Moral Intuition and Methods in Normative Political Theory

Sebastian Johansen Conte

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Abstract

The subject matter of this thesis is methods in normative political theory (and moral philosophy more generally) and moral intuitions. I am concerned with two set of questions, where the former set is implied by the latter. First, I aim to clarify the concept of intuition. Intuition may be studied philosophically and empirically. With the emergence of experimental philosophy it has become common to inform the philosophical debate with findings from empirical studies. Therefore, I ask the following questions: Are those who approach the question of what intuitions are philosophically and those who approach it empirically studying the same phenomenon when they study intuitions? (For simplicity I refer to the members of the latter group as psychologists.) And if yes, do they differ with regard to how they understand this phenomenon? I argue that philosophers and psychologists agree on where intuitions are to be found, but not on how to understand the phenomenon. The second set of questions is the following: How do Rawls, Kamm, and Singer’s methods differ in their view on the justificatory role of intuition? And what kinds of intuitions, if any, have a justificatory role? I argue that Rawls, Singer, and Kamm differ in their view on what kind of intuitions are relevant for the process of justifying moral theories, and that they differ in their view of what kind of process is necessary for making intuitions ultima facie justified. Moreover, I argue that the methods imply different models for justification.
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Introduction: purpose and central questions

Contemporary normative political theory addresses questions such as “How ought we to organize our society?” Such questions are normative, and thus call for answers, often formulated as principles or theories, whose content is evaluative. John Rawls is often considered a pioneer in this discipline (List & Valentini 2016: 526). In his famous work *A Theory of Justice* (Rawls 1999), he set the stage for a comprehensive and ongoing debate about what justice is. But how do we proceed when we are supposed to answer questions such as “What is justice?” And what sources of evidence can we look to when we assess these questions? Let us take the latter question first. Oftentimes, the answer to this question involves some reliance upon intuitions. While intuitions seemingly have played an important role in philosophy, and therefore normative political theory and moral philosophy in general, some have worried there has not been enough attention paid to the practice of relying on intuitions, or, to be more precise, the intuitions we have in specific cases (or thought experiments, as they sometimes are referred to). Jonathan Weinberg (2016: 287-288), for example, expresses this worry:

Disturbingly, one can find little to no explicit manualization of proper intuitive practice in print. In other disciplines, important methods are frequently the subjects of manuals, textbooks, and so on, and graduate programs in those disciplines may require one or more courses in methodology to provide the requisite training in the nuts-and-bolts of those research tools. In our own field of philosophy, we can contrast the fairly complete absence of any codified, trainable procedures of intuition deployment and their corresponding absence from our explicit training, with the existence of numerous textbooks in various formal methods, and the nearly universal requirement of at least one graduate
There are two underlying issues we can discern from what Weinberg writes. First, we need to know what evidential status intuitions have. Second, if intuitions are to be given evidential weight, we need to know what the proper way of eliciting them is in order to ensure they are reliable or relevant for testing theories’ external validity.

Despite the worries of Weinberg, methodological issues concerning the intuitive practice are widely discussed. The first issue in particular has been given growing attention with the emergence of experimental philosophy (Alfano & Loeb 2016; Liao 2016a: 2; Pust 2016 section 4). The projects of experimental philosophy involve considering the epistemic status of intuition in light of empirical evidence. Sometimes the implications of studies of intuitions in other domains, such as decision making, are thought to be transferable to the moral domain. Other times moral intuitions as such are made the subject of empirical investigation. A series of studies conducted by Joshua D. Greene and colleagues (see section 3.2) in particular has been widely debated. In their studies they have among other things used functional magnetic resonance imaging (fMRI) to study the moral intuitions people have in specific. The assumption seems to be that answers to the question of what intuitions are have implications for what epistemic status intuitions have. More precisely, the assumption is that if moral intuitions respond to factors that we regard as morally irrelevant, they are unreliable or not truth-tracking.

Given that we grant intuitions evidential weight, how do we proceed when we have gathered the relevant intuitions? How do we ultimately reach an answer to the question of how we ought to organize our society? For this, we need a method. Following Shelly Kagan (1998: 13-14) we may distinguish between three methods with regard to their view on the role of the intuitions we have in specific cases. One alternative is the method developed by Rawls, the method of reflective equilibrium. According to this method we work back and forth between our principles, intuitions, and other beliefs, revising some of them when necessary in order to reach an equilibrium where the set of principles, intuitions, and other beliefs form a coherent whole. Another alternative is to put the emphasis mainly, if not solely, on such intuitions. This means that one should never discard intuitions and rather alter theories or principles in order

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1 S. Matthew Liao (2016a: 1, n1) maintains that the terms “reliable” and “truth-tracking” are sometimes used interchangeably in the literature. However, he suggests that moral intuitions can be reliable without being truth-tracking. Although I grant that intuitions can be reliable without being truth-tracking, in the interest of brevity I will only use the term “reliable” in this thesis.
for them to accommodate them even if this makes one’s theories or principles quite complex. However, if one thinks that such intuitions are not reliable, a third alternative is disregarding them altogether.

The main purpose of this thesis is to analyze and compare the answers which the three methodological positions give to the question: what is the justificatory role of moral intuitions? A clarifying remark is needed right away. When conducting this inquiry, I will compare the methodological views of representatives of each of these methodological positions. The importance of specifying this is that there might be some variation within each camp regarding methodological views. The three representatives I will compare are Frances M. Kamm, John Rawls, and Peter Singer. As I will argue that there are different kinds of intuitions, it is not only of interest whether the methods differ in their view on what the justificatory role of intuitions is, but also whether they differ with regard to which intuitions have a justificatory role.

Let me stress that since the purpose of this thesis is to compare the different methodological positions’ views on the justificatory role of intuitions, my aim is not to discuss which method is the better method. I will touch upon several aspects that might be relevant for such a discussion, and I will discuss some aspects of the different methodological positions, but I will not give arguments for why one position is preferred over another. Such a discussion might be a natural prolongation of this thesis, but nevertheless will not be a matter I am concerned with here.

A second and related question I will be concerned with is “What are intuitions?” As mentioned above, this question is approached both philosophically and empirically. I will therefore be concerned with both how philosophers and psychologists understand intuitions. Thus, I will discuss whether philosophers and psychologists are studying the same phenomenon, and if they do, whether they give similar accounts of what it is and how philosophical and empirical approaches may play complementary roles in the study of intuitions. Before I move on, a short note on the terminology is necessary. While experimental philosophy is an interdisciplinary project, and those who engage in this project may be said to be as much philosophers as they are psychologists, I refer to it as a “psychological project” – and the participants as “psychologist” and the understanding of intuition that the studies are based on as “psychological.” I do this because to a great extent the theories and understanding of intuition that are applied in this study come from psychology. Moreover, psychological studies of intuitions in other non-moral domains are often used to inform the debate. It seems to be assumed that the findings regarding intuitions in non-moral domains may be transferable
to the moral domain. In short, while the philosophy/psychology distinction might be somewhat artificial, I apply it in this thesis for simplicity.

To summarize, in this thesis I will be concerned with two questions, where the second is implied by the first. There is one follow-up question to each of these questions. The questions read as follow:

- How do Rawls, Kamm, and Singer’s methods differ in their view of the justificatory role of intuition? And what kinds of intuition, if any, have a justificatory role?
- Are philosophers and psychologists studying the same phenomenon when they study intuitions? And if yes, do they differ with regard to how they understand this phenomenon?

A lot of preparatory work is required to conduct the analyses that these questions imply, and some detours along the way are necessary. In particular, I use a lot of this thesis to create a taxonomy of intuitions which I use to inform the discussion of the first them.

Before I briefly sketch my arguments, I will make a short note on how these questions relate to each other. As outlined above, the second set of questions entail a discussion of what intuition is. This discussion is relevant for the first question, as we need to have some kind of understanding of what intuitions are, in order to discuss their justificatory role and in order to distinguish what kinds of intuitions there are. However, it is not strictly necessary to discuss the question of what intuitions are so thoroughly as I do in order to answer the first set of questions, but the discussion contributes to clarifying the concept (both with regard to what most people agree on and what is disputed), and thus adds some depth to the thesis.

Regarding the first set of questions, I argue that Kamm, Singer, and Rawls to some degree differ with regard to what justificatory role intuitions have. The most notable difference between the methods is what kind of intuitions are regarded as having a justificatory role. Especially the distinction between intuitions about particular cases (practical intuitions) and intuitions about moral principles or ideas (theoretical intuitions) is relevant in this regard. Kamm is primarily concerned with intuitions about particular cases. Singer on the other hand is primarily concerned with intuitions about moral principles, while Rawls gives equal weight to both kinds of intuitions. Another interesting difference I identify is the different ways of ensuring the intuitions are reliable (robust). I also comment on the implications these differences may have. I suggest, for example, that these differences may result in one reaching
different conclusions when applying the different methods, and/or may have implications for the complexity of the moral principles or theories one end up with. Regarding the second set of questions, I will argue that philosophers and psychologists study the same phenomenon when they study intuition, but that there is some disagreement when it comes to accounting for it.

One might ask what the purpose of merely comparing different methodological positions is, as it might be unclear where this takes us. The answer to this question, however, is manifold. One reason is this exercise may contribute to the methodological debate. To discuss which method is the most “robust,” one first needs to have a detailed account of what the differences between the methods are. Such a discussion might make it clearer what the implications of empirical studies of intuitions for the different methodological practices are. If, for example, such studies indicate that some of our moral intuitions in some contexts might be unreliable – i.e. respond to factors one thinks are not morally relevant – it may differ to what degree the different methods might compensate for this fact or whether this fact is relevant for the methodological practice at all.

Another reason is that this kind of exercise may contribute to identifying where the disagreement regarding normative questions actually lies. Disagreement in normative questions may not simply be a consequence of disagreement on what the data shows, but could also be a matter of disagreement on what the data consists of or how the data should be treated. To have a constructive debate one needs to know whether the disagreement stems from the former or the latter. In other words, theoretical commitment may be greatly influenced by methodological position. Alternatively, some have argued that theoretical commitment may have implications for methodological views (see e.g. Wagner and Northoff 2015). (In this thesis I will only discuss the former.) A greater focus on methodology, then, may contribute to more constructive debates.

In this thesis, I proceed as follows: In the second chapter I present the different methodological positions mentioned above. I start by presenting the method of reflective equilibrium, which I regard as the middle position. There are many proponents of this method and it has been the subject of many debates. Thus, there is an abundance of literature on this method. I primarily base my account of the method on the work of Rawls, but do also make room for some clarifications from some of its many proponents and opponents. I then present the two alternative methodological positions, where according to the one, intuitions understood as judgments about specific cases are all that matters, but according the second, intuitions so understood do not matter at all. Kamm represents the former position, while Singer represents
the latter. I end the chapter by with a preliminary discussion the similarities and differences of
the three methodological positions, concluding that in order to be able to pin down the
differences in a more precise way, a discussion of what intuitions are and what kind of intuitions
there is, is necessary.

In the third chapter I investigate what intuitions are. It is in this chapter that I discuss the
second set of questions which inform the discussion in this thesis. The third chapter is structured
the following way: First, I investigate how philosophers understand intuition. I offer two
philosophical accounts. Second, I outline how intuition is commonly understood in psychology
and review the findings of some of the empirical studies of moral intuition. Third, I compare
philosophers’ and psychologists’ understanding of intuitions in order to investigate whether
they are studying the same phenomenon. As I offer two different philosophical understandings
of intuition, I do this in two turns. I will also outline how philosophy and psychology may have
complementary roles in the study of intuition. As mentioned above, I conclude that while in
philosophical and empirical studies of intuitions one is concerned with the same phenomenon,
there seems to be some disagreement how to understand intuition.

In the fourth chapter, I develop a taxonomy of different kind of intuitions. This taxonomy
is based on different criteria that have been suggested for assessing the reliability of intuitions.
First I introduce the criteria. Then I give a tabular presentation of the taxonomy, before I discuss
it and make some clarifying remarks.

In the fifth chapter I return to the discussion of what distinguishes the three methodological
positions I outlined in chapter 2. With the taxonomy that I developed in chapter 3, I am able to
give a more thorough discussion of how the methods differ in their view of the justificatory role
of intuitions.

In the sixth chapter I make a short summary of each chapter, review some of the findings
of this thesis, and briefly discuss them.
Political theory is a subfield of philosophy and political science (List & Valentini 2016: 525). This subfield – sometimes referred to as normative political theory or normative political analysis – is concerned with conceptual and normative questions. In this thesis I will be concerned with methodology concerning normative questions and refer therefore to this field as “normative political theory.” Whereas normative political theory is concerned with normative matters such as how we ought to organize our society, political science seeks to describe and explain actual political phenomena. Christian List and Laura Valentini therefore argue that political theory and political science play complementary roles (ibid.: 526). This is, first, because normative analysis often rests on empirical premises. Second, empirical questions require conceptual input from political theorists. Third, political theory can be helpful when it comes to shaping the research agenda and assessing which empirical questions should be prioritized.

Regarding the first point, I will make a short note on the distinction between ideal and non-ideal theory. There are different interpretations of this distinction, but here I am primarily concerned with the utopian versus realistic theories interpretation, which emphasizes that although normative analysis sometimes rests on empirical premises, it need not necessarily do so (cf. Valentini 2012; see also Cohen 2006: chapter 6; 2011: chapter 11). Moral theories, then, can be ideal in the sense that they are utopic. This means one assumes that moral principles are independent of factual constraints, and hence empirical premises are not regarded. Alternatively, moral theories may be non-ideal in the sense that they are realistic. This entails that factual constraints are accepted (Valentini 2012: 657-658). Realistic theories can vary with regard to what extent they accept factual constraints and what kind of factual constraints they
accept, meaning that they can be more or less realistic. Such factual constraints may concern the scope and access of resources (e.g. scarcity) and human nature (e.g. limited altruism).

The aim of normative political theory is to develop theories and principles that provide answers to normative questions. However, is it not enough to just produce theories; these theories need to satisfy some criteria. According to List and Valentini (2016: 538) there “are two kind of criteria that we may use to assess […] principles and theories: ‘internal’ and ‘external’ criteria.” When we assess a theory or principle using internal criteria we are concerned with “the way principles and theories are formulated and their internal logical structure” (ibid.). The criteria that fall into this category are logical consistency (“the set of statements constituting the theory must be capable of being simultaneously true”), deductive closure (“any statement that is logically entailed by the theory also belongs to the theory”), axiomatizability (“a theory should ideally be representable as the set of all implications of some underlying principle”), and parsimony (a theory must “avoid unnecessary complexity,” and “be as simple as possible”) (ibid.: 539-540).

When we assess a theory by external criteria, we are concerned with whether the theory captures what it is intended to represent (ibid.: 540). What this entails depends on what ontological assumptions – that is, assumptions about what there is – one makes. If, for example, one assumes there exist moral truths and there is a moral reality, then the theory should intend to represent this reality. This view on meta-ethics is called cognitivism. If on the other hand one holds that there are no such truths, there is nothing external that the theory can be representing. The latter view is called nihilism (ibid.; Parfit 2011: 266).

Cognitivists may think that moral truth is constructed, in the sense that something is true because it is made true by some kind of idealized process where attitudes, actions, responses, or outlooks of persons are taken into account and thereby constitute the moral reality (Shafer-Landau 2003: 13-14; Bagnoli 2016). Alternatively, they may think moral truth is independent of what anyone may happen to think of it (Shafer-Landau 2003: 15). The former view is called constructivism, while the latter is called realism. Moreover, cognitivists differ in regard to whether they assume that normative truths are irreducibly normative or not (Parfit 2006: 263-267). Those who believe that normative facts may be reduced to natural facts – e.g. that the normative concept “right” can be reduced to natural concepts such as “acts that maximize happiness” – are called naturalists. Those who, on the other hand, hold that normative concepts cannot be reduced to natural concepts, that is, “cannot be defined or restated in non-normative terms” (Parfit 2006: 266), are called non-naturalists. There is much more to say about ontology
This thesis focuses on methods of testing theories’ validity (with emphasis on external validity) that are employed in the field of normative political theory and moral philosophy in general. These methods are rarely made explicit (Thorsen 2011: 18). However, when the methodology of political theory is discussed, it is often argued that the method of reflective equilibrium is one of the most widely applied methods in political theory (List & Valentini 2016: 542; Thorsen 2011: 29; Lippert-Rasmussen 2011) and moral philosophy in general (McMahan 2013: 110). Since the method of reflective equilibrium is (and the other methods that are applied in normative political theory) are the same as those moral philosophy in general, the discussion in this thesis are relevant for moral philosophy in general.

Although the roots of this method go back to the mid-twentieth century, the prominence of the method in modern normative political theory and moral philosophy in general is considered to be a result of the efforts of John Rawls (Daniels 2016). However, while the method of reflective equilibrium might be the most common, there are also some alternatives.

In this chapter I outline three different methods. In the first section I outline in some detail what the method of reflective equilibrium entails, mostly with reference to Rawls, but also by consulting other authors in order to elaborate on some of the method’s aspects and to outline different interpretations of the method. My interpretation of Rawls will primarily be based on what he writes in A Theory of Justice (Rawls 1999). This is because philosophers defending this method mainly cite this book. In the first section I will also discuss justification more generally. In the second section I outline two alternative methods, one represented by Frances M. Kamm and the other represented by Peter Singer, and compare the three different methods. While I only briefly outline the methods of Kamm and Singer in this chapter, I outline them in greater detail in chapter 5.

2.1 Rawls: The method of reflective equilibrium

In short, the aim of the method of reflective equilibrium is to achieve a state where our considered judgments and moral principles are in compliance with each other (Rawls 1999: 18; see also Daniels 2016). To achieve this state, we have to move back and forth among our
considered judgments and moral principles. If these beliefs are not in tune, we have to keep some of our considered judgments and reject others, and/or revise our principles. When doing so and choosing what to keep in our belief system in order to achieve a state of reflective equilibrium, we have to supply reasons for why we insist on keeping some judgments and discarding others, and show that these reasons are superior to the reason we have for the alternative (Daniels 1996: 3; see also Rawls 1999: 43). Reflective equilibrium is in other words an end state (Daniels 2016). The process which leads one to the end state of reflective equilibrium we may call “the reflective process” (cf. Ebertz 1993: 194) or simply the method of reflective equilibrium (Daniels 2016).

