind of duty, whereas it is in fact not a duty, but something related in a special way to duty. (1930; 2002, 20)

So, Ross's distinction between *prima facie* and actual duties is not the distinction between apparent and real duties. I think the terminology "*pro tanto* duties" for *prima facie* duties and "all-things-considered duties" for actual duties is less misleading. Hooker, for instance, writes:

[T]he term "pro tanto" is less misleading than "prima facie". For the idea is that a duty or consideration is overridable, not that it can be seen at first glance but on closer inspection may prove to be an illusion. (1996, 534, fn. 6)

The idea behind *pro tanto* duties is that certain properties or features of situations count morally in favour or against action. Of these properties, some are more important in some case, but others are more important in other cases. For example, suppose that A borrows a gun from his friend B promising to give it back as soon as B asks. After one week, B asks for his gun. But A knows that B wants his gun to kill someone. On the one hand, A should keep his promise and return the gun to B. On the other hand, A has a *pro tanto* duty of non-maleficence. So relevant here are A's two *pro tanto* duties of fidelity and non-maleficence. We come to believe on reflection that of course A's all-things-considered duty is not to keep the promise.

I. THE PROBLEM OF EXPLANATION

We can distinguish at least three claims in the Rossian ethical framework, i.e. two metaphysical claims and one epistemological one (Stratton-Lake 2002, x-xii; Audi 2004, 21). According to the:

1. *first metaphysical claim*: There are several (five) *pro tanto* duties or principles which are general. These principles determine the moral status of actions and contribute to the moral evaluation of concrete ethical situations.

And according to the:

2. *second metaphysical claim*: There is no hierarchy for these *pro tanto* duties, i.e. it is not the case that some *pro tanto* duties automatically outweigh any other in cases where they conflict. *Pro tanto* duties combine together and contribute to the deontic evaluation of different cases in such a way that we cannot know what would constitute the ultimate outcome (all-things-considered duty) in advance or even afterwards.

The second claim is controversial and must be explained. The issue is whether there is some way of thinking of *pro tanto* duties as a flexible hierarchy. For example, Dancy, as a commentator, believes that there is no structure to Ross's five basic *pro tanto* duties. Dancy thinks no sense can be given to the claim that promises are more important than,

say, good production. So, in his view, it is not true that one duty is more important than another. This leads Dancy to hold that there is no hierarchical order between *pro tanto* duties. Instead, we have a formless list of duties. Dancy writes:

There is no general ranking of the different types of *prima facie* duty. [...] There is just a shapeless list of them [...]. (1991, 221)

However, Dancy's interpretation might be wrong. In *The Right and the Good*, Ross lists five duties. He thought that these five basic duties or principles are the minimal number of such duties or principles (Ross 1930; 2002, 21, 27). Ross says that some *pro tanto* duties are more stringent than others, and in fact he offers a flexible hierarchy for them. He states that the duties of non-maleficence, fidelity and reparation are weightier than beneficence (Ross 1930; 2002, 22, 30). Elsewhere, in the *Foundations of Ethics*, he says that the *pro tanto* duty to keep a promise can be cancelled under certain conditions, and in those circumstances the fact that one has made a promise carries no deontic weight (Ross 1939, 188). Yet, the duties of non-maleficence, fidelity and reparation do not *always* outweigh beneficence. All Ross can say is that reparation, for instance, can be overridden only by a significant amount of well-being for others. However, an account of "significant" can vary from case to case (Stratton-Lake 2002, xxxvi-xxxvii).

Thus, the bottom line is that, on the basis of Ross's position, we cannot produce a higher-order principle to establish which *pro tanto* duties are more important than others. In fact, "the importance" or weight of each duty turns out differently in different contexts. So, we can restate the second claim this way. According to the:

2a. *second metaphysical claim-revised*: There are no rigid hierarchies (such as a lexical ordering) between *pro tanto* duties according to which one is always more important.¹ Although there is no such thing as a rigid hierarchy for *pro tanto* duties, there might be a flexible hierarchy for them.

One can think of a sort of flexible hierarchy for *pro tanto* duties as in many cases; for example, we can imagine that non-maleficence, fidelity and reparation *generally* outweigh beneficence. But it is not the case that we have a rigid hierarchy in that for example fidelity *always* outweighs beneficence. What is supposed to be the difference between the original version of the second metaphysical claim and the revised version is that although neither version accepts a rigid hierarchy, the second metaphysical claim states that there is no hierarchy for *pro tanto* duties but the revised version states that there might be a flexible hierarchy for them.

