



ROSSIAN MINIMALISM

BY NED MARKOSIAN

JOURNAL OF ETHICS & SOCIAL PHILOSOPHY

VOL. 4, No. 1 | DECEMBER 2009

URL: WWW.JESP.ORG

COPYRIGHT © NED MARKOSIAN 2009

Rossian Minimalism

Ned Markosian

1. Introduction

IN 1930 W.D. ROSS INTRODUCED what was to become an enormously influential idea in normative ethics: the notion of a prima facie duty.¹ Despite the importance of Ross's idea in subsequent discussions, however, it is not at all obvious how Ross himself intended to make use of the notion of a prima facie duty. One possibility is that he intended to use the idea in formulating a unified ethical theory, one that specifies necessary and sufficient conditions for any action's being morally right.^{2,3} Another possibility, however, is that Ross was a "pluralist," who believed that there is no interesting feature (apart from moral rightness) shared by all and only morally right actions, and intended to use the notion of a prima facie duty in developing his pluralism.⁴

The historical question of what Ross actually intended to do with his notion of a prima facie duty, although interesting, is not one that I will address in this paper. I will instead focus on the following main question: *What is the most promising ethical theory (specifying necessary and sufficient conditions for any action's being morally right) that can be formulated in terms of the notion of a prima facie duty?* And I will try to show that the answer to this question involves an ethical theory that, despite never having been discussed, is nevertheless worthy of serious consideration.

¹ W.D. Ross, *The Right and the Good* (Oxford: Clarendon Press, 1930). Perhaps it is a mistake to say that Ross introduced the notion of a prima facie duty, for the idea (in one form or another) had no doubt been considered by moral philosophers before Ross. But he was certainly the one who made it famous.

² Ross seems to make it very clear that this is indeed what he intended in a passage on p. 41 of *The Right and the Good*. For an example of a commentator who interprets Ross as attempting to give necessary and sufficient conditions for an act's being morally right, see Fred Feldman, *Introductory Ethics* (Englewood Cliffs, NJ: Prentice-Hall, 1978), Ch. 10.

³ Note on terminology: in this paper, I will be using the expression 'morally right' as synonymous with 'morally permissible', so that it is possible for an agent to have several different morally right actions available to her at a time.

⁴ For examples of commentators who seem to endorse this interpretation of Ross, see Bernard Williams, "A Critique of Utilitarianism," in J.J.C. Smart and Bernard Williams, *Utilitarianism: for and Against* (Cambridge: Cambridge University Press, 1973), pp. 77-150; Berys Gaut, "Moral Pluralism," *Philosophical Papers* 22 (1993), pp. 17-40; David McNaughton, "An Unconnected Heap of Duties," *Philosophical Quarterly* 46 (1996), pp. 433-47; and Robert Audi, "Intuitionism, Pluralism, and the Foundations of Ethics," in Walter Sinnott-Armstrong and Mark Timmons (eds.), *Moral Knowledge?* (New York: Oxford University Press, 1996).

2. What Are Prima Facie Duties?

As I will understand the term, a prima facie duty is, roughly, an *overridable moral reason*, either to perform an action of a certain kind, or to refrain from performing any action of a certain kind. For example, if I make a promise, then I have a prima facie duty to keep that promise; and whether I have made any promises or not, I have a prima facie duty not to kill anyone.⁵ It is important to note, however, that to say that I have a prima facie duty to do A is not to say that I morally ought to do A. For prima facie duties are overridable. If I have promised to meet you for a game of tennis at noon, and so have a prima facie duty to do so, but must now choose between keeping that promise and helping some accident victims I have encountered on my way to the tennis courts, then my prima facie duty to keep my promise to you can be overridden by my prima facie duty to help the people in distress. So the idea is that when two prima facie duties conflict, whichever one is stronger overrides, or trumps, the less stringent one.

It should be noted that in the above gloss on ‘prima facie duty’, I am using the term ‘reason’ in such a way that a reason need not be recognized as such by the relevant agent. Sometimes we say things like “He had his reasons for doing what he did,” thereby apparently referring to facts about the agent’s thought process leading up to the action. But this is not the sense of ‘reason’ that I mean to invoke when I say that a prima facie duty is an overridable moral reason to behave in a certain way. Instead I mean to invoke the sense of ‘reason’ that is captured by phrases like “There were good reasons for him to do A, even though he was not aware of them.” So I am taking prima facie duties to be overridable moral reasons, that is, overridable moral considerations that count in favor of behaving a certain way.

The two preceding paragraphs are offered merely as a rough and ready way of capturing the intuitive idea of a prima facie duty. But for official purposes, in what follows I will take two crucial notions to be primitive and unanalyzable: (1) the notion of a *prima facie duty*, and (2) the *stronger than* (or *more stringent than*) relation on prima facie duties.