I have structured this section such that it is divided into different parts. First I will outline what considered judgments are. Then I will discuss different accounts of justification and comment on what accounts it has been argued reflective equilibrium is compatible with. I will then go on to present two versions of the method and point out which of them is considered to be the most relevant for normative political theory (or moral philosophy more generally), before I end this subsection with a short summary.

### 2.1.1 Considered judgments

Considered judgments are judgments that are not made with hesitation, that we have confidence in, and that are not made when we are afraid or upset (Rawls 1999: 42). Moreover, Rawls writes that:

> Considered judgments are simply those rendered under conditions favorable to the exercise of the sense of justice, and therefore in circumstances where the more common excuses and explanations for making a mistake do not obtain. The person making the judgment is presumed, then, to have the ability, the opportunity, and the desire to reach a correct decision (or at least, not the desire not to). Moreover, the criteria that identify these judgments are not arbitrary. They are, in fact, similar to those that single out considered judgments of any kind. And once we regard the sense of justice as a mental capacity, as involving the exercise of thought, the relevant judgments are those given under conditions favorable for deliberation and judgment in general. (ibid.; see also 2001a)

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2 How the method is outlined by different philosophers varies. Some say that we work back and forth between our considered judgments and principles, while others say theories instead of principles. Either way, the point is that the theories that we ultimately end up with, are theories that accommodate the different beliefs that the reflective equilibrium consist in. I therefore think these different ways of accounting for the method of reflective equilibrium are not substantially different.
The conditions considered judgments are rendered under have to be favorable for deliberation and judgment in general, and seem to be what ensures that judgments are not affected by, for example, fright or hesitation. Moreover, the person making the decision must have certain abilities and be in a certain mood; the person has to have the ability and desire to reach a correct decision. This entails that the person making the decision do not allow for the judgment being influenced by an excessive attention to our own interests (Rawls 1999: 42). A considered judgment therefore has to be made by a person in the right mood, with certain abilities, under specific conditions.

According to Rawls (1974: 8; see also 2001a: 30), people have considered judgments at all levels of generality; they have considered judgments “about particular situations and institutions up through broad standards and first principles to formal and abstract conditions on moral conceptions.” Regardless of the level of generality, all considered judgments have certain initial credibility (ibid.). However, although all considered judgments have initial credibility, they are all still liable to revision (Rawls 1974: 8; 1999: 42; 2001a: 31). Rawls (1999: 17-18; 508) therefore calls them “provisional fixed points.”

Rawls (ibid.; 2001a: 29) maintains that the following judgments are examples of considered judgments: religious intolerance and racial discrimination is unjust, and slavery is wrong. He argues that we have confidence in these judgments because “[w]e think that we have examined these things with care and have reached what we believe is an impartial judgment not likely to be distorted by an excessive attention to our own interests” (Rawls 1999: 17-18). Hence, for a belief to achieve the status of considered judgment, careful examination is a prerequisite. In earlier writing he maintains it is a requirement that these judgments are “intuitive,” which may seem to contradict the claim that considered judgments are judgments that have been examined. His use of the term “intuitive,” however, is quite elusive:

By the term “intuitive” I do not mean the same as that expressed by the terms “impulsive” and “instinctive.” An intuitive judgment may be consequent to a thorough inquiry into the facts of the case, and it may follow a series of reflections on the possible effects of different decisions, and even the application of a common sense rule, e.g., promises ought to be kept. What is required is that the judgment not be determined by a systematic and conscious use of ethical principles. (Rawls 1951: 181)
Intuitive so understood seems therefore not to conflict with the assertion that considered judgments are judgments that have been subjected to careful examination. It only precludes judgments that are determined by the guidance of ethical principles.

When the method of reflective equilibrium is described by its adherents, the term “considered judgments” is often substituted with the term “intuitions” (see e.g. Appiah 2008: 75; Holtug 2011: 286; McMahan 2013; Kappel 2016: 229-230). There could be various reasons for such substitute. It could be that considered judgments and moral intuitions are viewed as synonymous, and that, for some reason, the term “moral intuition” is favored rather than “considered judgment.” Another reason could be that the method has been, perhaps only slightly, modified. In that case, moral intuitions and considered judgments are not viewed as different terms with equal content. Norman Daniels (2016: section 1) seems to indicate that the first suggestion, that “moral intuition” and “considered judgments” are assumed to be synonyms, is the case.

However, below I argue that there are different kinds of intuition (see chapter 4). Considered judgments could therefore perhaps be viewed as a category of intuitions, rather than a term that is synonymous with a more general use of the term intuitions. One indication of considered judgments being a specific kind of intuition and not intuitions in general, could be the various constraints Rawls puts on the judgments. However, while Rawls puts various constraints on the set of initial beliefs that should be taken into account in the reflective process, only some of our initial beliefs are considered judgments. Others place fewer or no constraints on the set of initial beliefs (Cath 2016: 217). We should therefore have in mind that the content of the method of reflective equilibrium will vary slightly depending on what kind of criteria one thinks the initial beliefs should satisfy.

2.1.2 Justification

The method of reflective equilibrium is commonly interpreted as a coherentist model of justification (Cath 2016: 216; see e.g. Daniels 2016; 1996: 1; McMahan 2013; Malnes 2008: 186; Pogge 2007: 163; Midtgaard 2011: 273). This entails that what justifies normative beliefs is consistency (Malnes 2008: 186; Olsson 2014).³ This means that the conflict between the

³ Robert Audi (1993: 137) argues that “[c]oherence is sometimes connected with explanation; it is widely believed that propositions which stand in an explanatory relation cohere with one another and that this coherence counts toward that of a person’s beliefs of the propositions in question.” Norman Daniels seems to understand coherentism this way. He writes that: “Coherence involves more than mere logical consistency. As in the science, for example, we often rely on inference to the best explanation and arguments about plausibility and simplicity to support some
content of one’s different beliefs is minimal, and the supportive relations between the contents of one’s beliefs is maximal (Cath 2016: 216).

There are several passages in Rawls’ writing where such an interpretation is substantiated. For example, Rawls (1999: 19; see also page 507; 2001a: 32) writes that “[a] conception of justice cannot be deduced from self-evident premises or conditions on principles; instead, its justification is a matter of the mutual support of many considerations, of everything fitting together in a coherent view.” That justification is a matter of coherence does not mean, however, that coherence implies that a belief or principle is true, and coherentist theories of justification should not be confused with coherentist theories of truth (cf. Olsson 2014; Young 2015; Malnes 2012: 30-31).4

Coherentist theories of justification especially face one considerable problem: as long as a person is coherent, or consistent, in his or her conduct, we cannot blame this person. Raino Malnes (2008: 187) illustrates this critique with reference to Don Giovanni – the main character in Mozart and Lorenzo da Ponte’s opera with the very same name. Don Giovanni seduces Donna Elvira, only to later abandon her. Elvira then accuses Giovanni of being unfaithful. However, Giovanni treats every woman the same. As he states, “to be faithful to one [woman] / is to be cruel to the others” (quoted in Malnes 2008: 187 in Norwegian, my translation). Since consistency is what gives justification, Giovanni’s conduct is justified, and not for Elvira to blame.

This critique takes the form of a reductio ad absurdum-argument; coherentism allow for justification of atrocious moral ideals. It is also possible to elaborate this critique further. If consistency is what matters, the moral beliefs that are justified can vary among different persons as long as the various persons have beliefs that are consistent. Elvira, for example, seems to have different moral beliefs than Giovanni. She values faithfulness, and for the sake of the argument, we could imagine that Elvira’s belief that faithfulness is valuable coheres with her other beliefs. Giovanni and Elvira therefore seem to be of different opinions when it comes to whether faithfulness is good or bad, but both are justified in holding their beliefs. If consistency

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4 Rawls (1974: 9) maintains that the method of reflective equilibrium does not presuppose the existence of objective moral truths. Moreover, in his later writings he argues that considering the content of a reflective equilibrium as true is unnecessary and perhaps also misleading: “Some might say that reaching this reflective agreement is itself sufficient grounds for regarding that conception as true, or at any rate highly probable. But we refrain from this further step: it is unnecessary and may interfere with the practical aim of finding an agreed public basis of justification” (Rawls 1987: 15).
is the only thing that matters, there is no way to tell which one should prevail when different consistent views are in conflict. They are all justified – regardless of their content.

This criticism, however, does not seem to trouble the method of reflective equilibrium too much. As argued above, an equilibrium does not consist of whatever judgments a person has, but rather a certain kind of judgments, namely considered judgments. Despite different people often having different and conflicting considered judgments (Rawls 2001a: 30), Daniels argues that Rawls holds that those judgments that are in reflective equilibrium are shared by most people, or are those judgments that most people will be willing to accept (cf. Daniels 2016: section 3.2.2). Moreover, Giovanni’s judgment – that faithfulness is cruel – would have to be made under conditions where we have the ability, the opportunity, and the desire to make a sound judgment, and it has to be made without being influenced by excessive attention to our own interests. I think it is reasonable to suggest that Giovanni’s judgment does not stand such a test (but since this example is just an illustration, I will not discuss this further). Malnes (2008: 188-192) calls this type of coherentism, where we seek coherence between views that we hold with great certainty, “sophisticated coherentism.”

A view similar to what Malnes calls “sophisticated coherentism” is held by William G. Lycan. Lycan (2012: 7-9) argues that what he calls spontaneous beliefs – that is, unconsidered beliefs – are slightly justified in virtue of seeming true. However, these beliefs cannot by themselves justify other beliefs (ibid.: 8). That we should accept beliefs that at first seem true are slightly justified, he calls the “Principle of Credulity.” This is Lycan’s way of grounding the justification. It follows therefore that coherence alone is not enough to for justifying beliefs.

5 Rawls seems to moderate this assumption (that is made in A Theory of Justice) in later work (see e.g Rawls 2001b: 129-180; 1987; 1993: 8-11). As Daniels (2013: section 3.2.2) writes: “In his later work, Political Liberalism [...] Rawls abandons the suggestion that all people might converge in the same, shared wide reflective equilibrium that contains his conception of justice. [...] Rawls recasts justice as fairness as a ‘freestanding’ political conception of justice on which people with different comprehensive views may agree in an ‘overlapping consensus’” (references removed). Daniels calls this kind of equilibrium “political reflective equilibrium.” The difference, then, between wide reflective equilibrium (see section 2.1.3) and political reflective equilibrium is that wide reflective equilibrium is affirmed by shared judgments while the political reflective equilibrium is affirmed by various opposing comprehensive views. By comprehensive views, Rawls means views, or theories, that are not restricted to a specific domain of issues – it can adjudicate all aspects of interpersonal conduct – and is morally and metaphysically loaded (List & Valentini 2016: 548). This stresses Rawls’ practical take on moral theory (see e.g. Rawls 1974: 11-12; 1987: 1). (This does not mean Rawls is a nihilist (in the ontological sense). He argues that his “theory of justice as fairness” is a variant of Kantian constructivism (Rawls 1980; see also Shafer-Landau 2003: 14, n1)). I will, however, primarily be concerned with the views Rawls expresses in A Theory of Justice.

6 Malnes (2008: 191) describes sophisticated coherentism as dialectic; it is through deliberation that moral judgments are refined. If our moral judgments are not persuasive, they shall not be taken into account. Whether or not the method of reflective equilibrium entails deliberations among people is not the point; the point is that reflective equilibrium seems to be a model where some judgments or beliefs (i.e. considered judgments) are regarded as more credible than others. Those that are not regarded as credible are not taken into account. This is what I take to be the central characteristic of sophisticated coherentism.
The beliefs that cohere must, at the outset, be slightly justified. Sophisticated coherentism seems therefore to entail that at least two things must be in place for beliefs to be justified: (i) the beliefs (at least some of them) must be slightly justified at the outset, and (ii) they must cohere.

Although the method of reflective equilibrium is often described as a coherentist model of justification, it is also compatible with foundationalist theories of justification (Ebertz 1993; McMahan 2013; cf. also Audi 1997: 50, n37). According to foundationalism, some moral beliefs are foundational in the sense that they are self-justifying. These beliefs are justified regardless of their relation to other beliefs – i.e. they possess non-inferential justification. These beliefs are called basic or foundational beliefs. Moreover, moral beliefs that are not self-justifying are justified if and only if they bear an appropriate inferential relation to a foundational moral belief (McMahan 2013: 110).

The assumption that some moral beliefs are self-justifying may seem to break with Rawls’ assumption that no considered judgments are immune to revision. However, according to Jeff McMahan there are two ways of overcoming this problem. First, one could recognize that a belief could be foundational, and yet defeasible (ibid.: 111). Just like – given that we suppose that sense perception is the foundation of empirical knowledge – not all sense perceptions are sources of empirical knowledge, not all considered judgments are sources of moral knowledge (Roger P. Erbetz’ argument (below) seems to take this form).

Second, and this is the alternative that McMahan embraces, one could treat considered judgments as reliable sources of moral knowledge without treating them as foundational or self-justifying. This entails that “[o]ne seeks support for an intuition [a considered judgment] by appealing to a principle, then one seeks to support the principle by demonstrating its compatibility with other intuitions [considered judgments], and so on” (ibid.: 113). However, that does not force us to accept that no belief is immune to rejection, nor that deeper principles are assigned the same epistemic status as that of principles about particular cases. For, “[i]nsofar as our intuitions [considered judgments] are reliable sources of moral knowledge, they are so because they are expressions of, and point back to, a range of deeper, more general values” (ibid.: 114). It is these deeper values – those that are justified independently of their relation to other beliefs – that are called foundational. According to McMahan, then, no foundational principle or belief is accessible directly through the exercise of intuition; foundational principles are discovered through the application of the method of reflective equilibrium (cf. ibid.: 115). As McMahan writes: “the order of discovery is the reverse of the order of justification” (ibid.: 114, italics removed).
Roger P. Erbetz (1993), on the other hand, goes further than McMahan. He not only argues that the method of reflective equilibrium is compatible with foundationalist views of justification, but he also argues it is in fact a foundationalist model and not a coherentist model of justification. According to Erbetz, the method of equilibrium is not a classical foundationalist approach, however, but a modest foundationalist approach (ibid.: 206). Modest foundationalism is defined as the view that “ethical beliefs are justified when (i) some of these beliefs have a prima facie direct justification and (ii) all of the other beliefs are justified in a way that depends on their relationship to these directly justified beliefs” (ibid.: 201). What distinguishes moderate foundationalism from classic foundationalism and coherentism, according to Ebertz, is that moderate foundationalism hold that foundational beliefs are not immune to alteration or defeat, and that mere coherence between beliefs is not enough; justification also requires “some source of justificatory input into a system of beliefs” (ibid.).

Ebertz holds that considered judgments function as foundational beliefs; considered judgments have prima facie justification. He suggests two conceptions of this claim. According to the first, considered judgments receive support from something other than their relationships to other beliefs, but they are not necessarily justified in the end of the reflection process – they can lose their justification. Ebertz calls this view the “historical conception.” However, according to the other conception – “the radical conception” – all initial considered judgments may end up being rejected (ibid.). That means one could end up with a reflective equilibrium consisting only of new considered judgments – i.e. considered judgments made after one enters into the reflective process. In this view, the considered judgments – initial or new – being a part of a reflective equilibrium are foundational because, regardless of whether they are made before or after one enters into reflective process, they still have direct justificatory force:

Once one enters into the reflective process one does not lose this ability to make direct judgments, even if the process leads to radical shifts. In fact, these judgments continue to serve as criteria for acceptability of principles. The agent may simply come to judge differently. But the judgments continue to have direct justificatory force. (ibid.: 203)

While the method, according to Ebertz, is best described as a model of modest foundationalism, it still has a coherentist aspect: “coherence between beliefs is an additional necessary condition for justification” (ibid.: 206).
Robert Audi (1993) also favors modest foundationalism over classical, or strong, foundationalism. However, Audi’s account of modest foundationalism differs somewhat from Ebertz’. For while Ebertz (1993: 201) holds that “[m]ere coherence between beliefs is not enough,” implying that coherence, while not a sufficient condition, is a necessary condition, Audi (1993: 9) argues that:

[…] a foundationalist need only claim that basic beliefs are justified independently of others in the sense that they do not positively depend on them. Any sensible foundationalist will grant that they typically exhibit negative dependence on other beliefs – at least hypothetical beliefs – because this is implicit in their defeasibility through the discovery of counter evidence.

So according to Audi, while a basic belief’s justification is not strengthened by, nor dependent on coherence, incoherence may weaken, and ultimately forfeit, the justification of a belief.

Ebertz’ modest foundationalism may then seem to be a step closer to (sophisticated) coherentism than Audi’s. However, according to Yuri Cath (2016: 219-220), Ebertz’ modest foundationalism and sophisticated coherentism are not the same. For while coherentism is a position according to which a belief, despite its prima facie justification, cannot support other beliefs without drawing on a greater system of other beliefs, modest foundationalism entails that beliefs that have prima facie justification can, by themselves, justify other beliefs. However, to the extent that Ebertz views coherence as a necessary condition for a belief to be justified according to his version of modest foundationalism, Cath’s argument does not apply to this articulation of modest foundationalism. (It does, on the other hand, apply to Audi’s account.) Cath is aware of the possibility that versions of foundationalism could overlap with certain versions of coherentism (ibid.: 220). She argues that sophisticated coherentism at best overlaps with what Laurence BonJour calls weak foundationalism. Weak foundationalism seems to be quite similar to Ebertz’ modest foundationalism, since the degree of justification that basic beliefs possess makes them insufficient, by themselves, “either to satisfy the adequate justification condition for knowledge or to qualify them as acceptable justifying premises for further beliefs” (BonJour 1985: 28). Those beliefs, then, “are only ‘initial credible,’ rather than fully justified” (ibid.).

