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

Abstract

There are ways that ethical intuitions might be, and the various possibilities have epistemic ramifications. Here I criticize some extant accounts of what ethical intuitions are and how they justify, and I offer 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 their positive theory ethical intuitionists have fewer resources than intuitionists in other domains, not because of the subject matter of these intuitions, but because of the their structure. A second conclusion, less certain than the first, 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.

Here I assume that we have some undefeated, intuitively justified ethical beliefs, but argue 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 (section 1), I want to draw some distinctions among seemings. All would agree that when it seems to one that p one is, among other things perhaps, taking some attitude toward content p. What has not been sufficiently addressed, however, is where to locate the seeming. For any given seeming, we can 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. I argue that a commonly held position—that all seemings consist in special attitudes taken toward (propositional) contents—strains the facts upon examination (section 2).

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

When we turn to seemings in ethics—ethical intuitions—the account will be roughly as follows (section 3). Substantive ethical seemings are no more than positive phenomenological qualities upon considering ethical propositions.\(^1\) In these cases the seeming quality of an intuition is not a feature of special seemingish attitude, nor is it a feature of the 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 I end with a final remark on a related issue: an intuition’s status as evidence (section 4).

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

\(^1\) For continuity with the literature, I take the objects of seemings to be propositions. One could take them to be external things like objects and events as well. I surmise that the literature does not do so because of inclination to be epistemic internalists here.
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 one must say much more about what it is to adequately understand a proposition,\(^3\) and what is special about self-evident propositions such that these can confer justification just by understanding them. 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 we do not yet know what it is to understand a proposition in a way that is sufficient for justifiedly believing it. I 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

\(^2\) 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 our primary focus, I will only discuss his theory intuitions insofar as it involves understanding the self-evident.

\(^3\) For a start see Audi (2004: 49-50).


\(^5\) Audi (2004: 54).

\(^6\) Audi (2004: 42-44).

\(^7\) Audi (2004: 49, 54).
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 is going on when one has intuitive justification.

Despite being explanatorily impoverished, self-evidence theory manages to open itself up to a serious objection. Particularly troubling is the thought that self-evident propositions are true, which entails that ethical intuitions can only be had for true ethical propositions (which is consistent with the defeasibility of the justification). 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. I will discuss the epistemic status of ethical intuitions in more detail in section 3, but let me note that this epistemic claim also seems false – beliefs based on Trolley intuitions can be prima facie justified. The important point for now, however, is that a self-evidence theory of ethical intuitions is inadequate insofar as it introduces a truth condition on having an intuition at all.

One might complain that the example is ill chosen. Intuitionists, the thought is, propose certain mid-level principles as the objects of intuitive justification, and I have only provided an intuition on a hypothetical particular. That is true, but I’m inclined to think that 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 when we turn to mid-level principles. Consider someone who finds Ross’s prima facie duty of justice intuitive: Prevent distributions of happiness that are not in accord with merit. I take it that 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. Of course, one who endorses a theory of self-evidence can drop the truth requirement in an attempt to salvage the core of the theory. I will consider this option shortly after setting out the rudiments of intellectual seeming theory.

Rather than talk of understanding the self-evident, Michael 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
Shall we favor this view over self-evidence theory? It has an advantage in that it features no truth requirement, but what if the self-evidence theorist drops truth? Here I think seeming state theory is simply more perspicuous, and it captures all the cases of intuition. We should keep self-evidence theory around (minus the truth condition) 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 on 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 theory captures an element that augments intuitions constituted by seemings. It does none of these things. First, to my knowledge, there is no 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. We certainly take seemings to be sufficient for prima facie justified believing, and we would need some reason to require grasping the self-evident as well.

Third, are there cases in which understanding a self-evident proposition might augment

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one’s intuition, which is constituted by a seeming, which might 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. And again the onus is on the self-evidence theorist. Thus I provisionally conclude that it will be more promising to plumb the depths of seeming state theory if we are to understand what ethical intuitions are and how they justify.

2 Different Kinds of Seemings

Unfortunately, Huemer’s appeal to seeming states has problems of its own. 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.\(^9\)

(Here we can 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 that concerns me 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, this view strikes me as mistaken. 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 one looks at a stick that is placed in some water causing a sensory experience whereby it seems to one 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 one that the stick is bent. Importantly, the question is not whether one can withhold doxastic acceptance when it seems that the stick is bent—clearly, if one believes that the stick only looks bent because it is placed in water one 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 to have the very same bent-stick experiential content before the 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.  