3. Making Use of the Notion of a Prima Facie Duty in an Ethical Theory

One natural way to make use of these notions in formulating an ethical theory would give us something along these lines.

⁵ Just to be clear: According to the way I am thinking of prima facie duties, if you make a promise, then the act of making the promise gives you an overridable moral reason to do what was promised. It is that overridable moral reason to do the thing in question that I am taking to be the relevant prima facie duty, and not the act of promising that grounds that prima facie duty.

R1: An act is morally right iff it satisfies a prima facie duty and no alternative satisfies a more stringent prima facie duty.⁶

I realize that there are standard objections to any Rossian view, including, especially, the charge that Rossian views are either unenlightening (since we don't have an adequate definition of 'prima facie duty') or else trivial (since typical attempts at defining 'prima facie duty' end up making the view circular).⁷

But let us set aside such general objections to Rossian views, in order to focus on independent objections to the specific Rossian views that we will consider. Here is such an objection to R1. There may be cases in which you have no prima facie duties at all. R1 entails that no alternative in such a case would be morally right. And yet it's natural to think that for any given situation you can find yourself in, there always is at least one morally right alternative available to you. For even in a situation in which you must choose between two evils, there is always the option of choosing the lesser of the two evils. It looks like we could get around this objection by reformulating the view along these lines.

R2: An act, A, is morally right iff it's not the case that there is an alternative, B, such that B satisfies a more stringent prima facie duty than any prima facie duty satisfied by A.

But now consider this case. You have ten different prima facie duties, each one of which gives you a prima facie duty of strength 5 to do A. But you also have an eleventh prima facie duty, of strength 6, to do B. You have no other relevant prima facie duties. R2 entails that you ought to do B. But it seems to me that you really ought to do A, since ten 5's outweigh one 6.

The problem is that R1 and R2 don't allow us to "add up" different prima facie duties that can all be satisfied by performing a single act. We can call this objection to R2 The Multiple Duty Objection. I think that the most promising way for a Rossian to get around The Multiple Duty Objection is to

⁶ For a discussion of a view like R1 see Feldman, *Introductory Ethics*, Ch. 10.

⁷ For a discussion of such an objection to Rossian views, see Feldman, *Introductory Ethics*, pp. 156-59. (For the record, I think that the best Rossian response to the objection that Rossian views are either unenlightening or else trivial is to say that the notion of a prima facie duty and the concept of the stronger than relation on prima facie duties are to be taken as primitive, and that, moreover, we do have a good intuitive understanding of these notions. We all know, a Rossian can say, that having made a promise gives one an overridable moral reason to keep that promise. And we also all know that one has a moral reason not to kill an innocent person, which is typically stronger than one's moral reason to keep a promise.)

incorporate utilitarian concepts into a Rossian framework, in something like the following manner.

The *PFD utility* of act A =df the sum of the strengths of all the prima facie duties that A's agent would satisfy by performing A.

Rossian Utilitarianism (RU): An act is morally right iff it maximizes *PFD utility*.

RU seems to get the right result in the above case involving eleven prima facie duties, but I think that there is nevertheless a very serious problem for RU. Suppose I have promised my brother Dean that I will mow his lawn sometime today, and suppose that there are no other relevant prima facie duties governing my behavior. It is now noon. I could have lunch while planning to cut Dean's grass at 3 o'clock. Or I could rush over there right now and mow the lawn. It seems pretty clear that either alternative would be morally permissible. But according to RU, the first alternative would be morally wrong. For having lunch now would not maximize prima facie duty utility.

The problem, in short, is that RU requires one to satisfy every prima facie duty *as soon as possible*, whereas in truth it is often permissible to procrastinate a little bit before doing one's duty. I will call this The Procrastination Problem. (Notice, by the way, that The Procrastination Problem is also a problem for R1 and R2.)

One promising way to try to respond to The Procrastination Problem would be to adapt some ideas from Fred Feldman, a utilitarian who suggests something roughly along the following lines (where 'S(A)' stands for 'the agent of A' and 't(A)' stands for 'the time of A').

World Utilitarianism: An act, A, is morally right iff S(A) performs A in at least one of the best worlds accessible to S(A) at t(A).⁸

The idea behind World Utilitarianism is that at any given time, there are many different possible worlds "accessible" to you. Each such world is like a path through life that is available to you as of a certain time, and each of these worlds includes, among other things, your entire biography, from birth until death. As you go through life, making choices and performing actions, worlds that were previously accessible to you come to be no longer accessible, as a result of the choices you have made. All the worlds that are currently

⁸ See Feldman's *Doing the Best We Can* (Dordrecht: Reidel, 1986), and his *Utilitarianism, Hedonism, and Desert* (Cambridge: Cambridge University Press, 1997).

accessible to you are alike with respect to your past actions, but they differ from one another with respect to what you will do in the future. The further idea behind World Utilitarianism is that for a world to be accessible to you at a time is for it to be possible at that time for you, through a series of actions, to live the life described for you in that world. And, finally, World Utilitarianism is also based on the notion that possible worlds can be ranked according to how good they are, overall. (Note that World Utilitarianism contains the phrase ‘the best worlds’. This is meant to allow for the possibility that two or more worlds could be tied for best.)