Susan Haack (1993; 1998: 85-86) has suggested we call this overlapping position, which she finds favorable, “foundherentism.” According to this theory, how justified one is in having a belief depends on (i) how favorable one’s direct evidence for having a belief is, (ii) how secure
one’s reasons with respect to a belief are independent of the belief in question, and (iii) how comprehensive one’s evidence for having a belief is (Haack 1993: 119). According to Haack these criteria are analogous to those we apply when we solve crosswords:

How reasonable one’s confidence is that a certain entry in a crossword puzzle depends on how much support is given to this entry by its clue and any already filled-in intersecting entries; how reasonable, independently of the entry in question, one’s confidence is that those intersecting entries are correct; and how many of them have been completed. (ibid.)

Foundherentism seems to be quite similar to moderate foundationalism (and sophisticated coherentism). In fact, Peter Tramel (2008) has argued that Haack’s foundherentism is not a unique model of justification, but rather the same model of justification as that which Audi calls modest foundationalism. However, Tramel’s argument seems to fail since Haack argues that both direct justification and coherence is necessary for a belief to be justified (i.e. beliefs positively depend upon both direct justification and coherence), whereas Audi holds that basic, or foundational, beliefs do not positively depend on other beliefs to be justified. Haack’s account therefore seems to have more in common with Ebertz’ foundationalism.

I have now outlined several accounts of models of justification, ranging from strictly coherentist to strictly foundationalist. These accounts vary with respect to what weight they give to coherence and direct justification and the role of foundational beliefs. Based on what has been discussed we can outline five main positions. First, one can hold that a belief is justified to the extent that it coheres with other beliefs. This is what I call strong coherentism. Second, one can hold that beliefs negatively depend on some direct justification but that what ultimately justifies a belief is coherence. While coherence is enough to justify beliefs meaning that beliefs do not positively depend on direct justification, not cohering with beliefs that are directly justified may serve as some kind of defeater. (This position is the opposite of Audi’s modest foundationalism.) This I call weak coherentism. Third, one can hold that for a belief to be justified it is both positively dependent on coherence and direct justification. In other words, coherence and direct justification is necessary for a belief to be justified (Ebertz’ modest foundationalism; Haack’s foundherentism; Malnes’ sophisticated coherentism; Lycan’s model; BonJour’s weak foundationalism). Adopting Haack’s term, I call this foundherentism. Fourth, one can hold that foundational beliefs – i.e. beliefs that are directly justified – negatively depend on coherence with other beliefs (Audi’s modest foundationalism). This I call weak
foundationalism. Finally, one can argue that justification of a belief is only a matter of whether the belief can be inferred from a directly justified foundational belief (McMahan). This I call strong foundationalism.

I do not argue that this list of models of justification is exhaustive, but I think this discussion of different models of justification is sufficient for the purposes of this thesis. It seems clear that according to the method of reflective equilibrium, both coherence and direct justification matters: justification is a matter of the mutual support of different beliefs which have some direct justification. Since both coherence and direct justification is necessary for a set of beliefs to be justified, I suggest that the method of reflective equilibrium is a foundherentist model of justification. However, as different interpretations of the method might weigh the direct justification requirement and the coherence requirement differently, I will also grant that the method of reflective equilibrium can be interpreted as weak forms of coherentism and foundationalism. In addition McMahan seems to suggest that the method of reflective equilibrium is compatible with strong foundationalism. While such an interpretation might be plausible, I think it diverge from what Rawls intended.

2.1.3 Wide and narrow reflective equilibrium

We can distinguish between wide and narrow interpretations of reflective equilibrium (Rawls 2001: 30-31). As Rawls (1999: 43) writes:

There are […] several interpretations of reflective equilibrium. For the notion varies depending upon whether one is to be presented with only those descriptions which more or less match one’s existing judgments except for minor discrepancies, or whether one is to be presented with all possible descriptions to which one might plausibly conform one’s judgments with all relevant philosophical arguments for them.

The former interpretation is the narrow one, while the latter is the wide (Rawls 2001a: 31). When we are seeking out a narrow reflective equilibrium we are only presented with principles that more or less match our considered judgments. Principles derived from moral theories that challenge our beliefs on the other hand are left out (Daniels 1996: 1; 2016: section 3.1). To reach a wide reflective equilibrium we also have to consider all alternative, relevant moral

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7 Rawls did not use the terms wide and narrow in A Theory of Justice. This is, however, something he regretted (Rawls 2001a: 31).
principles in addition to those that more or less match our considered judgments (Rawls 2001a: 30-31). In addition, Rawls (1999: 44; 379; 507) holds that we are free to use general facts, or background theories, when developing moral theories. Background theories have often been used quite loosely and to encompass descriptive theories, like theories of human nature or general theories about how human societies work (Daniels 1996: 22; Thorsen 2011: 31; Timmons 1987: 607; Cath 2016: 218). Background theories are therefore another additional element that has to cohere in a wide reflective equilibrium. The idea is that we should “submit [our considered judgments] to the most extensive critical scrutiny possible” (Daniels 1996: 6), and it is this, that we widen the scope of elements that has to cohere in order to reach an equilibrium, that causes the reflective process that may radically change our view (Rawls 1999: 43).  

Background theories can play a part in moral reasoning in two ways. First, background theories can be consulted in order to formulate our moral principles so that people in general are able to, or have the reasonable possibility of being able to, comply with these principles when confronted with situations where these principles are relevant. Second, we can consult background theories in order to challenge our judgments by assessing whether they are the product of factors we consider morally relevant or not. Rawls seems at least to assert the first option (cf. Valentini 2012: 658), and independent of whether he asserts the second option or not, it is possible to revise the method in such a way that it entails this possibility (cf. Tersman 2008: 398; see also Greene 2014: 726).

According to Rawls (1999: 43; 2001a: 31; see also Daniels 2016: section 3.1) and most of the other proponents of the method (Cath 2016: 218), it is the latter kind, the wide interpretation of the method of reflective equilibrium, that one is concerned with in moral philosophy.

We may now outline the different steps of the method. According to Yuri Cath, the method of reflective equilibrium can be conceptualized as a method that consists of three distinct stages:

In [the first] stage one identifies a relevant set of initial beliefs [considered judgments] [...] about the relevant domain. [...] In the second stage one tries to come up with an initial set of theoretical principles that would systemize or account for [the content of] the initial beliefs identified at the first stage. [...] There are likely to be conflict between one’s initial beliefs and initial principles. 

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8 There are different interpretations of wide reflective equilibrium. Some hold that what distinguishes wide from narrow reflective equilibrium is that to reach a wide reflective equilibrium we have to pay attention to alternative moral principles (see e.g. Pogge 2007: 165-166). These accounts of wide reflective equilibrium leave out background theories. Other accounts do the opposite; they put emphasis on background theories, but seem to exclude alternative moral principles from the reflective process (see e.g. Tersman 2008: 397).
that aim to account for those beliefs. Furthermore, there are also likely to be conflicts between members of one’s initial set of beliefs and perhaps even between members of one’s initial set of theoretical principles. These conflicts lead to the need for a third stage in which one engages in a reflective process of moving back and forth between these two sets and eliminating, adding to, or revising the members of either set until one ends up with a final set of beliefs and principles which cohere with each other. (ibid.: 214)

When it comes to the first stage, we have to identify a relevant set of considered judgments. That means that already in the first stage we begin to discard certain beliefs that do not satisfy given criteria. In Rawls’ case this means we have to discard those beliefs that do not satisfy the criteria mentioned in section 2.1.2. We might therefor dived the first stage in two in order to accentuate the process of identifying the relevant considered judgments: first, we identify a set of initial beliefs and second, we filter out those beliefs that do not meet the criteria of considered judgments.

Regarding the second stage, Cath holds that it consists of coming up with principles that account for our considered judgments. This implies that Cath is outlining a narrow understanding of the method of reflective equilibrium. (Cath also explicitly states that her sketch was of the narrow version of reflective equilibrium (ibid.: 218).) However, as already mentioned, it is the wide interpretation of reflective equilibrium that is relevant for moral philosophy. In order to make the sketch fit the wide version of reflective equilibrium we have to alter the second stage; it is necessary to not restrict ourselves to only coming up with principles that only account for our considered judgments – we also have to come up with principles that conflict with, and challenge, our considered judgments. In addition, we have to look at relevant background theories. The second stage, like the first stage, can therefore be considered twofold. First, we try to come up with relevant principles – that includes principles that account for and conflict with our considered judgments – and then we identify relevant background theories that should be taken into account.

The third stage then consists of moving back and forth between our considered judgments, principles, and background theories, and revising, eliminating, or adding to these elements in order to achieve the state of reflective equilibrium – i.e. a state where those elements are in coherence. When we eliminate some judgments and/or principles instead of others, as mentioned above, we have to give reasons that are superior to those reasons we have for keeping those judgments and/or principles.
In sum, the method of wide reflective equilibrium is best described as a method consisting of five steps. First, we identify relevant beliefs. Second, we filter out those beliefs that do not meet the criteria of considered judgments. Third, we try to come up with relevant theoretical principles. Fourth, we identify relevant background theories. And fifth, we engage in the reflective process in order to achieve the end state of reflective equilibrium.9

2.1.4 Summary of the method of reflective equilibrium

To sum up what has been discussed so far, the method of reflective equilibrium consists of testing considered judgments and moral principles for consistency with each other and other considered judgments and moral principles. The method of reflective equilibrium, furthermore, can be interpreted as both a coherentist, foundherentist and foundational model of justification. We can distinguish between two versions of the method of reflective equilibrium: wide and narrow equilibrium. The version that is considered by many, including Rawls himself, to be the most relevant when we are engaged with normative questions, is the wide version where our considered judgments are not only tested against principles that match our considered judgments, but also principles that conflict with our judgments and background theories. Finally, the criteria that sort out which judgments or intuitions may serve as input can vary with different interpretations of the method and views on what kind of criteria is decisive for whether a judgment is considered morally relevant. In the remainder of this thesis I will be concerned with the wide interpretation of the method of reflective equilibrium.

2.2 Kamm and Singer’s methods

Shelly Kagan (1998: 13-14; see also Kamm 1998: 5-7; 2001: 8-10; Woolward & Allman 2007: 180) outlines three methodological positions based on the justificatory role of intuitions – here understood as judgments about specific cases. The first position treats intuitions as givens; hence, theories have to be able to accommodate them in order to be acceptable. The second position is at the other extreme, and holds that intuitions should not be given any weight at all.

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9 Above I mentioned that when there are different possible equilibriums we might choose from, we have to supply reasons for one over the other and show that these reasons are superior to the reason we have for the alternative. One might ask what kind of reason this is. For what is left with when we have consulted our considered judgments, moral principles, and background theories and tried to make them cohere? One suggestion is implied in what Daniels write about coherence (see n3 above). Simplicity could be a consideration that might matter when we have to choose among different equilibriums. An objection might be that there is no reason why the truth should be simple. To this one might respond, however, that this is in the spirit of Rawls’ practical take on moral theory which entails downplaying the search for truth.
The third position is a middle position, and is, according to Kagan, the position that most philosophers hold. According to this position, “the extent to which a theory coheres with our intuitions about cases is one relevant consideration in evaluating that theory; but it might not be a decisive one” (Kagan 1998: 14). The method of reflective equilibrium seems to fit well in the third position, as considered judgments or intuitions do count but can still be revised. I will now outline the first and second positions, and briefly discuss how these methodological positions differ from the position of the proponents of the method of reflective equilibrium.

Frances M. Kamm (1998: 7; 2001: 10) is an example of a philosopher that favors something like the first position. Kagan (2015: 155) writes the following about Kamm:

...I think it fair to say that no one has worked harder to solve the trolley problem than Kamm has. Over the years she has probably examined hundreds of different cases, and she has struggled mightily to produce a principle that matches our intuitions about those cases [...].

According to Kagan, Kamm tries to produce principles that fit every single of the intuitions we have in the different trolley cases she has examined (see e.g. Kamm 2015a; 2015b). (For now it is enough to note that trolley cases are cases that consist of specific scenarios one is supposed to judge. I will outline two such cases in chapter 3.) In other words, she seems to treat intuitions as givens and holds that principles should accommodate these intuitions as best as possible.

Kagan (1989: 12-13; see also Kagan 2001) has criticized a view similar to that of the method of reflective equilibrium and tried to place himself in the second position, due to his skepticism toward the reliability of intuitions. First, he criticizes the assumption that intuitions can be used as a kind of data to test theories for external validity, as intuitions may very well be formed by commitment to some theory (Kagan 1989: 12). This means that proponents of different theories might have different intuitions, and their intuitions will presumably reflect their theoretical commitment. Second, he argues that the method fails to provide an explanation for the equilibrium we end up with, as it is satisfied with a mere set of consistent maxims. In analyzing our intuitions we may find various distinctions – that some actions are wrong while others are right – but finding these distinctions is not enough; “we still need to know whether [these distinctions] ought to make a difference” (ibid.: 13, italics in the original). It is not enough that a principle is backed up by a person’s intuitions for it to be well-defended, or that the principle is backed up by intuitions that we all share, for that matter (Kagan 1989: 13-14; 1998:
15). We need an explanation, a plausible rationale, and this is more important than our theory fitting our intuitions (Kagan 1998: 14-15; 2015).

However, Kagan (1989: 14) admits that “explanations have to come to an end somewhere” (italics in the original). While “somewhere” could indicate that explanations at some point have to be grounded in some intuition, he stresses that this “would still be no license to cut off explanation at a superficial level” (ibid.). Ultimately, he notes that there might not be that big of a difference between the method he defends and reflective equilibrium after all, given that the term intuitions is used broadly:

A friend of intuitions might still insist that even here all we are doing is bringing in still more intuitions to be accommodated as best we can. If so, I do not think that any serious disagreement still remains between us. For once “intuitions” is being used this broadly, it is just another word for opinions, judgments and beliefs. The position we have arrived at is this: in defending a moral theory, we must see how well that theory fits in with a wide variety of judgments that we are inclined to make about many different matters. We have opinions about cases, principles, about the nature of morality, about what counts as an adequate explanation, and more. Some of these opinions are fairly specific, others are more general; some are arrived at rather “intuitively” and spontaneously, others only after considerable reflection; some are extremely difficult to give up, others are more easily abandoned. We try to find the moral theory that provides the best overall fit with this eclectic set of beliefs. But if – as seems overwhelmingly likely – no theory can actually accommodate all of the relevant initial beliefs, we revise the set: we alter our beliefs, and reevaluate our theories, until we arrive as best we can at a theory that seems on balance to be more plausible than any of its rivals. Ultimately, then, defending a normative theory is a matter of arguing that it provides the best overall fit with our various considered judgments. (Kagan 1998: 15)

If we compare the description of the position Kagan arrives at with the description of the wide interpretation of the method of reflective equilibrium above, we find a strong resemblance. Kagan’s method, then, does not seem to stand out as a clear methodological alternative to the method of reflective equilibrium.

Peter Singer also tries to place himself in the intuition-skeptical second position. He writes that a normative ethical theory “might reject all of [our common moral intuitions], and still be superior to other theories that match our moral judgments” (Singer 2005: 345). He suggests that Immanuel Kant perhaps was right in thinking that “unless morality could be based on pure
reason, it was a chimera” (ibid.: 351). He therefore suggests we apply a method similar to that of Sidgwick, that we

[…] search for undeniable fundamental axioms; build up theory from them; and use particular moral judgments as supporting evidence, or as a basis for ad hominem arguments, but never so as to suggest that the validity of the theory is determined be the extent to which it matches them. (Singer 1974: 517, italics in the original; see also Singer 2005: 351)

According to such a view, our moral intuitions about particular cases play a very limited role, at best a supporting role. As Singer makes clear, a theory that rejects all of our common moral intuitions can still be the superior theory. Such intuitions, then, are primarily a tool for arguing against those who actually think intuitions about particular cases matter, and thus to argue against those belonging to the first and second methodological position. For example, a utilitarian may appeal to such intuitions with the aim of winning over proponents of the first and second position (cf. Singer 1974: 498).

Singer (2005: 350) notes, however, that one could say that what he or she ultimately relies on is intuitions, given a broader use of the term intuition. This would mean that, for example, “the death of one person is a lesser tragedy than the death of five” (which is where Singer’s reasoning lead him) or Sigdwick’s fundamental axioms, are ultimately intuitions.

So, do both Singer and Kagan’s attempts to offer an alternative to the method of reflective equilibrium lapse into just what they are trying to distance themselves from, merely the method of reflective equilibrium? Not necessarily. That is at least an assertion that needs to be nuanced. Based on Kagan’s view, the three positions can be considered as different points along a continuum. The method of reflective equilibrium will then occupy much of the place along this continuum, ranging from the narrow interpretation closer to the “intuitions is all that matter”-end, to the wide interpretation closer to “intuitions do not matter at all”-end of the continuum.

However, since it seems inevitable to not ultimately rely on some intuition, the question is at what point we find it acceptable to rely on some intuition and what kind of intuitions we find it acceptable to rely on. Both Kagan and Singer are skeptical to intuitions about specific cases. The kinds of intuitions they ultimately rely on are more fundamental, or theoretical, some might say, characterized by a high level of generality (Sandberg & Juth 2010; I will come back to this distinction later, in section 4.3). Kagan for example stresses the importance of our more fundamental intuitions that account for the intuitions we have in specific cases. Similarly,
Singer put more emphasis on the general intuition that it is bad if someone is killed, and it is worse the more that are killed, than on the judgment we have in specific cases (like for example the footbridge case, see section 3.1).

Based on this discussion, then, we might give a different interpretation of the continuum on which the three methodological positions lie. At the end where we find the first position, intuitions about specific cases are what counts as evidence. As we have seen for example, Kamm is concerned with the judgments of different trolley cases. Towards the other end, where the second position lies, it is more abstract or general intuitions that count as evidence. It is here that we locate Kagan and Singer, where Singer is the one furthest out, as he explicitly states that it is only those intuitions that matter. According to Rawls, considered judgments can be at different levels of generality. Thus, Rawls seems not to distinguish between these two kind of judgments and they are therefore given equal weight.