Finally, according to the

3. *epistemological claim*: The basic principles of *pro tanto* duties are self-evident in the sense that they *can* be known directly though sometimes they need *reflection*.² We *often* are

1] Audi (2004, 28) prefers to read Ross based on the second metaphysical claim; however, Stratton-Lake (2002, xxxvi-xxxvii) prefers to read Ross according to the revised version of second metaphysical claim.

2] Although Ross took all the *pro tanto* duties to be self-evident, one can ask why we should assume that they all are. However, since every system of morality takes some propositions to be self-evident, for the

justified in believing these moral principles non-inferentially.³ In order to arrive at a moral judgement about our all-things-considered duty in a concrete moral situation, we have to use our *rational judgement*; however, these judgements are not self-evident.⁴

Taking some principles as self-evident does not entail that they are obvious and that there is no debate about them (Ross 1939, 188). We conclude what the ultimate outcome of the combination of principles of *pro tanto* duty is by looking at the case and reflecting on it in more detail in order to arrive at a moral judgement. Note that this is not a matter of non-inferential knowledge. The reason is that there is no such thing as a higher set of moral rules that can guide us to arrive at moral judgements (Ross 1930; 2002, 29).⁵

However, based on these claims, critics such as John Searle (1987, 81-90) object that Ross's metaphysical and epistemological accounts of all-things-considered duties, and the way in which different *pro tanto* duties are combined together and contribute to the moral evaluation and judgement in *moral conflict* cases, are vague and unclear. Let us call this:

The Problem of Explanation: Ross did not give us clear explanation of the combination of *pro tanto* duties, i.e. *how* principles of *pro tanto* duties can combine. Following from this, he did not explain *how* we could arrive at overall justified moral judgements.

This, however, needs to be qualified. As I have shown above, in the Rossian framework we cannot determine in the abstract what would be the ultimate outcome of a case in which, for example, fidelity is combined with another *pro tanto* duty, say gratitude, because the ultimate outcome strongly depends on the details of the case. Yet, as there is no rigid hierarchy for these principles of *pro tanto* duty, we have to judge how they combine together and contribute to the moral evaluation of the case. In order to do that, we pick out the outcome of the combination of several principles of *pro tanto* duty when we look at the case carefully and through further reflection on more details. So, according to Ross, in order to arrive at an all-things-considered judgement in a concrete ethical situation, one has to consider all the principles of *pro tanto* duties and think about the whole case and its characteristics insofar as one can. Let me elaborate this with an example of:

The Manager Case: Suppose that a manager of a company arranges an appointment that is crucial for the company, financially speaking. However, just half an hour before the appointment, he learns that his mother has been hospitalised following a car accident.

What is his all-things-considered duty? Would he be justified in cancelling his appointment to go and see his mother in hospital or should he fulfil his promise, leave his mother on her own and ask somebody else to see her? According to Ross, the manager

sake of argument, I assume that Ross is right and will not argue about this.

3] I say "often" because Ross holds in one of his papers that we *can* arrive at intuitive judgements even inferentially. See Ross (1927, at 121).

4] Ross thinks that there are no principles for all-things-considered duties.

5] Elsewhere, I explained what non-inferentiality entails in moral intuitionist framework, see Dabbagh (2017 & 2018).

has two different *pro tanto* duties, fidelity and gratitude (or beneficence), which come into conflict in this case. On the one hand, fidelity, which rests on the previous action of the manager, requires him to fulfil his promise. On the other hand, gratitude, which rests on the previous actions of his mother, requires him to stay with her in such an important situation. If the manager asks Ross how he can arrive at a justified moral judgement in this situation, what would Ross say?

The manager has to use his judgement to determine the outcome of this conflict of *pro tanto* duties. He must look at the case and reflect on it in more detail and consider everything that is morally relevant. So, one can understand how different *pro tanto* duties are combined and how we can arrive at a tenable moral judgement by looking at the case and reflecting on it in more detail. In fact, there is no other thing here to which we can appeal. Just exercise more reflection on the case, use your *judgement* and decide.

Critics, however, are not persuaded by the above Rossian story, because they are confused how “reflection” or “looking” is an explanation of anything. Consider again the manager case provided above. Later on, if the manager says that he still cannot see the point, what should he do to grasp the weightier principles of *pro tanto* duties? According to above story, the manager has to look at the case again, look again, and use his judgement. That is all. He cannot say anything else. So, the manager has to look at the case over time to arrive at a justified moral judgement. Nevertheless, the manager can say, “I am still perplexed, and I do not know straight off what to do”.