There is no way I could do justice to Feldman’s rich and powerful theory in the present context, but I bring it up simply to acknowledge that the following Rossian theory, which is designed to get around The Procrastination Problem, is loosely based on World Utilitarianism. The basic idea is to take into account entire *worlds*, each of which is *accessible* to an agent at a time, and to compare the different worlds with respect to the degree to which the agent in question satisfies *prima facie* duties.

In order to develop this idea, let us define two technical terms that will be used in stating the theory.

The *PFD satisfaction index* of world *w* (relative to agent *S*)
=df the sum of the strengths all of *S*’s *prima facie* duties
that are satisfied in *w*.

World *w* is one of the *best PFD worlds* accessible to agent
S at *t* =df no other world accessible to *S* at *t* has a high-
er *PFD satisfaction index* (relative to *S*) than *w*.

Then we can formulate the relevant theory in the following way.

Rossian World Utilitarianism (RWU): An act, *A*, is
morally right iff *S*(*A*) performs *A* in at least one of the
best PFD worlds accessible to *S*(*A*) at *t*(*A*).

As I see it, there is good news and bad news about RWU. The good news is that it solves The Procrastination Problem. It is permissible for me to eat lunch before keeping the promise I made to Dean, according to RWU, because among the best PFD worlds accessible to me at noon are worlds in which I eat lunch at noon and then mow Dean’s lawn at 3 o’clock.

The bad news is that RWU succumbs to two different objections, which I will call The Gratuitous Duty Objection and The Walk in the Park Objection. To appreciate the first of these objections, imagine a woman who is leading a quiet and contented life. She has relatively few *prima facie* duties, and she easily manages to satisfy all of the ones that she has. Suppose she now has two main courses of action available to her. The first course of action is to continue on the way she has been going. The second course of ac-

tion involves devoting a great deal of her time and energy to the task of making countless minor promises to unsuspecting people (who do not in fact need anything in particular from her), and then going on to keep those promises. For example, this course of action might involve our hero's remarking to every stranger she passes on the street, "I promise to keep breathing!" or "I promise to eat some food when I get home!" Then it could very easily turn out that the world she would be accessing if she were to embark on this second course of action has a higher PFD utility than the world in which she carries on as usual. In other words, it may well turn out that she could maximize prima facie duty satisfaction – in precisely the way required by RWU – only by accumulating, and then satisfying, countless prima facie duties of a gratuitous nature. If so, then RWU entails that she is morally obligated to do exactly that. And that means that RWU entails that she ought to throw away a perfectly good life in order to lead a very silly life instead.

So much for The Gratuitous Duty Objection. Now let us consider The Walk in the Park Objection. Suppose a man is walking through a park, and must choose between two different paths. Suppose that if he takes the first path he will be murdered, but if he takes the second path he will reach home safely and go on to lead a long and productive life, filled with many prima facie duty satisfactions. Suppose further that there are no other relevant differences between the man's alternatives. Finally, suppose that as luck would have it the man takes the path that leads to his being murdered. Now, according to RWU, our man's action of taking the path that leads to his getting murdered is morally wrong (and not merely unfortunate), since it leads to far fewer prima facie duty satisfactions than his other alternative. This strikes me as a bad result for an ethical theory.⁹ It seems to me that by innocently taking a path that happens to lead to his murder, the man in our example is not doing anything *morally wrong*, even if he is doing something regrettable. Moreover, it does not seem to me that the proponent of RWU can successfully reply to this objection by appealing to the distinction between moral wrongness, on the one hand, and blameworthiness, on the other hand. For while it is certainly true that our hero is not blameworthy for choosing the unfortunate path, it is also clearly true that he is not thereby doing anything morally wrong. Nor do I think that the proponent of RWU can successfully reply to this objection by appealing to the distinction between what one morally ought to do and what one prudentially ought to do. I also think it is clear that commonsense morality would render the same verdict regarding this case: the victim's choice of a path is unlucky, but it is not morally wrong.

⁹ In fact, it seems to me that this objection applies to many versions of consequentialism, although the question of whether this is so would take us well beyond the scope of this paper.

4. Rossian Minimalism

What to do? I think that the solution to both The Gratuitous Duty Objection and The Walk in the Park Objection begins with the realization that we have been going about things backwards. We shouldn't focus on the idea that satisfying a prima facie duty makes an act (prima facie) morally right. Rather, we should focus on the idea that *violating* a prima facie duty makes an act (prima facie) *morally wrong*. In other words, we need to "invert" RWU. Intuitively, the idea will be that an act is morally *wrong* iff some alternative is *less of a violation* of prima facie duties.