Before concluding this section, I will make a note on justification. I have already thoroughly discussed what account of justification the method of reflective equilibrium may be interpreted as, and concluded that, while being often associated with coherentism, it may both be interpreted as a weak coherentist, foundherentist and weak foundationalist model of justification. So what about the two other positions? Kamm seems to treat intuitions about specific cases as some kind of foundational belief. To the extent that it is accepted that moral theories should try to accommodate as many of those intuitions as possible, meaning that one can disregard some of them, the method is weak foundationalist. If, on the other hand, it is the case that a moral theory has to accommodate all of them in order to be justified, the method is foundationalist. Each such intuition has the status as foundational, and should not be revised. For such a position to be plausible, there is a prerequisite that whenever intuitions about specific cases apparently conflict, there must be some underlying distinction that they actually respond to. If not, and they actually were conflicting, they would be poor foundations on which to build theories.

Singer’s method is utterly foundationalist as it urges us to search for fundamental axioms on which to build or theories. Both the extreme positions seem to be leaning toward foundationalism, but with different conceptions of what constitutes foundations. Thus, the second position suffers from the same potential problem that if ever foundations conflict, there would be no way to solve the problem – unless one accepts some coherentist element or moves toward the middle position and widens the circle of what kinds of intuitions are given evidential weight (cf. Sandberg & Juth 2010).
In short, what has been established so far is that what might separate the methods that Kagan and Singer offer from the method of reflective equilibrium is the emphasis on abstract, fundamental intuitions. Moreover, it is clear from this short discussion that the justificatory role of intuition is a central methodological question. It also clear that the term “intuition” is sometimes used slightly differently. It is suggested that the term is sometimes used more broadly and the term is more elusive and perhaps wide-ranging, while other times it is used more narrowly. I suggest, however, that rather than being about a “broad” and “narrow” understanding of intuition, this may indicate that there are different kinds of intuitions; we have intuitions about specific cases and intuitions at higher levels of generality. In the next two chapters I will take a closer look at what intuitions are, and what kinds of intuitions there are. By doing that, I will be able to further elaborate what distinguishes the three methodological positions. In chapter 5 I will readdress this discussion, focusing on the difference between the method of reflective equilibrium, Singer’s method, and Kamm’s method.

Table 1: A preliminary tabular representation of the three methodological positions

<table>
<thead>
<tr>
<th>Intuitions</th>
<th>Kamm</th>
<th>Rawls</th>
<th>Singer</th>
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<td></td>
<td>Intuitions about particular</td>
<td>Intuitions about particular</td>
<td>General intuitions</td>
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<td>cases and general intuitions</td>
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<tr>
<td>Model of justification</td>
<td>Foundationalism</td>
<td>Weak foundationalism, foundherentism, or weak coherentism</td>
<td>Foundationalism</td>
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While there may be of different kinds of intuitions, a matter that I return to in chapter 4, in this chapter I will investigate the characteristics that all intuitions share. There are several different disciplines concerned with the study of intuitions. In order to try to answer the question of what intuitions are, I will consider both philosophical and psychological (or empirical) literature. The reason I am concerned with both philosophical and psychological investigations of intuition is twofold. First, most philosophers seems to think intuitions have a justificatory role. However, in order for intuitions to have this role, they cannot be something philosophers just have made up. Intuitions have to be real, ascertainable phenomena. In other words, they need to have some empirical basis. For this purpose, giving intuitions empirical ground, we need psychology.

Second, we need both philosophical and psychological accounts of what intuitions are in order to understand the phenomenon properly. The question of what intuitions are, why we have them and where they come from, is primarily an empirical question (cf. Sinnott-Armstrong, Young & Cushman 2010: 247). The answers to these questions, however, might have implications for what evidential weight intuitions should be given. Assessing the implications empirical findings have regarding the evidential weight intuitions should be granted is an epistemic and thus philosophical question. What will become clear from this section is that there are both those that think the empirical investigations of intuitions are suited for substantiate the reliability of intuitions, and those that think the findings of such investigations undermine the reliability of moral intuitions.

In this chapter, I proceed as follows: In the first section I discuss what philosophers mean when they use the term intuition. I distinguish between two approaches to answering the question of what intuitions are; the practical and the theoretical. I am primarily concerned with
the practical approach in the first section, but I also present an account of intuition that follows from the theoretical approach, which I call the classical philosophical understanding of intuition. In the next section I outline a common psychological understanding of intuition, and present a brief review of some empirical studies of moral intuition. In the third section I compare the understanding of intuitions in philosophy based on the practical approach, and the psychological understanding of intuition. I also discuss the complementary role of philosophy and psychology. Finally, in the last section, I compare how the distinction between intuition and reasoning in philosophy and psychology is made. In this discussion, I am primarily concerned with the classical philosophical understanding of intuition, but I also make a note on the relation between this understanding of intuition and that which is based on the practical approach. I will conclude by making some remarks about the understanding of intuition on which I base the discussion in this thesis.

However, before I begin my inquiry of what intuitions are, I will make a preliminary comment on the philosophical practice of eliciting intuitions. This is relevant since I will refer to this practice below. One quite common way of eliciting intuitions is by constructing cases, that is, scenarios, which prompts relatively strong judgments (Jackson 1992; Brink 1989: 65-66). These scenarios can be actual as well as imagined (Elster 2011) and more or less hypothetical (Brownlee & Stemplowska forthcoming). This way of eliciting intuitions is sometimes referred to as the “method of case” (see e.g. Pust 2016). While the appeal to cases is sometimes referred to as a method, and one might therefore be given the impression that it constitutes an independent method on its own, the practice is primarily a tool for eliciting intuitions about specific scenarios and is therefore compatible with any method that assumes such intuitions have evidential weight (cf. List & Valentini 2016: 542). Sometimes such cases are referred to as dilemmas. I will, however, avoid using the term dilemma, as most cases often prompt a relatively strong and clear judgment. A relatively clear judgment is a precondition for giving such judgments evidential weight. It seems futile to grant unclear judgments about cases evidential weight, as it would, by the fact that the judgment is unclear, be unclear what the evidence tells us. Following Roy Sorensen (1991), I regard dilemmas as cases that do not prompt any clear judgment.10

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10 An example of a moral dilemma is, according Roy Sorensen (1991: 291) “Sophie’s choice”:

After Sophie arrives at a Nazi concentration camp with her two children, a guard tells Sophie that she must choose one child to be killed and the other to live in the children's barracks. When Sophie protests that she cannot make such a choice, the guard warns that both children will be killed if she fails to choose. Since Sophie believes the threat and believes that she is required to
There are two cases in particular that are paradigmatic and have been the subject of many discussions and an inspiration for constructing further cases. These cases were made famous by Judith Jarvis Thomson (1985) in a reply to an article by Philippa Foot (2002), in which she analyzed a third case. As this pair of cases will be referred to in the remainder of this thesis, I will reproduce them here so that it is clear to the reader which cases I am referring to. The first case is *switch*.

*Switch:* You observe a trolley that is hurling towards five people which are unable escape the trolley. You are standing by a switch and the only way of saving the five people on the railroad track is to throw the switch and thereby divert the trolley onto a side track. However, on the sidetrack there is one person, who like the five on the main track is unable to escape the trolley if you diverge it onto the sidetrack, and therefore will be killed. What should you do?

There are some variations in how this case is outlined. In Thomson’s (1985: 1397) own version there is a driver aboard the trolley. The driver, seeing the five people on the track, tries to stop the trolley by stamping on the brakes, but the brakes fail, and he faints. In other versions of this case there is no one aboard the trolley (see e.g. Singer 2005: 339). Nevertheless, the main point of this case is that there is a trolley about to kill five people and the only way you can stop it from killing the five is by diverting it onto a sidetrack where it kills one person.¹²

The second case is *footbridge* (originally called *Fat Man* by Thomson (1985: 1409)):

*Footbridge:* Like in the *switch* case, a trolley is hurling towards five people that are unable to escape the trolley. You are standing on a footbridge that goes over the railroad track, observing the approaching trolley on the one side of it and the five people on the other side of it. The only thing you can do to save the five is to push a very large stranger, also standing on the bridge, onto the track where he will stop the trolley. If you do this, the large stranger will die. Should you push the large stranger onto the track?

save her children from grave harm, she is in a moral dilemma. By applying the rule to each child, she is required to save each child. But she can only save one by not saving the other. So it seems that whatever Sophie does, she will violate a moral requirement.

For the purpose of moral dilemmas and a discussion of this subject, see Sorensen (ibid.).

¹¹ This and other essays were originally published between 1958 and 1977 (Foot 2002: ix).
¹² The *switch* case is a modified version of one of Foot’s original cases, the *trolley driver*. In *trolley driver*, the persona of the scenario is, instead of being a bystander, the driver of the trolley and can choose which one of the tracks he or she should steer toward (Foot 2002: 23).
It is most often assumed that it is permissible or one ought to throw the switch, but that it is not permissible or one ought not to push the stranger off the footbridge.\textsuperscript{13}

Now that I have presented these cases, \textit{switch} and \textit{footbridge}, I will move on to my analysis of moral intuitions.

\section*{3.1 Philosophy and Intuitions}

There are at least two approaches to understanding what philosophers mean by intuition. First, we may try to identify, or locate, the judgments that are assumed to be intuitions, and base our understanding of intuition on these judgments. Second, one may take a more theoretical approach where one base one’s understanding of intuition on theoretical discussion of what intuitions should be. I will refer to the former as \textit{the practical approach}, while I will refer to the latter as \textit{the theoretical approach}.\textsuperscript{14} I will devote most of this section to the practical approach. This is primarily because this account of intuition based on this approach needs to be elaborated and explained. The understanding based on the theoretical approach, however, is readily available.

In this section I proceed as follows: First, it is often stated that there is some disagreement on what intuitions are among philosophers. I therefore start off by trying to clarify what philosophers agree and disagree on. Second, based on the discussion of agreements and disagreements, I distinguish three aspects regarding the question of what intuitions are – the phenomenology of intuitions, the ontology of intuitions, and the epistemic status of intuitions. I then proceed by giving an account of intuition based on the agreements outlined. This entails suggesting an account of what characterizes the phenomenology of intuitions. I also discuss whether the phenomenological account can accommodate some claims about intuitions and what I call the classical philosophical understanding of intuition (which is a minimal understanding of intuition that may follow from the theoretical approach). Finally, I outline a

\textsuperscript{13} Thomson (1985: 1397-1399, 1401) writes that her own “feeling” is that one may throw the switch. However, at the same time she also thinks that killing one is worse than letting five die. She calls this puzzle, which she also tries to solve in her article, \textit{the trolley problem}. This, then, is what \textit{the trolley problem} originally referred to. Later some have used it to refer to specific cases (often \textit{switch}). Kamm (2016a: 12, 20) has suggested that it should be used more broadly, and should be used to refer to all cases that are structurally similar but yield different judgments.

\textsuperscript{14} We should note, however, that these two approaches may be intertwined. The theoretical debate may be informed be where intuitions are assumed to be located, and vice versa. Moreover, there are other ways to approach the question of what intuitions are. The point of departure for Peter Railton’s (2014) approach to the question, for example, is to start by everyday intuitions. He then goes on to assess whether such understanding is in tune with how philosophers (Kant and Aristotle, to be more precise) have understood the term, before he discusses whether such an understanding of intuition is supported by empirical evidence.
common account of the epistemic status of intuitions and some arguments in defense this account.

While I may touch upon some matters that can be said to concern the ontology of intuitions, I do not devote any space to explicitly discuss it. For example, the phenomenological account may imply or indicate some ontological features. The reason why I do not devote much space to discuss the ontology of intuitions, is because I think this is mainly an empirical question (cf. Sinnott-Armstrong, Young & Cushman 2010: 247). What I mean by this assertion – and what it entails – will become clearer throughout this chapter.

Let us start with the first matter; locating the disagreement and the agreement. Some have argued that there is not much agreement on the substantive account of what intuitions are (Mallon 2016: 412; Weinberg 2016: 289; see also Pust 2016: section 1; Woodward & Allman 2007: 180-181). Jonathan M. Weinberg (2016: 289) for example, lists a variety of different substantive accounts which he ties to different philosophers to demonstrate this disagreement:

[I]ntuitions are manifestations of our semantic competence, even without any special phenomenological features (Jackson; Jackman; Horgan and Henderson); they are a form of first-person access to the content of our concepts (Goldman); they are deliverances of heuristic cognition (Weatherson); they are, at least some of them, products of our capacity for folk-psychological mentalizing (Nagel); they are rational insights derived from neo-Aristotelian mental contact with the universals themselves (BonJour); they are empirically derived implicit theories of conceptions (Devitt; Jenkins); they are simply a species of judgment in general (Williamson); they are the application of refined first-order inferential competencies (Ichikawa & Jarvis); they are the products of any potentially large hodgepodge of unconscious mechanisms [Weinberg and colleagues]. (references removed)

We should not, however, exaggerate the significance of the variety of substantive accounts, nor the difference between them. The term intuition might account for different phenomena that have certain traits in common. Weinberg himself writes in a footnote that some of the people he mentions do not use the term intuition. Weinberg, then, seems to think that those phenomena that are not termed intuitions by the authors he refers to share some traits with the other conceptions of intuitions he has mentioned. How else would he justify listing them with the other conceptions of intuitions?

So what is the common denominator in the case of the substantive accounts Weinberg has listed? Weinberg writes that we can “locate a fairly broad agreement across the profession as
to where intuitions are supposed to be found even while facing this broad dissensus as to what intuitions are supposed to be” (ibid.). Most philosophers, according to Weinberg, apply the method of case for eliciting intuitions (ibid.: 289-291; see also Jackson 1998). There is therefore a fairly broad consensus on regarding our judgments in such cases as intuitions (Mallon 2016: 412). In other words, when a philosopher says that he or she has the intuition I in a case C, most agree that I is an intuition. What they disagree on is the substantial account of I; what is I supposed to be and how did it come about? Philosophers, according to Weinberg, mostly point to the same phenomenon if asked to point out what intuitions are, but are much less attuned when asked to explain what they are pointing at.

Furthermore, Weinberg argues there not only seems to be agreement on where intuitions can be found, but there is also fairly broad agreement about intuitions having some evidential weight. He notes that

[…] even philosophers who operate with radically different professed accounts about what makes the appeal to intuitions legitimate, are nonetheless perfectly happy to share cases back and forth with each other, without batting an eye – and without drawing any methodological consequences from their meta-level disagreement to their first-order debates. (Weinberg 2016: 294)

Moreover:

When one is faced with an unwanted case verdict, it is generally unacceptable simply to dismiss it – one might suggest that it is a ‘spoils to the victor’ case, for example, or explain why this is an appropriate spot for the biting of a bullet. (ibid.: 295)

There seems then to be a common understanding that one cannot just ignore intuitions. One has to have good reason for why we sometimes reject some intuitions, and why we other times accept that our theory or principles in some cases have counter-intuitive implications, although it is preferable that theories are able to accommodate our intuitions (cf. ibid.: 296). If intuitions were not regarded as having evidential weight, a philosopher confronted with an intuition that contradicts her position could just respond: “So what? I don’t care about your intuition(s).”

Weinberg therefore suggests that “we need to distinguish between the evidential role that intuitions are supposed to fill, and these various substantive accounts of what intuitions might be” (ibid.: 289). He argues that substantive accounts are offered in order to explain how intuitions can fill the evidential role attributed to them (ibid.: 289-290). I will, however, suggest
that we also, in addition to distinguishing between evidential role and substantive accounts, distinguish intuitions as a mental phenomenon or state, that is, the reaction or experience we have when confronted with a case.

To summarize what I have discussed so far, it appears that the question of what intuitions are, has three aspects. I term these aspects as follows: (i) the phenomenology of intuitions, (ii) the ontology of intuitions, and (iii) the epistemic status of intuitions. By phenomenology of intuitions, I mean the sensation of having an intuition, or as Elijah Chudnoff (2016: 178) puts it, what an intuition “feels like from the inside.” As there is quite widespread agreement on where intuitions are to be found, it should follow that there is correspondingly widespread agreement on the phenomenology of intuitions. By the ontology of intuitions, I mean accounts of what intuitions are. That is, how they arise, what influences them, and so. Hence, this would be more or less what Weinberg means by substantial account, or what Chudnoff (2016) refers to as the metaphysics of intuitions. By the epistemic status of intuitions, I mean the evidential weight that is assigned to them.15

I will in the remainder of this section primarily be concerned with the first and the third aspects. As mentioned before, I leave the ontological aspect of intuitions aside because I think this is primarily an empirical matter. While I grant that the ontology of intuitions is relevant when it comes to intuitions’ epistemic status, I think it is still appropriate to say something about what assumptions are commonly made about intuitions’ epistemic status without having discussed the ontology of intuitions first. As I assume that there is quite widespread agreement on the phenomenology of intuitions, it is natural to use this as a point of departure when accounting for what intuitions are. (Most ontological accounts probably originate in a phenomenological account.) Moreover, I think that one way to assess whether philosophers and psychologists are concerned with the same phenomenon is on the basis of a phenomenological account of the judgments that philosophers regard as intuitions.