Critics believe that the manager is not, in effect, offered an account that tells him which is the most important of the conflicting *pro tanto* duties. Although the Rossian metaphysical account of the combination of principles of *pro tanto* duties in moral conflict cases and their contribution to the moral evaluation of different cases is understandable, the epistemological Rossian account is obscure. Thus, it seems that the Rossian account of *how* we could arrive at justified moral judgements in moral conflict cases has to be revised.

The problem of explanation is not, I think, compelling. First of all, it is based on the classical account of *pro tanto* duties, i.e. the *first metaphysical claim* (Dancy 1981). Principles of *pro tanto* duties can be understood in another way, i.e. in terms of reason that might be of help to provide a response to the critics (Scanlon 1998, 1-13; Stratton-Lake 2013; 2011b, 178; Audi 2004, 23-24). Furthermore, critics fail to see some evidence in Ross about how we can arrive at moral judgements. Let me explain.

II. REASON-GIVING ACCOUNT OF PRO-TANTO DUTIES

In his *Second Thoughts in Moral Philosophy*, Ewing talks about *pro tanto* duties and all-things-considered duties with reference to reason. He distinguishes between good and conclusive reason for action (Ewing 1959, 63, 110). Having a *pro tanto* duty to do an action provides a good reason to do (or not to do) it. To have an all-things-considered duty for doing an action provides a conclusive reason for doing or not doing that. Of course, it is not the case that wherever there is a good reason to do *X* there is also a *pro tanto* duty to do

X. That is, it is not the case that if one has good reasons to do things, then one has real duty of any kind to do them. For instance, I have a good reason to take a painkiller right now, but no duty to do so. Although one can think that duties (or obligations) provide reasons, it is not plausible to say that reasons provide duties (or obligations), and hence we cannot accept that there are duties iff there are reasons. As another example, imagine that I have been very generous to Oxfam. I nevertheless have a reason to send even more money to that charity, the reason being that even more will do even more good. However, if I have already made very big contributions at a large cost to my own good, I have no duty to make further contributions.⁶

Following Ewing, Urmson and Stratton-Lake, I believe that understanding *pro tanto* duties in terms of reasons, i.e. as providing moral reasons to do acts, is more persuasive than the classic understanding (Urmson 1975, 112-13; Stratton-Lake 2011b, 147-150).⁷ Principles of *pro tanto* duties specify facts that provide moral reasons for certain actions and explain why certain acts ought or ought not to be done. This is a kind of reply that Ross can give with regard to how *pro tanto* duties are combined.

However, one might object that it is not helpful to convert talk of *pro tanto* duties into talk of reasons. This conversion makes us pay a theoretical cost. All *pro tanto* duties are universal, although can be outweighed. They are defined in terms of their force and have an element of *insistence* in them (Owens 2012a and 2012b). But reasons purely as such do not have such an element. As a response, to be sure, *some* reasons explain and justify but do not insist, and others do insist.⁸ The morally important reasons are mainly the ones that insist. For the sake of argument, by “moral reasons” here I mean the insisting ones. Talking about insistence, again, lends some credence to the point I made above about duties providing reason, and not *vice versa*.

Principles of *pro tanto* duties specify moral reason-giving facts. These principles state which facts provide reasons. I am not claiming that duties themselves are facts which provide reason. The duty might be “to meet you at 1:30”. The fact that provides the reason is “that I promised to meet you at 1:30”. Hence, the *pro tanto* duty of fidelity entails that the fact that I have promised to Φ gives me a moral reason to Φ .

This understanding of *pro tanto* duties in terms of reasons allows us to think of the conflict of *pro tanto* duties as a conflict of *moral reasons*. Therefore, to put my understanding of principles of *pro tanto* duties in a general form: if F is the feature that is *pro tanto* right and contributes in making Φ your all-things-considered duty, then:

[6] See the papers by Darwall, Wallace and Little in the festschrift for Dancy, edited by Hooker, Bakhurst and Little (2013).

[7] Audi (2004, 104) also believes that Ross’s basic *pro tanto* duties are not only self-evident, but also provide independent moral reasons.

[8] Talk of reasons can be classified into two categories as “insistent” (obligatory) and “good ground” reason. Likewise, Dancy (2004), for example, talks about a distinction between two categories, i.e. “enticing” and “peremptory” reasons, that capture different normative relations.