I also want to take into account a fact about prima facie duties that I have not properly accounted for in any of the formulations of Rossian views that I've discussed so far, namely, the fact that, just as prima facie duties can come in varying degrees of strength, so too can satisfactions and violations of prima facie duties. For example, if I do a shoddy job of mowing Dean's lawn, then I satisfy my prima facie duty, but to a lesser degree than if I do a good job. Similarly, if you are ten minutes late for a lunch date, then you violate your prima facie duty to be on time for the lunch, but to a lesser degree than if you were twenty minutes late.

So, taking into account this point about relative degrees of violation of prima facie duties, together with the other points from above, the view that I want to propose can be formulated as follows.

Rossian Minimalism: An act is morally right iff it minimizes prima facie duty violations by its agent.

And here is what it means to say that act A *minimizes prima facie duty violations* by its agent. If A does not violate any prima facie duty, then it automatically minimizes prima facie duty violations. (It has a "PFDV index" of 0.) If A does violate some prima facie duty, then we need to take into account, for each prima facie duty, D, violated by A, the strength of D and the degree to which A violates D. (Perhaps the way to take these factors into account is to take the product of the two relevant numbers, where strength is measured on an unlimited scale of finite (positive) numbers, and degree of violation is measured on a scale from 0 (for non-violation) to 1 (for complete violation).) Once we have, for each prima facie duty, D, violated by A, a number representing A's violation of D, then A's PFDV index will be the sum of all those numbers. And to say that A *minimizes prima facie duty violations* is to say that no alternative to A has a lower PFDV index.

It is worth noting that Rossian Minimalism is not a form of utilitarianism, for two reasons. First, it is not a maximizing theory – it doesn't say that there is some quantity (like the total amount of pleasure, or intrinsic goodness, in the world) that we should maximize. And second, Rossian Minimalism is not even a consequentialist theory – it is, instead, more of a backward-looking theory than a forward-looking one. For Rossian Minimalism does

not tell us to look ahead, to the consequences of an action, in order to determine the moral status of that action. It tells us, rather, to consider all and only the *prima facie* duties that would be violated by the very performing of the action in question, and this is a matter that is largely determined by what has happened in the past.

In any case, it is a notable feature of Rossian Minimalism that, according to the view, the “default” moral status for actions is moral permissibility. Any act that does not violate any *prima facie* duty is automatically morally permissible. And if an act does violate some *prima facie* duty, it can still be morally permissible, provided that every alternative would be at least as bad a violation of *prima facie* duties.

I think that the relative “looseness” of Rossian Minimalism matches commonsense intuitions about morality. On most ethical theories (Kant’s, for example, with its difficult-to-satisfy categorical imperative, or typical forms of utilitarianism), many everyday acts that ordinary people would consider morally permissible turn out to be morally wrong. (This is also true of R1, the Rossian theory with which we began, as well as R2, RU, and RWU.) But Rossian Minimalism seems to get results in these everyday cases that match ordinary intuitions about morality just about perfectly. You want to go to Movie A rather than Movie B? And you won’t violate any *prima facie* duty either way? Fine. Do what you want. (Compare this line of reasoning with the complicated series of calculations involved in determining whether it’s okay to go to Movie A according to typical versions of act utilitarianism.)

In addition to accommodating the relative looseness of our commonsense intuitions about morality, Rossian Minimalism also provides a very natural and satisfying account of what is going on when you find yourself facing a difficult moral decision: each of your alternatives involves violating some *prima facie* duty or other, and for whatever reason it is difficult to tell which alternative would in fact minimize your *prima facie* duty violations.

Moreover, it seems to me that Rossian Minimalism successfully gets around all of the difficulties facing the other Rossian theories considered here, namely, The Multiple Duty Objection, The Procrastination Problem, The Gratuitous Duty Objection, and The Walk in the Park Objection. The Multiple Duty Objection involved an example in which you have ten different *prima facie* duties, each of which gives you a *prima facie* duty of strength 5 to do A, but you also have an eleventh *prima facie* duty, of strength 6, to do B. The difficulty (for R2) was to account for the fact that you are morally obligated in such a case to do A, and thereby satisfy each of the ten different *prima facie* duties of strength 5 rather than the (slightly stronger) *prima facie* duty to do B. But Rossian Minimalism renders the verdict that in this case you ought to do A, since doing so will minimize *prima facie* duty violations. (All those violations of *prima facie* duties to do A add up!) This strikes me as a result that accords with commonsense morality.

Rossian Minimalism also gets what I take to be the commonsense result in the example that gave rise to The Procrastination Problem, namely, the

case in which I have promised Dean that I will mow his lawn some time today, and must now choose between doing it right away or having lunch first. Since having lunch first does not involve violating any prima facie duty (and, in particular, does not involve violating my prima facie duty to mow Dean's lawn some time today), Rossian Minimalism entails that doing so is morally permissible.