Peter Railton’s (2014) definition of intuitions in their observational sense seems to account for the phenomenology of intuitions. Intuitions in their observational sense are “senses” or

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15 I have now, following Weinberg, suggested that there is some agreement on the responses we have to cases that are intuitions, and that these intuitions are often considered to have some evidential weight. I do, however, think that there is a greater consensus on the former than the latter (and the aim of this thesis is to investigate different views on the latter). While there might be much agreement on the epistemic status of intuitions, there is clearly some disagreement too (Woodward & Allman 2007: 180). I already suggested this in section 2.2. Singer actually seems to be saying that he does not care about the judgments people have when confronted with specific cases. (As I said, I return to these matters in section 5.) Nevertheless, Singer would probably agree on where to locate intuitions, as this is a precondition for being critical of relying on them.
“feelings” (ibid.: 815). There are eight features that characterize the phenomenology of intuition (or intuition in its observational sense, as he writes):

[Intuitions] tends to arise effortlessly or spontaneously [i], and to strike us as correct [ii]; it possesses some authority or generates some pressure toward action [iii] that we are reluctant to ignore [iv], even if we cannot explain its basis or origin [v]; moreover, it tends to arise nonvoluntarily [vi] and can be resistant to reasoning and judgment [vii]; and it will tend to shape the way we interpret a situation and to guide attention, recollection, thought, feeling, and action nondeliberatively (viii).16 (ibid.: 826)

We may break up this definition. First, intuitions are senses we cannot explain the basis or origin of, that arise non-voluntarily and effortlessly or spontaneously, and strike us as correct. Second, since they strike us as correct, they are felt to possess some authority which makes them hard to ignore, resistant to reasoning and able to shape beliefs. This account is merely phenomenological (at least the first part is strictly phenomenological; the second part says something about the implications of the phenomenology of intuitions) in the sense that no assumptions are made about why we have them or their epistemic status. As Railton specifies, when it comes to intuitions in their observational sense, “there need not be a distinctive or unified faculty behind [them], nor need they actually possess the authority they are felt to have” (ibid.: 815). Thus, this account primarily describes what intuition “feels like from the inside.”

Before moving on, I will just make a couple of remarks about the first feature of Railton’s definition, in order to clarify intuitions arising spontaneously entails. For Railton there seem to be mainly two ways a sense or feeling can arise spontaneously: it can arise immediately or eventually. Let me first illustrate the latter: In his main example of intuition, an attorney a third of the way into her closing argument suddenly departs from what she had prepared. Despite her professional judgment is that everything is going her way, she has had a gnawing unease about the case for some time. However, she does not know why she departs from her prepared argument – she just does it (ibid.: 818-820). According to Railton she acted intuitively: “she finally yielded to ‘intuition’”, and did what spontaneously “felt right” (ibid.: 821). While she has had her doubts regarding the case, it takes a while before she, by intuition, “knows” or gets an apprehension of what is the right way of proceeding. The intuition, then, is not elicited instantaneously.

16 On Railton’s (2014: 815) view, intuitions are “senses” that can shape judgments. In this thesis however, I will regard intuitions as a kind of judgment, as this is common practice.
However, Railton also mentions some examples of intuitions in everyday life: “what strikes one as the right gift for a friend, or sounds like a bad idea, or smells fishy” (ibid.: 823). In these cases, however, I think it is plausible to assume that the intuition arises immediately; one immediately knows that that tie is the perfect birthday gift for one’s friend. Intuitions, then, may either arise immediately after we have been confronted with some stimuli, or eventually. For Railton therefore, “spontaneously” seems simply to mean that intuitions arise without forewarning.

I have now outlined Railton’s account of intuition. But is, however, this account in tune with other claims that are related to the phenomenology of intuitions or might imply phenomenological features that are commonly made? First, when confronted with some cases the judgment comes to us immediately. As Jeff McMahan (2013: 105) illustrates: “If I consider the act of torturing the cat, I judge immediately that, in the circumstances, this would be wrong.” Some moral judgments about cases, then, are judgments that come to us immediately, or at least do not take very long time to arise. Some judgments seem to be similar to the right-gift-for-a-friend, this-smells-fishy, or this-is-a-bad-idea judgments that Railton mentions. Even if we grant that some cases are more complex than others, and therefore demand some consideration (cf. McMahan 2013: 105), this does not make the fit any poorer (I will make a further note on complex cases below). Recall that Railton’s understanding of spontaneous does not exclude the possibility that judgments that do not arise immediately can be intuitions. The intuition that the attorney has, for example, is an intuition that do not arise immediately.

Second, it is commonly held that intuitions are non-inferential conclusions or direct apprehensions. According to Lisa M. Osbeck and Barbara S. Held (2016: 6-7), “direct apprehension” is a feature that appears to be common among the senses and uses of intuition in the philosophical literature throughout history. Direct, according to them, “implies that something occurs with no interference or intervention; it refers to unmediated apprehension, judgment without inference, apprehension without an intervening thought or image (memory)” (ibid.: 7). I call the claim that intuitions are judgments that are non-inferential, following Robert Audi 1997: 40, “the non-inferentially requirement.” This requirement is quite central in the contemporary literature on moral philosophy (Osbeck & Held 2016: 6-7; Huemer 2005: 102; 2008: 7). However, as I mentioned, this requirement is not clearly articulated in the contemporary literature on moral philosophy. Nonetheless, it is generally accepted that intuitions are non-inferential judgments.

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17 Robert Audi (2007: 204) does actually maintain that some moral judgments are so obvious that it is misleading to call such judgments intuitions. One example of such a judgment is that it is wrong for “a babysitter annoyed with a toddler [to burn] it with a cigarette to stop its humming” (Audi 2007: 204). This differs from McMahan who seems to think that the judgment that it is wrong to torture a cat (for fun, we might add) is an intuition (see also Liao 2016a: 20; 2016b: 319). Like McMahan I also regard “obvious” judgments as intuitions.
Liao 2016b: 319; McMahan 2013: 104-105; Tersman 2008: 391). In fact, this feature is not only central for understanding what intuition is as such, but also for understanding the contrast between intuition and reason. While intuitions are non-inferential, meaning they are conclusions that are not formed on the basis of a premise, reasoning, on the other hand, entails drawing conclusions from premises (Liao 2016b: 319). Some minimal definitions of intuitions only emphasize that intuitions are judgments that satisfy the non-inferentially requirement (see e.g. ibid.). Due to the centrality of this claim, I assume that a theoretical approach to understanding intuition would emphasize the non-inferentially requirement. I will refer to such minimal definition as the classical philosophical understanding of intuition.18

That Railton maintains that we are not aware of the operations that gives rise intuitions, could indicate that his account of intuition accommodates the non-inferentially requirement. Moreover, he himself seems to think that the account he has given of the phenomenology of intuition accommodates the claim that intuitions are some kind of direct apprehension (Railton 2014: 824-825). (I will return to this claim in section 3.4. While I will later bring more nuance to the assertion that Railton’s account accommodate the non-inferentially requirement, I for now simply grant that it does. However, it should be noted there is nothing in Railton’s account of intuition that exclude the possibility that intuitions may be judgments that are formed non-inferentially. What I later will argue is that it might be more permissive than a strict interpretation of the classical philosophical understanding of intuition.)

Third, some might object that intuiting sometimes involves reflection. Neither of the two ways of understanding “spontaneous” that I attributed to Railton, nor the non-voluntarily feature, seem, at first, to accommodate the view that intuitions are something we have reflected upon. But we need to look closer at the objection to see whether it is incriminating.

It is not always clear what is meant by reflection or what the purpose of the reflection is. One suggestion is that reflection may be a means to form judgments. As mentioned, it is common to view intuitions as non-inferential. Thus reflection, as part of the process of producing an intuition, cannot entail inferring conclusions from premises and is therefore not the same as reasoning. Such an understanding of reflection is suggested by Robert Audi. He argues that intuitions can be conclusions of reflection without being inferential (Audi 1997: 43). He uses the following examples to illustrate the difference between a conclusion of inference and a conclusion of reflection:

18 This is not exactly the same understanding of intuition as that Railton refers to as “intuition in the classical sense.”
Consider listening to someone complain about a task done by a coworker, where one has been asked to determine whether the work was adequate. In a way that is impersonal and ably documented, Timothy criticizes the work of Abby. One might judge, from his credible statements of deficiencies in her work, that it was shoddy. This is a response to evidential propositions. Now imagine being asked a different question: whether there might be some bias in the critique. One might now recall his narration in one’s mind’s eye and ear, and from a global, intuitive sense of Timothy’s intonations, word choices, selection of deficiencies, and omission of certain merits, judge that he is jealous of her. This is a response to an overall impression. (ibid.)

The first judgment is, according to Audi, a conclusion of inference since “it is premised on propositions one has noted as evidence” (ibid.). The second judgment, however, is a conclusion of reflection since “it emerges from thinking about the overall pattern of Timothy’s critique in the context of his relation to Abby as a coworker, but not from one or more evidential premises. It is more like a response to viewing a painting or seeing an expressive face than to propositionally represented information” (ibid.). The main difference between these ways of forming a conclusion, then, is that the first stems from an evidential premise, while the latter does not.

One might object, however, that the conclusion in the second case, that Timothy is jealous of Abby, actually stems from inference; we infer from Timothy’s intonation and word choices that he is jealous of Abby (ibid.: 43; see also Sinnott-Armstrong 2007). Thus, the conclusion is inferential because it stems from an evidential premise. To this Audi (1997: 43-44) replies that one may articulate one’s non-inferential grounds so that they are available as premises, but this does not imply that the belief that Timothy is jealous of Abby “is inferential prior to [one] articulating [one’s] ground and ‘basing’ [one’s] conclusion on it” (ibid., italics in the original). Moreover, that “having a ground that is expressible in a premise does not imply that I must use that ground in a premise in order to form a belief on the basis of that ground” (ibid.: 44, italics in the original). Thus, in the case above one simply “senses” from an overall impression that Timothy is jealous, without forming any beliefs that we infer this conclusion from (cf. Audi 2007: 202). A judgment that entails thoughtful contemplation but is not based on beliefs of supporting propositions may therefore be called a conclusion of reflection “even if [one] could formulate ‘corresponding’ premises” (Audi 2007: 202, my italics). Audi (1997: 44) illustrates this by drawing on an analogy about perceptual beliefs formed from visual impressions: having a visual impression of a gold-lettered buckram lying before one is sufficient for one to
spontaneously, as Audi writes, form the belief that there is a book before one – without articulating the impression as a premise.

In short, by stipulating that intuitions can be conclusions of reflection, Audi means that intuitions can spontaneously emerge from thinking about the overall pattern and without forming beliefs that the conclusion is inferred from. However, one might ask if such reflection does not in fact entail second-order inference, as one would need a second-order belief about the adequacy of reflection in order to know when to stop reflecting. Thus, the conclusion of reflection would be held on the basis of a second-order belief about the adequacy of the reflection (Sinnott-Armstrong 2007: 26). Audi, however, argues that one does not need such second-order beliefs. He argues that we reflect until we have reflected enough. This is “usually when we reach the judgment we sought to make (or some judgment that brings a sense of something like closure)” (Audi 2007: 203). It seems, then, to be the complexity of the task at hand that is decisive for how long the reflection will take – we do not simply decide for ourselves how long we reflect.

Such an understanding of intuitions, where the intuition stems from grounds that are not articulated as premises, seems to be in tune with Railton’s account of intuition. Recall Railton’s attorney example. As mentioned above, the attorney eventually yielded to intuition, and when asked what led her to depart from her prepared summation, she did not know (Railton 2014: 820). Her judgment might be said to stem from thinking about an overall pattern – subtle cues in the form of facial expressions and body language, both from the jurors and her client (ibid.: 821). Thus, the judgment to depart from her prepared summation did not have a basis in an articulated premise, and could possibly stem from some kind of reflection process similar to that which Audi describes.

As we have seen, reflection might form intuitions. However, it may also be suggested that reflection can play other roles related to intuiting. Another suggestion is that one might employ reflection in order to understand the case that is meant to elicit the intuition (cf. Tersman 2008: 391-392; cf. also Liao 2016b: 327). Jeff McMahan (2013: 105; see also Kamm 2001: 11) for example argues as follows:

If a particular problem or case is complex, one may have to consider it at length in order to distinguish and assimilate its various relevant features – in much the same way that one might have to examine the many details of a highly complex work of art in order to judge or appreciate it.
The assumption seems to be that some cases are quite complex and one will therefore have to do some preparatory work in order to understand the case properly before we can judge it. To what extent cases used to elicit intuitions are that complex is another question. However, assigning this role to reflection does not break with Railton’s account of intuition. Such reflection does not seem related to forming the judgment, but rather seem to be something that precedes the intuiting.

Yet another suggestion is that we need to reflect upon our initial judgment. This could for example be in order to detect unreliable judgments (i.e. judgments influenced by morally irrelevant factors). This suggestion differs from the former, as reflection is used to investigate the judgment, and not just as a means to produce a judgment. If one restricts the term intuition to only encompass judgments that stand such a test, then Railton’s account is too permissive. Similarly, if reflection upon our initial judgment is thought to possibly alter the judgment, such that intuition is understood as a judgment that is reflected upon and can differ from our initial judgment, then Railton’s account will again not cover what one thinks of as an intuition. But such an understanding of intuition violates the non-inferentiality requirement. The more plausible formulation of this view, then, is that all our initial judgments are intuitions, but only those that pass the test of reflection are reliable (I will return to this matter in sections 3.4). Such a view seems to be compatible with Railton’s account.

I have now investigated what reflection is, and looked at different ways in which reflection is related to intuition: as a process that contributes to form one’s intuition, as a way of assessing its credibility, and a means to better understand the case. I have argued that reflection as a way of producing an intuition is in accordance with Railton’s account. The same goes for the two other roles that may be assigned to intuition. Thus, claiming that forming intuitions involves reflection does not contradict Railton’s view on intuition. Railton’s definition of intuitions in their observational sense, then, seems to account for the phenomenology of intuitions without making any controversial claims. Now that I have outlined my understanding of what intuitions are in the phenomenological sense, the scene is set for a short note on the epistemic status of intuitions.

Weinberg (2016: 290) argues that intuitions have an epistemic status as “Ground,” that is, “the status of being deployable as a default justifier whose status is not being secured by argumentation.” Similarly, Michael Huemer (2005: 105) argues that intuitions have prima facie justification: “we are justified in believing them unless countervailing evidence should arise that is strong enough to defeat the initial presumption in favour[sic].” Audi (1997: 41), for
example, argues that intuitions have a kind of negative epistemic dependence on theories: “an intuition may be defeated and abandoned in the light of theoretical results incompatible with its truths, especially when these results are supported by other intuitions.” This entails that intuitions are non-inferentially justified, but not that they are indefeasible. Since intuitions, although being non-inferentially justified, are defeasible, we may say that while they are prima facie justified, they are not ultima facie justified (cf. Senor 1996: 560; Hasan & Fumerton 2016: sec. 4). Weinberg (2016: 291ff) maintains that this assumption about intuitions’ epistemic status is quite common. However, as the discussion in section 2.2 illustrates (and the discussion in chapter 5 further elaborates), while this assertion might be quite common, not all philosophers agree with it.

One way of defending the claim that intuitions have prima facie justification is to appeal to what Micheal Huemer (2005: 99) calls the Principle of Phenomenal Conservatism. According to this principle “[o]ther things being equal, it is reasonable to assume that things are the way they appear.” This defense can be developed further by arguing that moral intuitions in moral theory are analogous to observations in empirical science (see e.g. Daniels 2016: section 4.1). Another way of defending the claim that intuitions have prima facie justification is to appeal to the notion of self-evidence. That a proposition is self-evident means that one is justified in believing it merely on the basis of understanding it (cf. Stratton-Lake 2002: 18; see also Audi 1997: 45ff; 1999). Philip Stratton-Lake (2002: 18) maintains that when we understand self-evidence this way, “there is no difference between a proposition’s being self-evident and its being knowable a priori” and that “[i]t is partly for this reason that intuitionists so often compare basic moral propositions to mathematical ones.” According to Audi (1999: 205), such defense – appealing to the notion of self-evidence – is meant to imply that whatever is being defended, in this case the prima facie justification of intuitions, needs no explanation or argument.

These accounts have been subject to criticism (see e.g. Kagan 2001; Stratton-Lake 2016), but I will not discuss them here. My purpose has only been to outline accounts or principles that are used to defend the evidential role that often is attributed to intuitions. I will now

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19 We should not confuse drawing this analogy with merely saying that intuitions have the same epistemic status as observations. Merely saying that intuitions have the same epistemic status as observations still leaves the question of what grants respectively observations and intuitions this status. Drawing this analogy is going one step further; it is to argue that intuitions have the same epistemic status as observations because they play the same role in normative ethics as observations do in empirical science. In other words, drawing the analogy do not necessarily entail that one argue that the reasons for why observations and intuitions are reliable sources of evidence are the same or even similar.
conclude this section by summarizing my main points, and by outlining an account of intuition based on what has been discussed.

My point of departure for the discussion of the philosophical understanding of intuition has been the common methodological practice of using cases to elicit judgments that are granted evidential weight. This is what I called a practical approach for accounting for what intuitions are. Following Weinberg, the assumption is that most philosophers agree to call such judgments intuitions. This does not mean, however, that it is only the judgments we have in cases that are intuitions, but at least those judgments are intuitions. In section 2.2, for example, I suggested that we may have intuitions about principles and more general ideas (I return this matter in section 3.3). My intention was to suggest an account of intuition based on what most philosophers seem to agree on. I continued my enquiry by outlining three different aspects of intuitions: the phenomenology of intuitions, the ontology of intuitions, and the epistemic status of intuitions. The consensus on where to find intuition should serve as a basis for an account of intuitions’ phenomenology. I argued that Railton’s definition of intuition in its observational sense may be a good candidate for accounting for the phenomenology of intuitions. I have not said much about the ontology of intuitions. This is not primarily because it is disputed, but because I think it is to a large extent an empirical question. When it comes to the epistemic status of intuitions, I have argued that it is common to view intuitions as having prima facie justification (Phil2). As mentioned, I have primarily been concerned with the practical approach to understanding what philosophers mean by intuitions. Based on this approach, I suggest an account of intuition based on the phenomenology of intuitions (Phil1). The main points of this section we can be summarized as follows:

1. The phenomenology of intuitions: \textit{(Phil1)} Intuitions are senses we cannot explain the basis or origin of, that arise non-voluntarily and effortlessly or spontaneously, and strike us as correct.
2. The ontology of intuitions: …
3. The epistemic status of intuitions: \textit{(Phil2)} Intuitions have prima facie justification. (Different accounts can be used to support or defend this claim.)