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 to be right. When the hypothetical agent above 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

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 mine. 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.
faces. 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. 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 characteristic content, or the normal content is there but they 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.

But the first explanation is far more plausible. The second explanation assumes that, for subjects to make similarity judgments, some attitude is required in addition to the way the faces look. We lack any reason to think this is the case. To make a similarity judgment between two faces (but not necessarily form a belief about who these persons are) it would seem that all one needs are the two faces before the mind. Without some reason to adopt the more complicated explanation that incorporates special attitudes into the story, then, the simpler hypothesis is to be preferred. Though certainly not decisive, the best working hypothesis is that prosopagnosics do

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11 See Whiteley and Warrington (1977) for a classic study.
not consciously experience faces in a normal way. If so, one cannot argue 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. They do not have sensory experiences with content p to begin with.

Perhaps individuals that experience Capgras delusion are more probative of our question. Subjects with this disorder think that otherwise familiar family members and friends have been replaced with identical looking imposters.\(^\text{13}\) It is fascinating to note that, 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 familiares have been replaced by imposters.\(^\text{14}\)

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 familiares. However, the subjects’ lack of an emotional, physiological response 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

\(^{13}\) See Ellis, Whitley, & Luaute, (1994).
\(^{14}\) See Ellis and Young (1990).
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.

Granted, we simply do not know enough to conclusively adjudicate what it is like to be a patient with prosopagnosia or Capgras delusion. But the best explanation to date 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 us 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 me that some deductive argument is valid, perhaps after due reflection. It is natural to say that, prior to the argument seeming valid, I am 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. If we focus on just these two elements—the attitude and the content—it is not yet clear that the argument seems valid to me. 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,\textsuperscript{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). And we might say the same about 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 we set sensory experiential seemings 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 \textit{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. I think this is a mistake. We need to make distinctions within the broad category of intellectual seemings. Once we do so we can see important differences 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.

Here is the first option I want to explore: some intellectual seemings accompany one’s competent understanding and application of either a procedural rule or a concept. I think something like this occurs in Bealer’s case of De Morgan’s laws, where certain laws seem true when one competently understands and applies logical operators on symbols. Under this option the intuition is driven—\textit{compelled} we might say—by competency. This might be easier to see if we first consider non-logical cases that are grounded in competence, such as the intuition that XYZ is not water when considering Putnam’s twin earth scenario. Recall that on Putnam’s twin

\textsuperscript{15} An example of one such law is: \(~(p \land q)\) iff \((~p) \lor (~q)\).
earth there is a watery substance (one that falls from the skies, is clear and potable, etc.) that is not composed of \( \text{H}_2\text{O} \), but is composed of some other chemical compound, abbreviated XYZ.\(^\text{16}\)

On considering the case it sure seems that XYZ is not water. This has the flavor of an intuition that supports the view that water is necessarily \( \text{H}_2\text{O} \), that the term or concept ‘water’ rigidly designates the stuff of our acquaintance, and so on. How does one explain what is going on here? The thought is that when one judges that XYZ is not \( \text{H}_2\text{O} \) one *competently applies the concept* ‘water.’ It is part of how that concept works that it rigidly designates \( \text{H}_2\text{O} \), and so XYZ on twin earth simply fails to meet an application condition of the concept ‘water.’ Lack of the appropriate intuition belies a failure to grasp the concept, or a failure to apply it competently. This seems to be what is going on in Bealer’s case, too. When one considers one of de Morgan’s laws and things “click” one is bringing to bear a certain competence (perhaps purely syntactic) with the logical operators. The same can be said when it seems to one that a deductive argument is valid, at least in the usual circumstances. In that case one brings to bear a procedural competence in applying the rule of logic much like bringing to bear linguistic knowledge to judge a sentence grammatical. Thus one category of intellectual seemings, or intuitions, comprises those seemings that accompany competent applications of concepts or procedural rules.