“If F explains why you ought to Φ , then F gives you a reason to Φ ” (Stratton-Lake 2011a, 369).

Thus, fidelity, for instance, is a right-making feature. In other words, there are facts that provide reasons arising from fidelity; fidelity has an invariant deontic valence; and it contributes to the moral evaluation of different cases in the same way (Stratton-Lake 2002, xliii). But has the explanation problem been solved?

It is true that Ross said that looking at a moral case and reflecting on it gives us an account according to which we can arrive at a tenable judgement. This is how Ross expresses the point:

When I am in a situation [...] in which more than one of these *prima facie* duties is incumbent on me, what I have to do is to study the situation as fully as I can until I form the considered opinion (it is never more) that in the circumstances one of them is more incumbent than any other; then I am bound to think that to do this *prima facie* duty is my duty *sans phrase* in the situation. (1930, 2002, 19)

However, this is not the whole story. In some complicated cases, Ross would suggest that where relevant, we should aim to get further information, which might (for example) involve asking people what they are up to. He said that reflecting upon other cases might help us. Consider the following quotes from Ross:

The general principles of duty are obviously not self-evident from the beginning of our lives. How do they come to be so? [...] we see the *prima facie* rightness of an act which would be the fulfilment of a particular promise, and of another which would be the fulfilment 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 fulfilment of promise. 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; 2002, 32-33)

In my view, we can develop the Rossian account by using the notion of “seeing other similarities” and seeing things as *similar*. Although Ross did not use these terminologies, I believe they already have a place in the Rossian framework. So, we can say that in the Rossian framework, *looking away* at other similar cases is an indispensable ingredient to understanding. Sometimes, just *looking at* one case and *reflecting* on it might not help us to reach a justified moral judgement. I believe *looking away* is important because one of the most significant and familiar forms of moral thinking involves thinking about cases *like* the one at hand but with the crucial difference that the roles are reversed – e.g. we have to think of ourselves as being on the receiving end of what we are considering doing to someone else. Let me explain my view with the following example.

The Robbery Case: Consider the case of a man chatting to his friend that one day when he was in rush to his meeting, he saw two boys hitting an old woman to steal her money. Having seen this scene, he decided to stop them but he also wanted to be punctual at his job. When he tells the story, his friend responds that the man should

have helped the women even if he was in rush. The man tells his friend that he was trying to keep his promise to be on time. His friend however gives the man some more details by citing examples that what he would do if he sees his mother or sister getting robbed. His friend also says some more examples to illustrate that helping people in danger is more important than punctuality.

In fact, the man's friend tries to convince him that he would not do the same in the case of his mother's robbery. His friend also tries to convince him by referring to other *similar* cases that helping people in danger is more important than being on time. His friend does not appeal to common properties and intrinsic features of stealing to improve his argument. So, instead of just looking at this case, the man has to *look away* at similar and dissimilar cases and ask other people to arrive at the judgement.⁹

According to Ross, different *pro tanto* duties are combined together and contribute to the moral evaluation of cases in different ways. But, on the basis of the element that I highlighted in the Rossian framework, we can give an account to resolve the problem of explanation: *looking away* at similar combinations of *pro tanto* duties in different cases and getting opinions from other people can help.

We now have an account of how we behave reasonably in different ethical contexts that is grounded in the way in which we are engaged in *looking away* at *similar* cases. In doing so, our behaviour in different contexts makes sense. One can understand how different principles of *pro tanto* duties are combined and how we can arrive at tenable moral judgements by looking at other *similar* cases, by asking other people and by *reflecting* on the different comparable reasons in more detail.

In the *robbery case*, the more the man *looks away* at *similar* cases, the more he can see whether he should have helped the woman. Similarly, in the *manager case*, he will arrive at the justified moral judgement to the extent that he is engaged in seeing *similar* cases. There is no theoretical account available that can be used to crank out the justified moral judgement. Rather, he has to *look away* at *similar* cases to see what has to be done in the case. For example, if the manager sees other similar cases, it is very likely that he comes to the conclusion that he should abandon his promise under the new condition.