In addition to the account based on the practical approach, I also suggested another account that I termed the classical philosophical account of intuition, in which intuitions were given a minimal definition: intuitions are judgments that satisfy the non-inferentially requirement. I
suggested that such an understanding of intuition is likely to follow from what I called the theoretical approach. I will further discuss this account of intuition in section 3.4.

3.2 Psychology and intuitions

I will now take a closer look at the study of intuitions in psychology. I start by outlining what seems to be a quite common understanding of the cognitive process that underlies intuitions. I also provide some critical remarks concerning this account. I then move on to outline the findings of some empirical studies of moral intuitions.

In recent research on judgment and decision-making, it is common to understand thinking in terms of dual-process theories (Evans 2003; 2006; 2008; Kahneman & Frederick 2002; Kahneman 2011; Stanovich & West 2000). The idea is that there are two distinct sets of cognitive processes or thinking. These sets of cognitive processes are commonly called System 1 and System 2 (Evans 2008: 270). System 1 thinking is described as fast, unconscious, and automatic, while System 2 thinking is slow, conscious, and controlled (Evans 2003: 454; 2006: 202-203; 2008: 256; 2010: 313; Kahneman 2011: 20-21; Kahneman & Frederick 2002: 51; Stanovich & West 2000: 658). Intuitions, according to such a view, are the outcome of System 1 thinking.

To say that System 1 thinking is unconscious is not to say that we are not conscious of the product of the process of thinking – an insight, a belief, or a judgment – but that we are not consciously aware of the underlying process itself. Jonathan St. B. T. Evans (2010: 313-314) argues that intuition is similar to perception in this way, and he uses the following example to illustrate:

[W]hen we perceive a face or listen to a piece of music, we have a conscious experience that includes a representation of the object and accompanying emotional experiences. We have, however, no conscious experience of the complex information processing that precedes this experience.

Moreover, the reason we do not have a conscious experience of this process is that the processing exceeds the capacity of working memory (ibid.). System 2 thinking requires access to a working memory system, giving it limited capacity (Evans 2008: 259). Since System 2 thinking is dependent upon working memory, we may account for it – that is, when System 2 thinking provides an answer, we may account for how that answer was reached. Moreover, it is the dependence on working memory that makes System 2 thinking controlled. Similarly, since
System 1 thinking does not require access to working memory, such thinking is automatic. System 1 might provide us with answers without us having to decide to look for them first (Kirkebøen 2012: 55). Thus, System 1 thinking is often regarded as effortless, contrary to System 2 thinking.

While System 1 is argued to be old in evolutionary terms, and is shared with other animals, System 2 is believed to have evolved more recently and is unique to humans (Evans 2003: 454; Kahneman 2011: 21).

These processes, furthermore, are typically characterized as two independent processes that may sometimes conflict and compete (Evans 2006: 202). According Daniel Kahneman (2011: 26; 44) one of the tasks of System 2 is to monitor, and sometimes overcome, the impulses of System 1. The assumption is that System 1 may sometimes, under certain circumstances, lead us to form judgments that are not to be trusted. The rapid and quick impressions that are generated by System 1 may be either endorsed, corrected, or overridden by System 2 (Kahneman and Frederick 2002: 51). Most of the time there is no conflict and the impressions generated by System 1 are endorsed by System 2. These impressions generated by System 1 then, with the endorsement of System 2, become beliefs (Kahneman 2011: 24). However, Kahneman argues, System 2 is a lazy controller and does not always control the thoughts and actions that are provided by System 1 (ibid. 44-45).

While the dual-process is widely recognized, it has been subject to criticism. Some have suggested that dual-process theories provide little scientific advancement, and that single process accounts are more plausible (Keren & Schul 2009). Others have suggested that there are two different kinds of thinking, where one consists entirely of System 1 thinking, and the other is a combination of System 1 and System 2 thinking (Evans 2008: 271). It is therefore suggested that instead of understanding thinking in terms of two systems, we should understand thinking in terms of two minds, where mind is a higher order concept that can include multiple systems (Evans 2010; 2011; Evans & Stanovich 2013). Despite such objections, it seems quite common to reserve the term “intuition” for processes that are fast, automatic, and unconscious, in contrast to slow, controlled and conscious processes.

In the following paragraphs, I will give a short overview of some of the empirical research of moral intuitions that have had great influence on the philosophical debate (see also Liao 2016a).

Jonathan Haidt (2006: 13-17; 2012: 52-54) applies the dual-process theory in his study of morality. He argues that moral intuitions are the result of intuitive thinking: “Moral intuitions
arise automatically and almost instantaneously, long before moral reasoning has a chance to get started, and those first intuitions tend to drive our later reasoning” (Haidt 2012: xx; see also Haidt 2001: 817-818). Haidt (2012: 146-148; 150-178; 197-214) argues that humans have six innate moral foundations which may explain our moral intuitions: care/harm, fairness/cheating, loyalty/betrayal, authority/subversion, sanctity/degradation, and liberty/oppression. Those foundations, he suggests, are probably best understood as “adaptions to long-standing threats and opportunities in social life” (ibid.: 144). One might object that if moral foundations are innate, we should all have the same moral intuitions. However, Haidt maintains that “traits can be innate without being either hardwired or universal” (ibid.: 152). Drawing on Gary Marcus, Haidt argues that moral foundations being innate means they constitute a first draft that can be “revised during childhood to produce the diversity of moralities that we find across cultures – and across the political spectrum” (ibid.: 153). This means “[c]ultural variation in morality can be explained in part by noting that cultures can shrink or expand the current triggers of any module” (ibid.: 145).

Reasoning, on the other hand, is mainly the advocate of our intuition; we use reasoning to create post hoc defenses for our intuitions (ibid.: 54). Therefore reasoning is not usually something that challenges intuitions. Haidt uses a metaphor to illustrate how these two systems work together: a rider and an elephant. The rider represents System 2, hence reasoning, while the elephant represents System 1, hence intuition (ibid.: 53-54). But the rider does not decide where the elephant moves – it is the other way around. When the elephant moves, the rider serves as the elephant’s advocate, creating explanations and justifications for what the elephant does – not necessarily even knowing what the elephant thinks (ibid.: 54). Haidt (2002: 16) maintain that the rider actually “evolved to serve the elephant” (italics removed). One reason intuitions are seldom challenged is that they are often accompanied by a strong feeling of certainty (Kirkebøen 2012: 89-91). For example, in a study Haidt and colleagues (Haidt, Björklund & Murphy 2000; Haidt 2012: 43-48) found that people were not willing to give up their intuition even when they were incapable of finding any good arguments to support it. This behavior they called moral dumbfounding.

Joshua D. Greene (2008; 2009; 2014; see also Greene et al. 2004; Greene et al. 2008; Cushman, Young & Greene 2010) also applies a dual-process theory to explain our moral intuitions. He and his colleagues have conducted several empirical investigations of moral judgment. A central feature of many of these investigations is the use of fMRI-scanners to scan brain activity. The underlying assumption is that different cognitive processes are connected to
different parts of the brain. An overarching thesis in his work is that characteristically deontological judgments stem from intuitive thinking – which he describes as emotional – while characteristically utilitarian judgments stem from reasoning – which he described as cognitive. They are termed “characteristically” because these are those judgments deontologists and utilitarians can accept without having to do a lot of extra explanation in order to make them fit with their theory (Greene 2008: 39; see also Greene 2014: 699). (I have in the following dropped the qualifier “characteristically” for the sake of brevity, the qualifier is nonetheless important and should not be neglected (cf. Greene 2014: 699).)

While Haidt emphasizes the role of intuitive thinking in moral judgment, Greene holds that both intuitive thinking and reasoning “play crucial, and in some cases, mutually competitive roles” (Greene et al. 2008: 1145; see also 2004: 389; 397). For example:

People respond negatively to the footbridge dilemma because something about the action in this dilemma elicits a prepotent negative emotional response, one that is not elicited by the action in the switch dilemma, at least not as strongly. This negative emotional response conflicts with (and typically out-competes) the controlled cognitive processes that favor utilitarian judgment in this case. (Greene 2009: 582, italics in the original)

Deontological judgments, then, are driven by emotions while utilitarian judgments are driven by cognition (Greene 2008: 63). His theory does not rest on any assumption about why people respond different to these cases or what causes it (Greene 2009: 582). Greene (et. al. 2001) initially suggested, however, that it could have something to do with the distinction personal/impersonal. Personal cases are cases in which (i) one would be likely to willingly cause serious harm, (ii) this harm befalls a particular person or set of persons, and (iii) “the harm must not result from the deflection of an existing threat onto a different party” (Greene et al. 2004: 389). Therefore, people find it more emotionally salient to cause harm in a manner

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Greene and colleagues (2004: 389) suggests that these criteria can be thought of in terms of “ME HURT YOU”:

The ‘HURT’ criterion picks out the most primitive kind of harmful violations (e.g., assaults rather than insider trading) while the ‘YOU’ criterion ensures that the victim be vividly represented as an individual. Finally, the ‘ME’ condition captures a notion of ‘agency,’ requiring that the action spring in a direct way from the agent’s will, that it be ‘authored’ rather than merely ‘edited’ by the agent.

Selim Berker (2009: 312), however, has argued that the distinction between cases that satisfy the “ME HURT YOU” criteria and those that do not, and the personal/impersonal distinction, are two different distinctions. A case can satisfy the “ME HURT YOU” criteria without being personal, as in the case where a trolley hurls towards five people and the only way you can save them is to trigger a trapdoor so that a fat man standing on a footbridge falls
that is “up close and personal” than in a manner that is more impersonal (Greene 2008: 43). Since the dual-process theory does not rely on this distinction, it could still be right even if the personal/impersonal distinction is completely wrong (Greene 2009: 582).

Moreover, the distinction between deontological judgment as emotional and utilitarian judgment as cognitive is not clear-cut (Greene et al. 2004: 397). Certain regions of the brain associated with emotion also predict utilitarian judgments. While it does not necessarily undermine the theory, it does add nuance to it, according to Greene. This forces a conclusion that could perhaps be seen as a step toward the view of Haidt. Greene admits that “we [Greene and colleagues] suspect that all action, whether driven by ‘cognitive’ judgment or not, must have some affective basis” (ibid., references removed; see also Greene 2008: 64). However, Greene argues that the emotional processes that drive deontological and utilitarian judgments are not alike (Greene 2008: 64-65). The emotions involved in utilitarian judgments are far subtler; simply pointing out which concerns matters in a weighing process. Deontological judgments, on the other hand, are emotional at their core; conclusions “tend to be reached on the basis of emotional responses”, without having to go through a weighing process (ibid). Thus, deontological judgments are driven by emotion, meaning that emotion dominates the decision, while utilitarian judgments are merely influenced by emotions (see also Cushman, Young & Greene 2010).

It is also worth noticing that the distinction between cognition and emotion itself is, for semantic reasons, somewhat artificial. This is because cognition is often defined as “information processing,” and emotional processes involve information processing (Greene et al. 2004: 397; Greene 2008: 40; Haidt 2012: 52). In other words, the emotional process is a kind of cognition. Greene (et. al. 2004: 397-398) therefore suggests that we may render the distinction “in terms of a contrast between, on the one hand, representations that have direct motivational force and, on the other hand, representations that have no direct motivational force of their own but can be contingently connected to affective/emotional states that do have such force, thus producing behavior that is both flexible and goal directed.” Haidt (2012: 52-53), on the other hand, proposes a much neater way of terming the distinction; he suggests we render...
the distinction in terms of emotions and reasoning. In this thesis I will therefore adopt Haidt’s distinction between emotion and reasoning.21

One question in particular seems pressing when it comes to Greene’s studies of moral intuitions: Is not our judgment in switch an intuition in psychological terms since, according to Greene, the judgment that most have in this case is characteristically utilitarian and such judgments stem from reasoning? How come? The judgment that most have in the case, that we should pull the switch, is quite fast. Would that not indicate that utilitarian judgments, like the one in switch, contrary to what Greene claims, are actually intuitions? First, we may note that reasoning may actually also be quite fast; it can be activated and applied in a matter of seconds (Schneider & Chein 2003: 529). Therefore, that a judgment is made in a few seconds, is alone not enough to prove a judgment being intuitive. Moreover, as mentioned above, some regions of the brain associated with emotion predict utilitarian judgments. It has therefore been suggested that utilitarian judgments have an affective basis: the affective response that harm is bad (Cushman, Young & Greene 2010: 64). This might again seem like an indication of the judgment in switch being intuitive. However, we need to look at what role emotions play. In the case of the judgment we have in switch, emotions do not dominate it, but merely informs the process which underlies the judgment. The judgment, then, is formed as follows: First, we have the affective response that harm is bad, and then, through reasoning, we calculate an alternative that involves the least harm. The judgment in switch and utilitarian judgments in general, then, involve reasoning. However, one could argue that the affective response – “harm is bad” – that motivates the reasoning process is an intuition. On this interpretation the judgment that we should pull the switch is not an intuition; the judgment is formed through reasoning which in turn is motivated by the intuition that harm is bad.22

21 The process that underlies intuition is therefore sometimes referred to as “emotional processing,” and the system such processes belong to as the “affective system.” Reasoning is sometimes referred to as analytical thinking. I will use some of these terms below, and they will reoccur in some of the quotes.

22 How Greene can distinguish emotional processes from reasoning might seem puzzling; how can Greene know that the judgment in switch is not produced by emotions when it is formed in a matter of seconds? Can we be sure that it does not have an emotional basis? A note on Greene’s method might help clarify this. As mentioned above, his point of departure is that different parts of the brain are associated with emotions and reasoning. Greene and colleagues use fMRI-scanning to analyze what parts of the brain are activated when the subjects participating in his experiments judge the different cases. So, when parts of the brain associated with emotions or intuitive thinking are activated, the judgment is characterized as emotional (see e.g. Greene et al. 2001; Greene et al. 2004). They also conduct experiments where they impose a “cognitive load” on people responding to cases. Since reasoning involves the use of working memory, it is predicted that judgments stemming from reasoning (i.e. utilitarian judgments) will be affected, that is, slowed down, while judgments that stem from emotion (i.e. deontological judgments) are not affected. The evidence confirmed their hypothesis (Greene et al. 2008). On Greene’s (2014: 697, n6) account, then, when studying the two modes of thinking we are concerned with types of processing, cognitive systems, brain regions, and kinds of output. All these aspects are relevant when distinguishing the two modes, or kinds, of thinking.
Greene’s attempt to tie utilitarian judgments and deontological judgments to different cognitive processes has been disputed (see e.g. Kamm 2009; Berker 2009), especially because of the normative conclusions he suggests follow from his theory – that moral intuitions are, especially in cases that are unfamiliar in evolutionary terms, unreliable (see e.g. Greene 2003; 2008: 66-77; 2014).

Haidt and Greene’s view implies that moral intuitions are byproducts of our evolutionary past. It has, moreover, been argued that both Haidt and Greene’s theories could be explicated in terms of heuristics (Gigerenzer 2008: 9; Liao 2016a: 31; 2016b: 313; Sinnott-Armstrong, Young & Cushman 2010: 247). Heuristics, broadly understood, are strategies for simplification that are used in different situations (Kirkebøen 2012: 60; see also Sinnott-Armstrong, Young & Cushman 2010: 250). However, it has been argued that such a definition is too elusive and captures more than the relevant phenomenon. Therefore it has been suggested that a narrower definition is more relevant for the moral domain. One such definition is that “all heuristics work by means of unconscious attribute substitution” (Sinnott-Armstrong, Young & Cushman 2010: 250). This entails that instead of investigating whether some object has the target attribute, one instead unconsciously investigates whether the object has a more available, heuristic attribute. Our moral intuitions on such account are heuristics that have been shaped by trial-and-error experience, and thus may operate well for problems that are familiar in the sense that they occurred relatively frequently in our evolutionary past (Greene 2014: 714; Liao 2016a: 31; 2016b: 313).

However, evolutionary past may not be the only relevant factor for explaining our moral intuitions. As mentioned above, Haidt argues that the culture one is exposed to, especially in one’s childhood, may be relevant. Similarly, Greene (2014: 698) holds that our dispositions for intuitive thinking “need not be ‘innate’ or ‘hardwired.’ They can be acquired or modified through cultural learning (as in prejudicial responses to racial out-groups) and through individual experiences (as in classical conditioning).” Moreover, some have argued that moral intuition belongs to the general category of social cognition and is the product of implicit learning (Woodward & Allman 2007; see also Railton 2014). Implicit learning means that one learns something without being conscious of learning it and without the intention of learning it. Additionally, one need not be conscious of the cues to which one is responding (Kirkebøen 2012: 73; Woodward & Allman 2007: 190). According to this understanding of moral intuition, the cognitive process can be heavily influenced by learning and experience, which makes it flexible and context sensitive. Our moral intuitions about a case may be shaped by direct
experiences, by experiences of others, by experience in the form of learning about historical cases, and/or experience about other cases that are similar to the case one is assessing. By calling upon such resources, intuitive thinking may overcome the limitations of conscious reasoning, and present more informed judgments. Moral intuitions can therefore “guide us through complex, highly uncertain and rapidly changing social interactions” (Woodward & Allman 2007: 186).

These different theories concerning the cognitive process of intuitive thinking point to some of the main objections to the dual-process theory; it may be problematic to view System 1 as one single system, as there might be different kinds of fast, unconscious and automatic cognition that underlie intuitions (Evans 2006: 205). Thus, as Lisa M. Osbeck and Barbara S. Held (2016: 15) formulate it, intuition could considered “a polymorphus concept; that is, one with different form but reflecting some underlying commonality nonetheless.”