These intellectual seemings differ from those in sensory experience in that the seeming that \( p \) is not part of the content \( p \). In addition to considering whether \( p \) in these cases (where \( p \) is something like De Morgan’s laws, or that XYZ is water) we cannot locate the seeming in the content alone, for it seems possible to hold the content fixed and toggle the seeming on and off, something that we cannot do in cases of sensory experiences. How about our other options

\(^{16}\) See Putnam (1975).
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 of felt veridicality when one considers the proposition in question. But there is also a sense in which the intuitive judgment feels 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 supposed to show up as something more than a mere felt appropriateness or veridicality. Consider, for instance, someone with who putatively finds the following intuitive: given (or assuming) that the watery stuff of our acquaintance is H\textsubscript{2}O, ‘water’ could refer to something other than H\textsubscript{2}O.\textsuperscript{17} It is widely thought that anyone who thinks this is mistaken.\textsuperscript{18} More precisely, the thought is that one who thinks that it is metaphysically possible for water to be composed of something other than the watery stuff of our acquaintance is failing to competently use the concept ‘water.’ Prior to considering the twin earth case we might unreflectively find this metaphysical possibility intuitive as well. But at least in many of these cases we would be missing the feeling that the verdict is competence-driven. We can distinguish the mere felt veridicality or appropriateness in calling stuff that is not H\textsubscript{2}O water from the feeling that one’s verdict is compelled by competence. When it appears, this phenomenal quality of feeling competence-driven constitutes intuitions in some cases, where the phenomenal quality

\textsuperscript{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.  
\textsuperscript{18} The issue might be more complicated than I have 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.
attends some relevant attitude-content pair like considering whether p.

When we turn to the epistemic status of such intellectual seemings we have a variety of options. One option is to find the feeling of being competence-driven sufficient to _prima facie_ justify beliefs. We normally take such items to justify our beliefs, and we normally take them to deliver greater justification than the mere feeling of confidence or appropriateness, for upon considering the twin earth scenario any prior 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. We might find a certain mathematical axiom to be intuitive insofar as there is a felt confidence or veridicality to it, but when things click and we “see” that it is false there is an extra element of being competence driven that epistemically defeats the previous 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. Indeed, the epistemically preferred competence-driven intuition is to have an intuition that p that is attended by the felt veridicality or appropriateness of p, the feeling that one’s judgment that p is competence driven, and the fact that one’s judgment that p is competence driven. This explains the power of the intuition had by most that XYZ is not water. Some of these elements are phenomenological, but there is the fact of being driven by competence, which does not fit well into our 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, though perhaps with some stretch we can locate this in a special attitude one takes toward content.
I think Huemer is right that these varieties of intellectual seemings all satisfy the principle of phenomenal conservatism, just as sensory experiential seemings do. But it is important to note that they do so in very different ways, and some seemings have resources for justification that others lack. Sometimes the seeming is in the content, sometimes the seeming is in attendant phenomenology, and sometimes that phenomenology includes a competence-driven element that can be underwritten by actual competence on cases. At face value these differences generate differences in the epistemic strength. Sticking with the intellectual variety, those that lack some element of being competence-driven deliver weaker justification than those that have it.

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 we must keep in mind the possibility that ethical intuitions are a mixed bag without a unified epistemic account, I will argue that all substantive ethical intuitions are of the phenomenological sort and they are not competence driven, and I do so by considering various cases and various levels of generality. This result would serve to distinguish ethical intuitions from other kinds of intellectual seemings, and it would place the burden squarely on ethical intuitionists to back up any claim to justification based on these kinds of seemings.

There are various possible objects of ethical intuitions. One can have intuitions upon considering concrete particulars, such as the moral permissibility of various actions in trolley cases. Once can have intuitions upon considering mid-level moral principles, such as Ross’s *prima facie* duties of fidelity, reparation, gratitude, justice, beneficence, self-improvement, and non-maleficence. And one can have intuitions upon considering the most general moral principles, such as act utilitarianism, or abstract formal principles, such as some supervenience
thesis. Within each form of intuition there are various possible contents depending on whether the question is of thin ethical concepts like rightness, or thicker concepts like cruelness. I cannot hope to be exhaustive here, but I want to consider probative cases and suggest that my treatment of these will generalize.