Similarly, in the Gratuitous Duty example, Rossian Minimalism yields the result that the woman in question is not obligated to lead a silly life filled with the keeping of gratuitous promises, since the alternative – carrying on with her normal life – is a perfectly legitimate way of minimizing prima facie duty violations. And finally, concerning the Walk in the Park example, Rossian Minimalism yields the result that the poor man who chooses the path leading to his murder has not done anything morally wrong, since by doing so he does not violate any prima facie duty.¹⁰ I think that all of these results accord with commonsense intuitions about morality.

5. Some Objections to Rossian Minimalism

The primary aim of this paper is to show that Rossian Minimalism is the best ethical theory that can be stated in terms of Ross's notion of a prima facie duty. But I am also tempted to think that the theory might actually be true, and the secondary aim of the paper is to promote this idea. Toward that end, I would like to consider some likely objections that can be raised against Rossian Minimalism, together with what seem to me to be the most promising replies to those objections.

One objection that might be raised involves the claim that the view is in fact much more demanding than I have suggested.¹¹ The thought is that for virtually any ordinary action one performs, there are alternatives that fare much better with respect to such prima facie duties as beneficence and self-improvement, and that these alternatives will therefore have lower PFDV indices than the original act in question, with the result being that that seemingly ordinary act is impermissible after all.

¹⁰ You might wonder about the prima facie duties that he will never satisfy, as a result of his getting murdered in the park. Does he end up violating those? I say that the answer to this question is, *In general, no*. For I think that a man who unexpectedly dies before keeping a certain promise has, in effect, gotten off the hook by dying. (But this is not to say that a man who makes a promise he never intends to keep, and then dies without keeping that promise, has not done anything wrong. For surely when he made the insincere promise, he violated the prima facie duty not to make insincere promises. Nor does my claim mean that a man who promises to visit his sister before he dies gets out of that one by dying.) Similar remarks would apply in the case of most other prima facie duties that are in effect when a person dies. In general, it's natural to think that when one dies, one is thereby relieved of (most of) one's prima facie duties.

¹¹ Thanks to an anonymous referee for pressing this point.

There is what I take to be an acceptable reply to this objection. In typical cases, the prima facie duties of beneficence and self-improvement that operate on an agent are similar to my prima facie duty in the above example involving a promise to mow Dean's lawn: they are, as we can say, *procrastinatable*. That is, each such prima facie duty is such that it is not immediately violated just because an agent fails to satisfy the duty on a given occasion. It is perhaps difficult to specify, in the case of such a procrastinatable prima facie duty, exactly when it would be violated, but I think it's clear that, according to commonsense intuitions, it is often the case that such a duty is not violated by an agent who puts off satisfying it until later. So it looks to me like Rossian Minimalism does not have the consequence that the objection claims it has.

The second objection I want to consider is a variation on the Walk in the Park objection to Rossian World Utilitarianism that we considered earlier. The earlier objection, it will be recalled, involved a man who innocently chooses a path through the park that leads, through no fault of his own, to his own murder. As a result, by choosing that unfortunate path our hero is accessing a world with many fewer prima facie duty satisfactions than at least one alternative world that is available to him, which means that according to RWU, the man is doing something morally wrong. (I claimed that this is the wrong result since, intuitively, the poor man does not appear to be doing anything *morally* wrong in the example, even if his choice turns out to be an extremely unfortunate one.)

Here's a new example. Suppose a woman is choosing between two seemingly indistinguishable paths through the park on her way home. Suppose that if she takes the left-hand path then she will live a long life, but a life that will inevitably (since she is a human being, after all) contain a fair number of prima facie duty violations (in addition, of course, to a great many prima facie duty satisfactions). And, finally, suppose that if the woman takes the right-hand path then she will be promptly murdered. Then it might seem like Rossian Minimalism entails that she is obligated to take the right-hand path, since taking that path leads to far fewer prima facie duty violations by her. But surely that is the wrong result: we may want to say that innocently taking the unlucky path that leads to her murder is morally permissible, but it would be very bad indeed to have to say that it is morally *obligatory*.¹²

This is an important objection, partly because it casts light on a crucial difference between Rossian Minimalism and one of its near cousins. And the difference brings out the way in which Rossian Minimalism, unlike the relevant cousin, is in a sense a backward-looking ethical theory. For the correct reply to the objection, on the part of the Rossian Minimalist, is to begin by pointing out that although the woman in the example would not be violating any prima facie duties by taking the right-hand path (the one that, unbek-

¹² I'm grateful to Stephan Torre for raising this objection.

nownst to her, leads to her murder), she would likewise not be violating any prima facie duties by taking the left-hand path (the safe one). (I am assuming that she does not have a prima facie duty to go left for no apparent reason, and also that she does not have a prima facie duty to choose the option with the best consequences *even when she could not possibly know or guess what the relevant consequences are.*) Since Rossian Minimalism requires that the agent choose an action such that none of its alternatives involves less of a violation of prima facie duties than it, and since, under the circumstances, neither taking the left-hand path nor taking the right-hand path involves any violation of any prima facie duty, both options are permissible, according to the theory. Hence Rossian Minimalism does not in fact have the unwanted consequence that the woman in the example is morally obligated to take the path leading to her murder.