To summarize: there seems to be a wide agreement that intuitions are judgments formed by a cognitive process that is characterized as fast, unconscious, and automatic. The process that underlies intuitions is often contrasted with processes that underlie reasoning, which is slow, conscious, controlled, and makes use of working memory. Moreover, intuitions are often accompanied with a strong feeling of certainty. Empirical studies have indicated that emotions play an important role in forming moral intuitions. Finally, there are various theories that aim at explaining moral intuitions. These theories are not necessarily conflicting, but may indicate that what many view as a single system at least should be regarded as consisting of different subsystems. Based on this short review I suggest the following (psychological) understanding of intuition (where Psy1 describes the cognitive process and Psy2 says something about what the process respond to, or how it works, and the context in which the relevant dispositions evolved):

**Psy1**: intuitions are the products of a cognitive process that is characterized as fast, unconscious, and automatic.

**Psy2**: Our moral intuitions are heuristics that have been shape by trial-and-error experience and thus may operate well for problems that are familiar in the sense that they occurred in our evolutionary past.

I do not argue that this is the only candidate for Psy2. I mentioned some other candidates above, such as theories emphasizing implicit learning (let use Psy2_{ALT} to indicate that there are alternative theories to Psy2).
3.3 The practical approach and complementary roles

The purpose of this subsection is twofold. First, I will discuss whether the philosophical understanding of intuition, which I suggested follows from the practical approach, portrays an understanding of intuition that coincides with the understanding of intuition that we find in empirical psychological studies of intuition. Second, I will try to demonstrate the complementary roles of philosophy and psychological in the study of moral intuitions.

As already remarked, there are several reasons why it is important to question whether philosophers and psychologists are studying the same thing or not. One reason is that philosophical intuitions need to be provided with some psychic basis (cf. Railton 2014: 846), or as Joel Pust (2016: section 1) formulates it, it is important that “our theorizing captures the relevant psychological and epistemological joints to be found in the world.” The phenomena philosophers call intuitions have to be real phenomena, not, as Railton (2014: 826) puts it, “a figment of the philosophical or commonsense imagination”, if they are to play any role in the justification of moral principles and theories. This question is also important because the reliability of moral intuitions depends upon their ontology (cf. Sinnott-Armstrong, Young & Cushman 2010: 247). Much of the skepticism toward intuitions’ reliability is grounded in empirical studies. For example, some argue that empirical studies indicate that our intuitions are influenced by factors that are regarded as morally irrelevant, and that intuitions therefore are unreliable (see e.g. Sinnott-Armstrong 2006; Sinnott-Armstrong, Young & Cushman 2010: 247, 268-270). Such arguments, however, presuppose that what psychologists investigate in their studies, and call intuitions, corresponds to the judgments that many philosophers grant evidential weight, and which they call intuitions.

When it comes to the question of whether philosophers and psychologists refer to the same phenomenon when they use the term intuition, some seem to simply assume that they do. This seems to be the case especially with critics of intuitions (see e.g. Sinnott-Armstrong 2006). On the other hand, there are those who utterly reject that philosophical intuitions are the same as the intuitions that psychologist study. The assumption is that what psychologists study are mere “gut feelings,” while the intuitions that philosophers rely on are not mere “gut feelings” (see e.g. Berker 2009: 299, n11; Tersman 2008: 391-392).

The assertions are not always followed up with careful analysis of the matter. One person conducting such an analysis, however, is Railton. He argues that the eight features that he suggests characterize intuitions in their observational sense – here representing a philosophical account of the phenomenology of intuition (see section 3.1) – coincide with what psychologists
study (ibid.: 826-828). In other words, intuitions in their observational sense, according to him, are senses that stem from what psychologists call emotional processing. He concludes by asking rhetorically, “Should we say, then, that intuition and intuitions are alive and well in contemporary psychology, and living in the broad affective system?” (ibid.: 828). Railton, then, argues that Phil1 and Psy1 coincide. Or more precisely, as Psy1 accounts for the cognitive process that forms intuitions and is not merely an account of the phenomenology of intuitions, Phil1 is implied by Psy1.

We may also explicitly compare Phil1 and Psy1 to test Railton’s claim. Phil1 states that intuitions are senses we cannot explain the basis or origin of. Similarly, Psy1 states we are unconscious of the information processing that precedes the intuition. Phil1 states that intuitions arise non-voluntarily, and effortless or spontaneously. Similarly, Psy1 states that intuitions arise automatically, in the sense that we do not have to decide to look for them in order for them to arise. Moreover, Psy1 states that we are unconscious of the process that precedes intuitions because the processing exceeds the capacity of working memory. This in turn makes the process seem effortless. Phil1 states that intuitions strike us as correct. Similarly, it is often assumed that the intuitions Psy1 produces are often accompanied by a strong feeling of certainty. Thus, Railton’s claim passes this test.

The conclusion that philosophers and psychologists are studying the same thing is also supported by fact that both philosophers and psychologists often use cases to elicit intuitions. In fact, several empirical studies of intuitions are conducted by confronting respondents with classical philosophical cases like *switch* and *footbridge*. What is more, many of the respondents have the same judgments in these cases as trained philosophers (e.g. compare the results in Greene et al. 2001 with Thomson 1985). There have even been empirical experiments conducted with philosophers responding to such cases (cf. Weinberg et al. 2010: 333; Machery 2011: 208-210). These studies even show that philosophers’ intuitions are prone to the same (assumed) errors as lay people’s intuitions. In short, in empirical studies intuitions are sometimes elicited by the same cases that we find in the philosophical literature. Thus, it seems reasonable to say that sometimes psychologists study intuitions similar to those that are appealed to in philosophical papers. Furthermore, if some find that philosophers’ intuitions do not differ in any noteworthy way from the intuitions of laypeople, it could indicate that the studies of laypeople’s moral intuitions are not completely irrelevant either. This then indicates that at least sometimes psychologists and philosophers are studying the same thing.
So far, I have been concerned with arguing that philosophers and psychologists seem to agree on the phenomenological account of intuitions and where they are to be found. Having established this, I turn to the second purpose. By focusing on two other aspects of intuitions—the ontology of intuitions and the epistemic status of intuitions—I will illustrate how philosophy and psychology may have complementary roles in the study of moral intuitions.

In my discussion of philosophy and intuitions above (section 3.1), I left the question of the ontology of intuitions unanswered, with the premise that the question of what intuitions are, or more precisely, what the ontology of intuitions are, is an empirical one. Psy1 and Psy2, then, may account for the ontology of intuitions. Psy1 says something about the cognitive process that underlies intuitions, while Psy2 says something about how it works.

Let me stress that I do not mean to argue that philosophers’ attempts at investigating the ontology of intuitions are futile, and that philosophers cannot contribute to the investigation of intuitions’ ontology. I only claim that one should base this investigation on, to use Joel Pust’s words (quoted above), the psychological and epistemological joints to be found in the world. Furthermore, my claim is that the science of psychology is closest to this. However, this does not mean philosophers have nothing to say on this. Philosophers may for example contribute with conceptual clarifications, give advice on research questions, and engage in the discussion of what the evidence indicates.

While it is often assumed that intuitions have prima facie justification, the epistemic status of intuitions, as I have argued, depends on their ontology. This is because whether or not something should count as evidence depends on what it is. We should recall however that there are different candidates for Psy2. Greene, for example, argues that our moral intuitions are mainly a product of our evolutionary past, and they therefore cannot be assigned the prima facie authority they are assumed to have, at least not in situations that are unfamiliar in an evolutionary sense. Railton (2014: 828-833) agrees that how intuitions are understood in much of the scientific investigation of moral judgments, for example by Greene and Haidt, makes intuitions a poor candidate for prima facie justified evidence. This is because such a view entails that we understand the cognitive process that underlies intuitions as “‘point-and-shoot,’ ‘button pushing,’ and heuristic based, with ‘little understanding of logic and statistics’ and responses that take the form of ‘simple likes and dislikes’” (ibid.: 846).\footnote{Railton also adds “automatic” to this list of traits that characterize the implausible account of intuitions. Railton (2014: 821) gives the following account of “automatic”:}

\footnote{Railton also adds “automatic” to this list of traits that characterize the implausible account of intuitions. Railton (2014: 821) gives the following account of “automatic”:}
seems to think that his theory yields a more moderate claim: that primarily, intuitions concerning situations that are unfamiliar in an evolutionary sense are not reliable.

However, Railton questions whether such an account is plausible, and based on a review of recent empirical investigations he offers another understanding of the processes that underlie intuitions. Railton argues that the evidence suggests a \textit{tacit-competence-based model} of intuition, which is something similar to the implicit learning model (Liao 2016a: 31, n11). According to this model we have to understand the processes that gives rise to intuitions as processes “designed to inform thought and action in flexible, experience-based, statistically sophisticated, and representationally complex ways – grounding us in, and attuning us to, reality” (ibid.). Intuition, then, “presents to us an evaluative landscape of the physical and social world capable of tacitly guiding perception, cognition, feeling, and action” (ibid.: 846-847). He therefore concludes that “the rigorous scientific study of human mind and brain,” while still being in its early stages, “appears to have identified a mental architecture within which ‘intuition’ […] finds a natural place and could possess prima facie authority” (ibid.: 846).

This short discussion demonstrates two points: First, that the empirical studies of the cognitive process that underlies intuitions give room for different interpretations, and hence different accounts of the ontology of intuitions. Second, that the ontological account of intuition that follows from interpretation of the empirical evidence has implications for intuition’s epistemic status. Railton, for example, thinks that his own account of the ontology of intuitions makes it plausible that intuitions have prima facie justification, while Greene’s account does not.

\begin{quote}

Sometimes it is said that developing a skill or expertise is a matter of performing certain actions so frequently that they become ‘automatic,’ no longer requiring the effortful, conscious attention or thought of a novice. The model here is inherited from animal learning, where repeated reinforcement is said to ingrain a motor response or habit, so that perception of the ‘conditioned’ stimulus leads directly to behavior with minimal cognitive processing.

By automatic, then, he means acting out of habit; since you have done something quite frequently you have automated the action and execute it without thinking much about it. Acting spontaneously, on the other hand, while this like acting “automatically” entails not acting deliberately, still means that one is “present, alive to the world, and human” and not “‘automatic’ in one’s thought and action, or inattentive to the values at stake” (Railton 2014: 822). (We may here note how Railton’s account of intuition resembles Audi’s account; intuitions involves an awareness of the overall pattern.)

When I describe the cognitive process that underlies intuitions as automatic, however, I used automatic in a broader sense than Railton has in mind. As I understand the literature, automatic encompass both the meaning of “spontaneous” and “automatic” as Railton understands these terms. This I demonstrated above, when comparing Psy1 and Railton’s account. Railton’s account of intuitions, then, may arguably be somewhat narrower than the general account that I gave for intuitions in section 3.2.
\end{quote}
To summarize: in this section I have argued that the practical approach indicates there are good reasons for thinking that philosophers and psychologists are studying the same phenomenon when they say they are studying intuitions. According to the practical approach we should consider the question of what intuitions are in the following way: First we need identified what is commonly referred to as intuitions in moral philosophy. Then we need to investigate the ontology of these judgments. Finally, based on what we know about intuitions, we may consider the epistemic status of intuitions. In accordance with the approach I just sketched, I have briefly outlined how philosophy and psychology have complementary roles in the study of moral intuitions. An account that combines the insights from philosophy and psychology may have the following structure:

1. *The phenomenology of intuitions*: Phil1 (Psy1)
2. *The ontology of intuitions*: Psy1 + Psy2/Psy2\textsubscript{ALT}
3. *The epistemic status of intuitions*: Phil2/¬Phil2

### 3.4 The theoretical approach and the intuition/reasoning distinction

In the previous subsection, I did a comparison between the philosophical understanding of intuition that follows from the practical approach and the psychological understanding of intuition. I will in this section do a similar comparison based on the classical philosophical understanding of intuition and the distinction between intuition and reasoning. In light of the discussion about this distinction, I will also reconsider to what extent the understanding of intuition that follows from the practical approach and the theoretical approach are overlapping. I conclude this section by outlining the understanding of intuition that I adopt in this thesis and that will serve as a basis for the following enquiry.

In section 3.1 I argued that among philosophers, intuition has been viewed as a form of thinking that stands in contrast to reasoning. According to what I have called the classical philosophical understanding of intuition, intuitions are judgments formed non-inferentially. I regard Audi and Liao as representatives of this view. While intuiting is a process of forming a conclusion (an intuition) without inferring from other beliefs or premises, reasoning is a process of forming a conclusion that involves drawing inference from other beliefs or premises. Similarly, in section 3.2 I argued that in psychology, intuitive thinking is contrasted to reasoning, at least among proponents of some kind of dual process theory. While intuitive thinking is fast, unconscious, and automatic, reasoning is slow, conscious, and controlled.
While intuiting and reasoning are portrayed as two forms of thinking that stand in contrast to each other according to both the classical philosophical account and the psychological account, it does not necessarily follow that this distinction is substantially identical on both accounts. In fact, I will argue that it is not the case that this distinction is substantially identical on both accounts. I argue that the main controversy seems to be the relationship between unconscious reasoning and intuition, which has implications for how the non-inferentially requirement is understood.

To start with, let us consider whether intuitions are always unconscious, and whether reasoning is always conscious. The psychological understanding of the cognitive process behind intuitions (Psy1) accommodates the view that intuitions may be conclusions of unconscious reasoning. Such an understanding of intuition then seems quite uncontroversial in the field of psychology. As an example of an account of what unconscious reasoning may be like, we may for example consider the unconscious thought theory (UTT) (Dijksterhuis & Nordgren 2006). According to UTT, “intuition is often the summary judgments the unconscious provides when it is ready to decide” (ibid.: 106). Unconscious thought, the theory maintains, has greater capacity than conscious thought, meaning that it takes more information into account. Thus, that intuitions are summary judgments means they are judgments that are responsive to the overall picture. Intuitions that are the result of unconscious thought are therefore held to be efficient when there is a lot of information one has to take into account, and when the unconscious has access to the most important information.

The view of intuition that UTT forfeits may seem quite similar to Audi’s account of intuitions as conclusions of reflection (outlined in section 3.1). Audi maintains that intuitions as conclusions of reflection are judgments that emerges from thinking about an overall pattern. Similarly, according to UTT intuitions are summary judgments. Moreover, according to both Audi and UTT the reflection, or what UTT term “unconscious reasoning,” goes on until the judgment arises, which is not something one can control. However, there seem to be some differences between Audi’s view and UTT. Audi argues that the reflection that the intuition is a conclusion of is conducted by focusing clearly on the proposition. In the experiments that UTT is based on, the participants were not focusing on the task they ultimately judged. In fact, they were distracted with a new task after they had been given the relevant information concerning the original task, to ensure that the information was processed unconsciously (see e.g. Dijksterhuis 2004). Thus, according to UTT one need not focus upon the proposition to form an intuition. What seems to follow from Audi’s view then is that we can be conscious of
intuiting and to some extent control the process, which are two attributes that, according to the psychological account, are associated with reasoning.

S. Matthew Liao also argues we can be conscious of intuiting. He argues one can consciously be thinking about whether some action in a specific case is permissible and “form a conclusion-judgment about [that] case not on the basis of any premise judgment” (Liao 2016b: 324). However, he continues, while one can be aware of intuiting, this might be something that requires training. He notes that some might object that one cannot be conscious of intuiting because being conscious requires that one is aware of the premise judgment. He refutes this objection on the grounds that such a definition of “unconscious” rules out the account of intuitions as non-inferential, and is thus question-begging. In other words, if the account of intuitions as non-inferential judgments is plausible, one cannot use consciousness, defined as awareness of a premise, as a characteristic for separating intuition and reasoning. The criteria would only restate that intuitions are non-inferential.

So far it seems like on the classical philosophical account one can be conscious of intuiting, while on the psychological account intuiting is unconscious. Moreover, it may seem unconscious reasoning is something like the reflection that forms intuitions on Audi’s account. These two points may indicate that the terms conscious and unconscious are understood differently on the two accounts. It may also indicate different understandings of intuition and reasoning. To investigate this matter further, let us first return to the question of whether Audi’s understanding of intuitions as conclusions of reflection is compatible with the view that intuition may be the conclusion of unconscious reasoning.

The answer to this question depends on what unconscious reasoning entails. If, for example, unconscious reasoning that forms intuitions according to UTT does not entail that the intuition, or the conclusion, is inferred from other beliefs – including unconscious beliefs – but simply stems from thinking about the overall pattern without unconsciously forming beliefs that one unconsciously infers the conclusion from, Audi’s account of intuition seems to be compatible with UTT’s view of intuition as conclusions of unconscious reasoning. However, as indicated above, such an understanding of reasoning does not concur with the philosophical understanding of reasoning, as the conclusion does not stem from a premise. The following is an example of unconscious reasoning that is in accordance with the philosophical understanding of reasoning:
Suppose that it was the detective’s day off from working on the case and she was in her car listening to music and on her way to do some grocery shopping. All of a sudden the detective had a eureka moment and she said, ‘The butler did it.’ When asked why she thought this, she explained, ‘I just realized that the murderer has to be a member of household staff and has to be a left hander, and the only member of the household staff who is left handed is the butler.’ In this case, it seems that the detective had reached the conclusion that ‘the butler did it’ in an unconscious way. Indeed, she was not aware that she was even thinking about who the murderer was. (Liao 2016b: 322)

The detective’s conclusion is formed unconsciously, yet on the basis of certain premises; the murderer had to be a member of the staff and left handed, and the butler was the only left handed member of the household staff. Thus, this seems to strengthen the assumption that the terms conscious and unconscious are understood differently on the two accounts. Alternatively, it might be that UTT does not view unconscious reasoning according to how I suggested, but in a more infer-from-a-premise way. This ambiguity regarding what the bone of contention is calls for further clarification.

Recall from section 3.2 that it has been argued that empirical evidence suggests moral intuitions might be a kind of heuristics. Heuristics in this context is understood as unconscious attribute substitution. The assumption is that the target attribute in a moral judgment, moral wrongness, is not easily accessible (Sinnott-Armstrong, Young & Cushman 2010: 257). Thus, instead of investigating the moral wrongness of an act, people instead think about a more accessible attribute, such as whether the act makes you feel bad in a certain way (ibid.: 260). This is called affect heuristics. So, when people consider the footbridge case, instead of considering the moral wrongness of the act of pushing the stranger, they instead think about whether it makes them feel bad. However, people are not conscious of this substitution of attributes (ibid.; Gigerenzer 2008: 11).