We have already mentioned a particularist case from Trolley above: 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, we can imagine a Benthamite who finds it intuitively permissible, while a Kantian finds in 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. 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 I invite the reader 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. We can acknowledge this while maintaining our intuitions in the case. 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 we who use ‘water’ to refer to H₂O and twin earthers who use ‘water’ to refer to XYZ. In particular ethical cases like this there does not seem to be any sense in which this verdict is required by competency. 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 intuitively it seems to Epicurus that one does have reason to pursue pleasure for its own sake, and suppose that 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 someone for fun, or the weaker claim that there is always a moral reason not to torture one for fun. I assume that we are fairly certain that these principles are true, and it would be hard to take someone who denies them seriously, but for all the strength of conviction in a case like this, it lacks certain characteristics of the intuition, say, that one of de-Morgan’s laws is valid. 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. Until another finds the logical formula intuitive we cannot help but speak past him when talking about the formula.

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19 Thanks to an anonymous referee for pressing me to address an example like this.
Yet we who think it is wrong to torture others for fun can and do genuinely disagree with a nihilist (to take one example)—one who does not believe there are any normative properties instantiated in the actual world. The nihilist rejects our 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. He can sincerely and competently disagree with us.

If there is some slight of hand in appealing to the nihilist, consider a consequentialist who denies that is it always morally wrong to torture someone for fun because he does not find it intuitive. He thinks that if enough fun hangs in the balance, torture is not wrong. Must he 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 one has 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 we can say, and what people usually do say to hypothetical characters like this, is that they exhibit a corrupt mind. This brings to bear our normative commitments in condemning these people. We might not want to engage with such a person, and we might not be able to convince him, but it is too much to say that we 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

\[20\] 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.
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.

It is only when we abstract even farther, away from substantive ethical claims to more formal ethical claims, that we might find something like a competence driven intuition. When considering putative defeaters for ethical intuitions (that they are by and large unreliable because they have been influenced by cultural mores, evolutionary pressures, personal biases and emotional biases), Michael Huemer indicates that formal intuitions like the following are most likely to avoid defeat:

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.\textsuperscript{21}

Perhaps some principles like these are grounded in conceptual competence. For instance,

\textsuperscript{21} Huemer (2008: 386)
one whose judgments do not conform to some strong 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. But 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, there have been numerous examples where it doesn’t seem to hold. Particular 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, we can expect deviations from the unqualified transitivity principle in (1). Even if intuitions on some such principles are grounded in competence it is an open question how much substantive ethical theory we can 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 (EIA):

EIA: 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.

The best way to articulate their nature 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

\[ \text{See, e.g., Rachels (2006).} \]
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. For good measure we can add that 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.

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 we normally take them to deliver some degree of justification even without being driven by competence. Perhaps we have 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 might 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

\(^{23}\) As far as I know the basing relationship is absent from Huemer’s book, but 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).
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 appeal to in any positive account of epistemic justification. Some defenses of ethical intuitions are no longer available. For instance, if one questions whether these phenomenological characteristics are justification conferring at all, even to a slight degree, the typical response is unavailable. One cannot merely marshal other seemings in an innocence-by-association move. With the distinctions made here this response is too quick. Skepticism about ethical intuition would not

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.
lead to skepticism for all seeming states. We might question certain kinds of seeming states without questioning them all, and we might even stand firmly on seemings that deliver strong justification while we question the justificatory force of other kinds of seemings.

Now that we have a clearer view of what ethical intuitions are and how they might justify we can see that some defeaters would apply to this brand of seemings that would 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. Then other, stronger evidence can more easily defeat any *prima facie* justification for ethical beliefs delivered by ethical intuitions. One way this happens is when ethical intuitions outweigh other ethical intuitions. Thus the intuitions supporting some consequentialist principle will run up against intuitions in particular cases about what is valuable, or what is right and wrong. Neither intuition is supported by conceptual competence, so they must battle against one another, and against other intuitions, to gain rational support. Another way to defeat ethical intuitions is with evidence outside of ethics that undercuts the justification otherwise conferred by the intuition. For instance, explanations of why we have ethical intuitions, explanations recently given in terms of bias and other cognitive errors, might make us seriously consider abandoning some of our ethical beliefs. Intuitions grounded in conceptual competence, by contrast, are not so easily defeated. When it seems to me that XYZ is not water, or that $\neg(p \land q)$ iff $\neg p \lor \neg q$ is true, the justification I thereby have is not undermined by a story about the source of the intuition unless the story somehow undermines the thought that the

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intuition is grounded in competence.