However, there is one possible objection here. One might ask: does not "looking away", "reflecting on other cases" or "getting opinions from others" just generate a regress? If our object is the judgements of others or merely other similar factual situations, the same problem arises. As a response, although there are some complex situations, ones where our reaching a final judgement is difficult and we might need to ask others' opinions, Rossians would believe that this does not necessarily create a regress. Almost all pluralists and at least some monists (e.g. Kantian Contractualists and Rule-Utilitarians) might do the

9] Although "looking away" might not be the best terminology, it does not make it sound as though one is ignoring the facts rather than thinking about them. This terminology came to my mind in the discussion with Soroush Dabbagh. For more details, see Dabbagh (2006, Dissertation). Using Hare's terminology, one can also say that in going from *prima facie* duties to *actual* duties, we use our capacity of apprehension, but also a "social consensus" (2000, 88), and this is similar to my solution of looking away.

same in reaching the final judgement. So, this is not a special problem – if it is at all – for intuitionists. They all need to think about the difficult case and consult with other people. In the cases where the judgements of others or similar situations are at stake, the only plausible answer which Rossians can advise is to practise more and more. All we have, in these cases, is to practise reflection, comparing cases and getting opinions from others. But looking away at some other cases (such as cases in which you are in my shoes and I in yours) and getting other people’s opinions might be enough to stop an infinite regress as they give us plausible reasons to reach judgement. Although there is no such thing as a valid principle for resolving all regresses in different moral cases, it does not follow from this that nothing can be said to explain how to deal with such regresses.

III. PRACTICE BRINGS YOU MASTERY

Having seen that the problem of the explanation of *how* different principles of *pro tanto* duty are combined can be removed, the same approach can be assumed with regard to the way in which we become competent with the principles of *pro tanto* duties. We can see that promise-keeping is right with practice and through seeing the similarities and dissimilarities, e.g. through seeing that that is a promise, that this is a promise, that that is not a promise, and so on.¹⁰ The more we are engaged in seeing moral cases, the more we see what the principles of *pro tanto* duties are. For instance, if we are wondering whether or not the new situation with which we are dealing can be regarded as an example of gratitude, we have to *look away* at other cases of gratitude and compare the case at hand with them.

According to Ross, we arrive at moral principles about *pro tanto* duties by seeing what features of actions count either morally for or morally against actions in different instances. Perhaps, when Ross is talking about *sufficient mental maturity* and its vital role in grasping a *pro tanto* duty, he has something similar in mind. Consider the following quotes:

[...] when I reflect on my own attitude towards particular acts, I seem to find that it is not by deduction but by direct insight that I see them to be right, or wrong. I never seem to be in the position of not seeing directly the rightness of a particular act of kindness, for instance [...]. (1939, 171)

Seeing a number of examples, for Ross, helps us to see the *rightness* or *wrongness* of promise-keeping (or seeing the fact which states the *reasonableness* of promise-keeping). One could arrive at the general principle that promise-keeping is a *pro tanto* duty by seeing different cases. The more we see different promise-keeping cases, the more we see what promise-keeping is. In effect, we come to know, in Ross’s ideas, the *rightness* or *wrongness* of moral duties or principles by knowing particular instances. For instance, we come to know that promise-breaking is *pro tanto* wrong by becoming acquainted with some particular cases of promise-breaking. (Ross 1930, 2002, 32-33)¹¹

10] For more on practice theories, see Thompson (2008). For an alternative view, see Owens (2011).

11] See Hooker (2002) for an alternative view.

The whole point is that the procedure of grasping a moral principle is open-ended. It does not follow from this that there is no such thing as principle. What does follow is that the more we are engaged in seeing different cases, the more we see what the principle is. In other words, the more we are engaged in seeing different *reasons*, the more we acquire mastery of how the *reasons* can contribute in different moral cases.¹²

IV. CONCLUSIONS

The Rossian ethical framework, critics have argued, has a problem concerning explanation. According to the problem, the way in which different principles of *pro tanto* duties are combined together and make all-things-considered duties, both metaphysically and epistemologically, is vague and unclear. In order to tackle the problem, I introduced the reason-giving account of *pro tanto* duties and suggested that by bringing in the notion of “looking away” and “seeing other similarities”, which already exist in the Rossian framework, we can give an account of how we arrive at a justified moral judgement in a concrete situation. The Rossian notion of principles of *pro tanto* duties can be better understood in the light of such illumination.

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[12] Scanlon and Stratton-Lake believe that we can define moral concepts such as *good* and *bad* in terms of reasons. In the same way, I think, the more we are engaged in seeing different cases, the more we find reasons. In effect, reasoning is a kind of practice. See Scanlon (1998, 96 & 96ff) and Stratton-lake (2002, xx and 2004).

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