Why were we initially inclined to think that it did? Probably because we were mistakenly thinking of Rossian Minimalism as analogous to RWU. That is, we fell for the objection because we somehow thought of Rossian Minimalism as saying that an agent must access, among the worlds available to her at a time, one of the worlds that, *taken in its entirety*, minimizes prima facie duty violations by her. And after we were so recently considering RWU, this was indeed a natural thought to have. Indeed, it is worth explicitly formulating the theory that corresponds to this thought, partly because it is an interesting ethical theory in its own right, and partly to distinguish it from Rossian Minimalism.

Here is the theory in question.

Rossian World Minimalism (RWM): An act, A, is morally right iff S(A) performs A in at least one of the *lowest PFDV worlds* accessible to S(A) at t(A).

(Where w is one of the *lowest PFDV worlds* accessible to an agent, S, at a time, t, iff no other world accessible to S at t has a lower *world-PFDV index* (relative to that agent), and where the *world-PFDV index* of a world, w (relative to an agent, S), is equal to the sum, for each prima facie duty violation by S contained in w, of the strength of the relevant prima facie duty times the degree of violation of that duty.) In short, RWM tells us that one must always act in such a way as to access one of the available worlds that contains the least overall amount of prima facie duty violations by oneself.

Rossian Minimalism, on the other hand, is not nearly so forward-looking. In order to determine whether an action is morally right, according to Rossian Minimalism, we do not need to examine entire worlds, looking for all future prima facie duty violations by the agent in question. Instead, all we need to look at are the prima facie duties that would be violated *by the performance of the action in question*. As long as, in performing *this* action, you do not violate any prima facie duties, you are okay, as far as Rossian Minimalism

goes. That's partly why the view was advertised above as being far "looser" than most other ethical theories on the market.¹³

So why should we prefer Rossian Minimalism to its near cousin, RWM? For two main reasons. First, because the very looseness of Rossian Minimalism fits better with our ethical intuitions than does the corresponding stringency of theories like RWM. And second, because RWM falls victim to the Walk in the Park objection, while Rossian Minimalism does not.

But perhaps the above considerations will seem to give rise to the following objection to Rossian Minimalism.¹⁴ Suppose I am going to be in a position tomorrow to save five innocent lives, and suppose further that I am already in a position today to save one innocent life. Finally, suppose that if I opt to save the one life today then I will forfeit my chance to save the five lives tomorrow. Intuitively, we want to say that the right thing to do is to keep open the option of saving the five lives tomorrow. (And notice that RWM seems to get the desirable result that this is indeed the right thing to do.) But it looks like Rossian Minimalism entails that I must save the one life today, and thereby give up the chance to save five lives tomorrow. For if I fail to save the one life today, then I will thereby violate a prima facie duty to save that one life; and since this prima facie duty violation today is not yet outweighed by any prima facie duty violation to save the five (because that duty won't be violated until tomorrow), it appears that only saving the one life today will minimize prima facie duty violations.

The reply to this objection is that it is based on a conflation of the time of the five deaths in question with the time of the corresponding prima facie duty violation. Given that by acting today to save the one life I thereby make it impossible to save the five other lives, my prima facie duty to save the five is violated today, when I act, rather than tomorrow, when they die. (Similarly, if I kill someone by administering a slow-acting poison, the time of my violation of the prima facie duty not to kill anyone is the time of the poisoning, not the time of death.) So the violation of my prima facie duty to save the five does indeed outweigh the violation of my prima facie duty to save the one, and thus Rossian Minimalism renders the desired verdict that the right thing to do in the situation described is to refrain from saving the one today in order to be able to save the five tomorrow.

¹³ It might be wondered at this point whether you therefore do nothing wrong if you promise to help me tomorrow, knowing full well that there is no chance that you will do so, and also knowing that I will suffer terribly as a result of your breaking of the promise. (Thanks to Peter Vallentyne for raising this issue.) I think the answer is that in such a case you do two things wrong, one today and the other tomorrow. Today, in making this promise that you know you will break, you violate a prima facie duty not to make such phony promises. (This prima facie duty violation is no doubt made more severe by your knowledge that I will suffer terribly as a result of the broken promise.) Then tomorrow, when you break the promise, you thereby violate the prima facie duty to keep it. (And this violation too is no doubt made more severe by your knowledge that I will suffer terribly as a result.)