Having said that, we are not left with skepticism about ethical intuitions. What about defeaters that might not apply to ethical intuitions, but might apply to other kinds of 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 H₂O, and each thinks the other competent with the concepts involved, that produces serious pressure for each disputant to reconsider his or her judgment. Intuition grounded in competence typically delivers strong justification, but in the special situation where two disputants seem competent but disagree we know that at least one person has erred. After double-checking one’s intuition one might retain one’s judgment in the face of disagreement, but the pressure to double check was there. By contrast, if genuine disagreement can happen without charging one party with incompetence there is less pressure on each party to reconsider and revise. 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). This is what is going on in ethical disagreement. There is no sense that the intuitions here are conceptually driven, required by competency alone. So in the face of disagreement there need not be the obvious worry that someone is incorrectly applying ethical concepts. Disagreement here has much less bite than previously thought.
4 A Final Remark on How Seemings Justify

Before closing it is worth considering not just the justificatory power of ethical intuitions, but their status as evidence. I would endorse something like the following: If it seems to A that p, that seeming is some evidence that p, *ceteris paribus*. Given the distinctions above, the nature of the evidence would vary from case to case depending on the nature of the seeming.

Yet 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

I want to clarify matters by noting 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 we deny that intuitive seemings that p are evidence that p, we also deny that intuitive seemings that p epistemically support the belief that p, and that they provide some *reason* to believe that p. If intuitive

26 Huemer (2005: 120).
27 Audi (2004: 45). Note that Audi’s characterization of inferential justification as based on premises noted as evidence is too narrow, for in the vast majority of the inferences we make we do not note the grounds of the inferences as pieces of evidence – we do not have to think of them in those terms to use them as bits of evidence.
justification requires intuition nonetheless, we are left wondering what 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 I advocate the intuitions as evidence view. I have two arguments for accepting the intuitions as evidence view over the intuitions as conditions view. Firstly, for some of us the evidential view of seemings is intuitively right, while the thought that intuitions are conditions on justification without contributing to justification is intuitively wrong. If so intuition itself prima facie justifies the intuitions as evidence view. For those without these intuitions at the abstract level, 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 I justifiably believe 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, intuition itself supports the evidential view of seemings at the level of a general principle and at the level of particular cases.

Second, if some particular seeming that P is not evidence that P, and so no reason to believe that P, there would be nothing epistemically awry if I don’t believe that P in the face of the seeming, ceteris paribus of course. This itself is an odd result, but it has even stranger consequences. Suppose that it seems to me that a glass of water is on the table (via a visual
percept) but I am on the phone with my usually trustworthy roommate, and he tells me that there is no glass of water on the table because he remembers clearing the only glass on the table earlier that day. On the basis of my roommate’s testimony I believe that there is no glass on the table. If intuitionists are right that my seeming is not itself evidence (but is merely a condition on justifiably believing there is a glass on the table), then I have no evidence in conflict with my roommate’s testimony, and no reason to believe anything inconsistent with his testimony. Plainly, that is not right. I have reason to reject my 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.” He thinks that the evidential view would require that seemings be internal states, not awarenesses of external things, from which we non-inferentially infer beliefs about “extra-mental reality.” This connection between evidence and inference is also found in Audi. We have seen that, for Audi, intuitively based conclusions of reflection are not based on evidence, for that would necessitate non-intuitive inference to belief.

But why does evidence entail inference? If Huemer is right about direct realism, for instance, then our direct awareness of things gives us evidence for, and so reason to believe in, propositions about those things. Though one’s belief must be based on the requisite intuition to be justified (if we are right about that earlier point), 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, then the non-propositional

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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.

5 Conclusion

In the end all ethicists appeal to intuition. We can do no other. But it has been too easy to gloss over the details of what these things are and how they justify. I have tried to remedy that situation with the beginnings of a more detailed view about ethical intuitions, contrasting them with sensory seemings and competency-driven seemings both in terms of their internal structure and how they justify beliefs. This views sheds light on how ethical intuitions can be genuinely evidential of ethical propositions without supporting those propositions through inference. It also allows us to be frank about the strength of our substantive ethical intuitions and helps to adjudicate the relative strength of certain defeaters. By appreciating that not all intuitions are cut from the same cloth the hope is that we have more clearly defined a starting point for further inquiry in ethical epistemology.
Works Cited