¹⁴ I am indebted to an anonymous referee for raising this objection.

Here is a fourth objection to Rossian Minimalism. Suppose that for some odd reason you have made two billion promises to two billion people: in each case you promised that this morning, when you are getting dressed, you will put on your right shoe before the left one. (Perhaps the promises were made via a large email list, or perhaps they were made on television.) But suppose that you have since learned that there is a diabolical alien who will kill an innocent victim if you don't put your left shoe on first. And, finally, suppose that you now face the moment of truth, with a choice between two options: you could put your right shoe on first, thereby satisfying your two billion promise-keeping prima facie duties, but also thereby violating your prima facie duty to prevent the death of an innocent victim; or you could put on your left shoe first, thereby satisfying your prima facie duty to prevent the death of an innocent victim, but at the same time violating the two billion promise-keeping prima facie duties.

It seems pretty clear that the right thing to do is to put on your left shoe first. The prima facie duty to save the innocent victim ought to outweigh the prima facie duties to keep all of those silly promises, no matter how many of them there are. But it looks like it is at least theoretically possible for Rossian Minimalism to get the wrong result in this type of case. For even if the Rossian Minimalist insists that the relative strengths of the relevant prima facie duties are such that the one prima facie duty to the potential victim outweighs the two billion prima facie duties to your promisees, it looks like doing so will be a case of postponing the inevitable. As long as there is no limit on the number of prima facie duties you can have, and as long as each one counts for something, it will always be possible for there to be a situation, perhaps like the one described above but involving an even larger number of silly promises, in which some enormous number of seemingly trivial prima facie duties swamps some competing prima facie duty of a very serious nature. Thus it looks like Rossian Minimalism falls prey to a version of the "Repugnant Conclusion" objection that has been raised against various forms of consequentialism.¹⁵

One possible reply to this objection is to insist, on purely practical grounds, that it is not possible to make two billion distinct promises to two billion different people. For it could be argued that the closest one can come to making this many distinct promises to this many different people is to make a single promise to two billion different people. And if that's right, then the objection is rendered toothless, since it depends on the claim that a large number of incremental additions on one side of the prima facie duty ledger can eventually outweigh a serious prima facie duty on the other side. (For if what you really have in the example described is one single prima facie

¹⁵ I am grateful to Jonas Olson for raising this objection. For a discussion of the Repugnant Conclusion see Jesper Ryberg, Torbjörn Tännsjö, and Gustaf Arrhenius, "The Repugnant Conclusion," in *The Stanford Encyclopedia of Philosophy* (2006).

duty to a number of different people, then, even though the number of people involved may be very large, you would still be violating only a single prima facie duty by breaking that promise; and it would presumably be a prima facie duty that is much less stringent than your prima facie duty to prevent the death of an innocent person.)

Although I am sympathetic to this reply to the objection, it may nevertheless seem like the reply can be easily gotten around just by changing the example a little bit. Suppose you are faced with a choice between two options. If you push the red button in front of you, then an innocent victim will be killed; if you push the blue button before you, then 80 gazillion people will suffer from annoying hangnails; and if you don't push either button, then the entire world will be destroyed. Now (perhaps) there is no issue about whether it is practically impossible to have so many distinct prima facie duties to such a large number of different people, since you (presumably) do have a prima facie duty for each existing person not to cause that person any pain at all.

Or so it may seem, at any rate. It should be noted, though, that one possible reply to this version of the objection is that what initially looks like a case involving a plurality of distinct prima facie duties is really a case involving only a single prima facie duty, namely, the duty not to cause pain in others. If that is right, then Rossian Minimalism is again off the hook, since presumably your single prima facie duty not to cause annoying hangnails in 80 gazillion people is going to be trumped by your prima facie duty not to cause the death of one innocent person.

So that is one possible reply to the current version of the Repugnant Conclusion Objection to Rossian Minimalism. But I for one am not wholly satisfied with this reply, because it relies on what seem to be controversial claims about the correct way to individuate prima facie duties.

Luckily there is available to the Rossian Minimalist an alternative reply that does not rely on any controversial claims about the metaphysics of prima facie duties. In order to consider this reply, let us assume that there can in fact be a situation in which there is for all practical purposes no limit on the actual number of distinct (albeit tiny) prima facie duties that would be violated by one of your options, even though each one of those tiny prima facie duties seems trivial compared to the serious prima facie duty that would be violated by your other main alternative.

Here is what I think the Rossian Minimalist should say about this putative situation. We seem to have here a conflict of intuitions. On the one hand, we feel that in some cases a large enough number of smaller prima facie duties can add up in such a way that they together outweigh a smaller number of more stringent prima facie duties. (This is the intuition that was behind our earlier objection to R2, the view that did not adequately take into account the fact that ten prima facie duties of strength 5 to do A can trump one prima facie duty of strength 6 to do B.) Call this The Additive Intuition. And on the other hand, we feel that in certain other cases, no amount of

prima facie duties of one kind can trump even a single prima facie duty of a certain weightier kind. Call this The Higher-Order Duty Intuition.

The way to resolve the apparent conflict between The Additive Intuition and The Higher-Order Duty Intuition is to posit a hierarchy of types of prima facie duty, and to allow simple summing of prima facie duty violations within a type, but not across types. For example, we might say that there are two types of prima facie duty, Type A and Type B. If only one alternative available to an agent minimizes Type A prima facie duty violations, then that action minimizes prima facie duty violations overall, regardless of how it and its alternatives fare with respect to Type B duties. But if two or more alternative actions are tied with respect to Type A prima facie duty violations, so that each one minimizes prima facie duty violations of that type, then how those alternatives fare with respect to Type B duties becomes relevant, and any alternative that minimizes both Type A and Type B prima facie duty violations minimizes prima facie duty violations overall. This scheme can of course accommodate any number of levels in the hierarchy. Thus for each level of the hierarchy, violations of prima facie duties on that level are relevant only as tiebreakers for the next level up, and the violation of a higher-order duty can never be trumped by violations of any lower-level duties, no matter how many of them there are.

This is just one of many possible ways of tweaking Rossian Minimalism to deal with The Repugnant Conclusion Objection. I'm not sure which of these ways will turn out to be the best one in the end, but I am inclined to think that the Rossian Minimalist is going to have to opt for some tweak or other in order to deal with the objection.

6. Rossian Minimalism and the Problem of Supererogatory Actions

Before closing, I want to mention a kind of bonus that goes along with endorsing Rossian Minimalism. The bonus is that the proponent of Rossian Minimalism has available a neat and intuitive way of solving a problem that vexes certain other ethical theories, namely, the problem of accounting for the possibility of supererogatory actions. Intuitively, supererogatory actions are actions that are "above and beyond the call of duty." For example, when a person risks life and limb in order to run courageously into a burning building and save someone else's life, we say that she has done something supererogatory. It's great that she did what she did, but morality did not require it. Her courageous action was above and beyond the call of duty.

Supererogatory actions pose a well-known problem for various forms of utilitarianism. The problem, roughly, is that if running into the building to save the person is the only way for our hero to maximize utility, then doing so is not merely permissible: it is also morally obligatory. And if running into the building to save the life does not maximize utility, then it is the wrong thing to do. In short, utilitarian theories entail that morality always requires us to do the best we can, and this doesn't seem to leave any room for doing

something that is better than morality requires. So it looks like the proponents of standard forms of utilitarianism have no room for supererogatory actions. And yet our intuitions tell us that there are such actions.

Here is how the proponent of Rossian Minimalism can provide a neat account of supererogatory actions. If you have many alternative actions available to you at a particular time, and exactly two of them would minimize prima facie duty violations by you, then Rossian Minimalism says that either of those two actions would be morally permissible. But if one of the two alternatives involves some especially high cost to yourself, and yet is in some way morally better than the other one (perhaps because it has some particularly good consequences, like the saving of a life), then that action is supererogatory. In general, if we adopt Rossian Minimalism, then we can give the following account of supererogatory actions.

Act A is *supererogatory* iff there is some alternative, B, available to A's agent at the time of A such that (i) A and B both minimize prima facie duty violations by their agent (so that each one is morally permissible), (ii) A is in some sense more costly to its agent than B, and (iii) A is in some way morally better than B.

Since the proponent of Rossian Minimalism can appeal to this account of supererogatory actions, he or she has what seems to me a big advantage over the proponents of standard forms of utilitarianism (and any other ethical theories that have difficulty accounting for supererogatory actions). In light of this, together with the various problems considered above concerning our previous Rossian views, and also taking into account the commonsensical results that Rossian Minimalism gets in cases like the Procrastination, Gratuitous Duty, and Walk in the Park examples, I conclude that Rossian Minimalism represents the most promising way of applying the notion of a prima facie duty to the problem of identifying what makes right actions right.¹⁶

Ned Markosian
Western Washington University
Department of Philosophy
Ned.Markosian@wwu.edu

¹⁶ I am grateful to Ben Bradley, Stuart Brock, Chris Brown, Tyler Doggett, Tom Downing, Fred Feldman, Frances Howard-Snyder, Hud Hudson, Elizabeth Kronoff, Phil Montague, Jonas Olson, Ted Sider, Brad Skow, Stephan Torre, Peter Vallentyne, an anonymous referee, members of the Ethics Reading Group at The Australian National University, and audiences at the University of Idaho, a meeting of the Russellian Society of the University of Sydney, and Stockholm University for helpful comments on earlier drafts of this material.