Liao (2016b: 327) argues such heuristics entail unconscious reasoning. All heuristics, he maintains, employ the following kind of reasoning:

\[
\begin{align*}
&P_1: & \text{The heuristic attribute represents/covaries with the target attribute.} \\
&P_2: & \text{The heuristic attribute has higher/lower value.} \\
&C_3: & \text{Therefore the target attribute has a higher/lower value. (ibid.)}
\end{align*}
\]

That the reasoning is unconscious does not change the fact that it is still reasoning (cf. ibid.: 321). The assertion that moral intuitions understood as heuristics entails that moral intuitions
are conclusions of unconscious reasoning is not refuted by those who held this view. At least not Gigerenzer. She suggests, as Liao notes, that “[t]he opposition is not between intuition and reasoning, […] but between the (unconscious) reasons underlying intuition and the conscious, after-the-fact reasons” (Gigerenzer 2008: 15). In other words, according to Gigerenzer moral intuitions can be conclusions based on unconscious reasons (ibid.: 16). According to the classical philosophical account, such a statement is contradictory. Intuitions cannot by definition be conclusions based on reasons. This seems to indicate that we have to do with a slightly different understanding of intuitions. According to the psychology-inspired definition, intuitions can be conclusions of unconscious reasoning (although, not conscious reasoning). According to the classical philosophical understanding of intuition, on the other hand, intuitions cannot be conclusions of either conscious or unconscious reasoning, as both forms of reasoning involve drawing inferences. The dispute then seems to imply two different non-inferentiality requirements – one strong and one weak:

*The weak non-inferentiality requirement:* Intuitions are conclusions that are not formed on the basis of conscious premises.

*The strong non-inferentiality requirement:* Intuitions are conclusions that are not formed on the basis of either conscious or non-conscious premises.

(In the remainder of this section I will refer to intuitions that satisfy the former requirement as “intuitions in the weak sense,” and intuitions that satisfy the latter as “intuitions in the strong sense.”) Liao, and presumably also Audi,24 favor the latter requirement. Liao argues that since all heuristics involve reasoning, intuitions are *never* heuristics. If it is right, as some have argued, that the empirical evidence suggests that the moral judgments that people make in specific cases are heuristics, one implication of Liao’s view seems to be that what have commonly been viewed as intuitions, judgments in specific cases, are not intuitions. However, while Liao argues that intuitions are never heuristics, he also argues that the judgments people have in specific cases are best understood as intuitions and not heuristics. Thus, Liao poses two claims: (i) intuitions are never heuristics, and (ii) a better explanation of the evidence regarding the judgments that people have in specific cases is that they are intuitions – not heuristics. As

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24 It might seem like Audi’s account of reflection accommodates the assertion that intuitions can be conclusions of unconscious reasoning as he writes that intuitions as conclusions of reflection are not based in “articulated” (or “expressed,” “formulated,” or “noted as”) premises, and unconscious premises are not “articulated.” However, Audi also writes that intuitions as conclusions of reflection entails that we not use grounds as premises, and not form beliefs that we infer from. I assume that this means neither conscious nor unconscious beliefs, and therefore chose to interpret Audi as favoring the strong non-inferentially requirement.
the assumption that the judgments people have in cases is a central assumption in this thesis, I will briefly comment on this possible implication of the strong requirement that I have implied.

I will first outline some of the evidence that is used to support the assertion that moral intuitions are heuristics. Walter Sinnott-Armstrong, Liane Young and Fiery Cushman (2010: 253-254) argue that “[t]he most direct evidence for attribute substitution comes from correlations between answers to the question about the target attribute and about the heuristic attribute.” So what does the evidence say about moral intuitions? According to Sinnott-Armstrong, Young and Cushman there are reports of high and significant correlations between answers to the question about the target attribute and about the heuristic attribute (ibid.: 263-264). However, these correlations are not as high as the between answers to the question about the target attribute and about the heuristic attribute that there are reports of in the non-moral context – these correlations are nearly perfect (ibid.: 254). That the correlation is weaker in the moral context need not undermine the assertion that moral intuitions are heuristics. Sinnott-Armstrong, Young and Cushman, for example, suggest that the correlation being weaker in the moral context can be explained by moral questions being more complex than non-moral questions.

However, correlation is not enough establish causation. Thus, while many studies report high correlations, they still leave the possibility that emotions (e.g. feeling bad) are “an after-effect of moral judgment” (ibid.: 264). This possibility, it is argued, is undermined by other evidence. Furthermore, they suggest that indirect evidence that comes from explanatory power substantiates the claim that the moral judgments people have in specific cases are heuristics. In addition to citing evidence of attribute substitution, they cite evidence that they suggest indicates that the attribute substitution is unconscious (ibid.: 266). Part of the evidence for the latter, that the process is unconscious, is that people do not tend to mention the heuristic attribute when explaining their judgment, and even reject the heuristic attribute as morally relevant when confronted with it.

This evidence, however, does not convince Liao. He argues that a better explanation for why people do not mention the heuristic attribute and even reject it, is that their judgments are intuitive in the strong sense and thus not based on any premise (Liao 2016b: 323). Furthermore, he argues it is possible to test whether one is intuiting in the strong sense or not. One way to do this may be to use some kind of “dumbfounding” test, that is, to test whether we “have conviction that we are incapable of justifying but which we nevertheless continue to hold” (ibid.: 324). Liao seems therefore to imply that moral dumbfounding may be an indication of
judgments being intuitions in the strong sense. (I think it is debatable whether this test is valid, but will not address this matter here.)

This debate is not concluded, and further empirical investigations and discussion of the evidence will probably continue to drive it further. I will not dig deeper into this debate here, but will make couple of general remarks concerning it. First, if Liao is right that the judgments that people have in specific cases are not heuristics, this still does not mean that the debate is concluded, in the sense that it is then obvious that such judgments are intuitions in the strong sense. For example, as discussed in section 3.2, the judgment that most have in switch may in fact be a conclusion that is reached by employing the following kind of reasoning: harm is bad, there is less harm caused if I pull the switch, therefore it is permissible to, or I ought to, pull the switch. Likewise, moral intuitions understood as intuitions that belong to the greater category of social cognition, and in which the underlying process may be influenced by implicit learning, do not satisfy the strong non-inferentially requirement. This is because intuiting understood this way seems to involve unconscious reasoning. Consider the following example of a judgment informed by implicit learning (Klein, Calderwood and Clinton-Cirocco 2010: 194-195):

[A] firefighter led his men into a burning house, round back to the apparent seat of the fire in the rear of the house, and directed a stream of water on it. The water did not have the expected effect, so he backed off and then hit it again. At the same time, he began to notice that it was getting intensely hot and very quiet. He stated that he had no idea what was going on, but he suddenly ordered his crew to evacuate the house. Within a minute after they evacuated, the floor collapsed. It turned out that the fire had been in the basement. He had never expected this. This was why his stream of water was ineffective, and it was why the house could become hot and quiet at the same time. He attributed his decision to a ‘sixth sense.’

From the quote, it is apparent that the firefighter was not conscious of the process that formed the judgment. However, the study indicates that the firefighter employed some kind of unconscious reasoning. The conclusion to evacuate seems to have a basis in something like the following premises: if the fire does not react as expected when pouring water on it, and if based on the size of the fire it is unusual that it would be hot and quiet at the same time, this indicates something is not right. This is an example of implicit learning as the firefighter responds to cues he is not aware of and probably has learned to respond in this way to these cues without being conscious of it. So if moral intuition understood as some kind of social cognition entails that
moral judgments are analogous to the judgment of the firefighter, moral intuition involve unconscious reasoning.

Second, if it should ever turn out that the judgments people have in cases are conclusions of (unconscious) reasoning, I do not think that this makes intuitions in the strong sense irrelevant. For example, if moral judgments in cases, such as *switch*, is a conclusion reached through reasoning (as outlined above), the conclusion may be said to be formed on the basis of the intuition that “harm is bad.” This intuition may perhaps satisfy the strong non-inferentiality requirement. Moreover, we might have other intuitions at higher levels of generality that also satisfy the strong non-inferentially requirement and that may be used as premises in normative arguments.

Third, some regard intuitions in the weak sense as prima facie justified (see e.g. Woodward & Allman 2007). Thus, if intuitions can be prima facie justified without satisfying the strong non-inferentially requirement, this raises the question “why bother with intuitions in the strong sense?” Are these more trustworthy, as such intuitions might have some kind of direct route to knowledge, truth, or justified beliefs, similar to that of perception? Or perhaps the claim that intuitions in the weak sense may be prima facie justified is flawed? One thing to keep in mind when discussing these matters is that the assumption that such intuitions may be prima facie justified seems at least to rest on some argument which may ultimately have basis in another intuition (possibly in the strong sense); that some characteristics of the underlying process, the unconscious reasoning, make such intuitions prima facie justified. The prima facie justification of intuitions in the weak sense, then, ultimately seems to depend on an intuition in the strong sense. Thus, it might be the case that only intuitions in the strong sense may stop the regress problem – it is only intuitions in the strong sense that are non-inferentially justified (cf. Sinnott-Armstrong 2006: 340-343).

In this section I have been concerned with comparing the psychological understanding of intuition and the classically philosophical understanding. I have argued that they are not completely overlapping. According to the philosophical understanding, intuitions are non-inferential in the strong sense. Intuiting, according to this view, might be unconscious as well as conscious. According to the psychological account, intuitions are non-inferential in the weak sense and the process that forms them is an unconscious process. However, we should note that the accounts of conscious may differ. In the latter case, conscious may be understood as being aware of the premise-judgment, while this is not the case on the former account (recall, this would undermine the claim that intuiting (in the strong sense) may be conscious). It is also
worth mentioning that I have cited evidence that brings nuance to the psychological account of intuition. For example, the UTT suggests that intuitive thinking also might be slow. Moreover, if the judgment in *switch* stems from reasoning. This suggests that reasoning can be fast.

We may in light of this discussion say something more about the relationship between Railton’s account of intuition (the understanding of intuition that stems from the practical approach) and the classical philosophical and psychological account. I have argued that Railton’s account taps into both of the other accounts. However, it seems wider than the classical philosophical understanding. That “it possesses some authority or generates some pressure toward action that we are reluctant to ignore, even if we cannot explain its basis or origin” might imply a weak non-inferentially requirement, but not necessarily the strong one. If by “cannot explain its basis or origin” he means that we were not aware of intuiting until we had the intuition, this does not exclude the possibility that the conclusion (or intuition in the weak sense, as it then will be) may have been reached through unconscious reasoning.

In addition to indications of Railton not refuting the weak non-inferentially requirement, there are also some indications of him embracing it. As mentioned above, Railton’s account of moral intuitions is similar to the implicit learning model – which I argued above only accepts the weak non-inferentially requirement. This is, among other things, indicated by the attorney example. The attorney received cues equivalent to the cues the firefighter received (cf. Railton 2014: 822-823) and, like the firefighter, did not know at first why she acted as she did (ibid.: 821). Thus, the lawyer seems to have employed some kind of unconscious reasoning similar to that the firefighter employed.

In short, Railton’s account seem to be somewhat broader than the classical philosophical account, but more or less overlapping with the psychological account. Acceptance of the weak non-inferentially requirement might be an implication of the practical approach and the phenomenological point of departure. By using a description of the phenomenology of, for example, judgments in cases, one is not able to distinguish between conclusions that are intuitive in the strong sense and conclusions of unconscious reasoning, as the phenomenology of these judgments might be quite similar. Since one is by definition not aware of the unconscious, it might seem like conclusions of unconscious reasoning are intuitions in the strong sense, as one might not be aware of the premise it is formed on, even after the judgment is formed.

To conclude this chapter concerned with the question “What are intuitions?” I will make some notes on the understanding of intuition that I will base the following discussion on. I grant
that intuitions should be understood as judgments that satisfy some kind of non-inferentially requirement. In this thesis, I will regard the judgments that are made in cases as intuitions. This is not to say that I favor the weak non-inferentiality requirement. As mentioned, I do not think this debate has yet brought forth a clear conclusion regarding whether such judgments are intuitions in the strong sense or only in the weak sense. Rather, it is for practical reasons. Such judgments have traditionally been held to be intuitions and it is still commonly agreed on that such judgments are intuitions (cf. Weinberg 2016). Thus, such a view of intuitions, that case-judgments are intuitions, is what underlies the methodological views that I compare. However, let me stress that it is not only such case-judgments that are intuitions. We might, for example, judge principles and abstract ideas in a manner similar to that of judging cases. In this thesis, then, my understanding of intuition is based on the phenomenology of intuitions and reads as follows: Intuitions are senses we cannot explain the basis or origin of, that arise non-voluntarily and effortlessly or spontaneously, and strike us as correct and that are assumed to be non-inferential in the strong sense.
Different kinds of intuition

As we have seen, most philosophers do rely on intuition to some extent. However, as the discussion in section 2.2 illustrated, there is some disagreement on what characterizes those intuitions that are reliable. This has led to a variety of distinctions and characteristics that are meant to separate the relevant from the non-relevant intuitions. I will now briefly mention some of them, before I create a taxonomy of different kinds of intuitions based on these criteria. The taxonomy makes it possible to clarify some of the aspects of the debate about what justificatory role moral intuitions should have in normative political theory. Before I set off with this task, I will mention that my aim is not primarily to engage in a discussion of which kind of intuition is most reliable. I am primarily concerned with creating a taxonomy that I may use to structure the discussion of the different methodological positions, and to clarify the differences between them.

4.1 Confidence

One criterion for considering intuitions reliable is confidence (see e.g. Cath 2016: 226; McMahan 2013: 105). Based on this criterion we can distinguish two positions. According to the first position we should only regard intuitions that we have confidence in, while according to the other we should give intuitions evidential weight regardless of what confidence we have in them. An argument for the former position is that only by giving evidential weight to intuitions that we have confidence can we steer clear of intuitions that are distorted. This, however, rests on the assumption that the reason why we may sometimes lack confidence in
intuitions is that they are distorted. An implication of this view is that when intuitions conflict, we should reject the intuitions that we have less confidence in.

According to the second position, confidence should not be regarded as a criterion for considering the reliability of intuitions. An argument for this position could be that we must examine the reasons for why we have confidence in some intuitions and not in others because the reasons for why we have confidence in some intuitions may not be of moral relevance. It is also possible to bridge the gap between the two positions by revising the first in light of this argument. According to the revised version of the position where confidence matters, confidence matters only when we have good reasons – i.e. morally relevant reasons – for having confidence in an intuition. The revised position may also be formulated negatively; confidence matters only when we do not have bad reasons – i.e. reasons that are not morally relevant – for having confidence in an intuition. However, it then seems to be the case that confidence does not have to have any independent relevance. What really matters is whether we have good reasons for thinking the intuition is reliable (see section 4.2).

An alternative interpretation of this criterion is that it has to do with clarity. Thus, lack of confidence in an intuition is a matter of the proposition of an intuition not being clear. To illustrate, imagine that your neighbors lost their black cat and you are out for a late evening walk. A cat crosses the street. Was it your neighbors’? You think it might have been black, but it is quite dark and the cat could possibly have been grey or brown instead. Thus, you lack confidence in your judgment because you did not see the cat clearly. Similarly, we may sometimes have judgments in cases that are not clear. You might think it seems permissible to do X, but you are not sure. Your judgment is not “clear,” we might say. However, some might object that such judgments are not intuitions, maintaining that intuitions are by definition clear (cf. Audi 1997: 40-41). Moreover, if a judgment is unclear it is not suited for being “a spoils to the victor” case, as Weinberg says.

4.2 Commonality: among laymen, experts, or both?

Another criterion for ascribing evidential weight to intuitions is by examining, or merely make assumptions about, how common (among people in general) an intuition is. When appealing to moral intuitions there is an expectation that the intuition is shared by others (Ryberg 2016: 217; Kagan 2015: 162), for if it was not shared, it would lose much of its persuasive strength. While some simply make assumptions about how common an intuition is (see e.g. McMahan 2005: 389), the question of to what extent an intuition is common is ultimately an empirical question
(Ryberg 2016: 218). It is therefore noteworthy that some philosophers have relied on surveys of people’s judgments in order to grasp which intuitions are common and used this to discuss moral principles (see e.g. Otsuka & Voorhoeve 2009).

It is, however, possible to restrict the commonality criterion so that what one is concerned about is not how common an intuition is among people in general, but how common it is among experts – i.e. professional moral philosophers (Ryberg 2016: 225; Machery 2011: 206-207). The underlying assumption is that that professional moral philosophers have better, or more reliable, intuitions than laypeople. Researchers have found empirical evidence that a variety of professionals in non-moral domains develop expert intuitions: e.g. fire ground commanders (Klein, Calderwood and Clinton-Cirocco 2010), neonatal intensive care unit nurses (Crandall & Getchell-Reiter 1993), and chess players (Simon & Chase 1973). Moreover, it has been argued that experienced physicists have more reliable intuitions than novices (cf. Sorensen 2014: 138).

According to Daniel Kahneman and Gary Klein (2009) whether professionals can develop expert intuitions depends on the environment in which professionals make their judgments. A necessary condition for developing expert intuitions is that the environments in which judgments are made are “high-validity” environments, that is environments where “there are stable relationships between objectively identifiable cues and subsequent events or between cues and the outcomes of possible actions” (ibid.: 524). Another necessary condition is that there are “adequate opportunities for learning the environment” (ibid.). This entails characteristics such as “prolonged learning and feedback that is both rapid and unequivocal” (ibid.). Robin M. Hogarth (2003: 21; see also Hogarth, Lejarraga & Soyer 2015) calls such environments, in which it is possible for professionals to develop expert intuitions, kind environments. Environments are kind when the two settings “learning” and “prediction” are matching (Hogarth, Lejarraga & Soyer 2015). Thus it is possible develop expert intuitions when professionals operate in environments where what one has learned from past situations is likely to be suited for making accurate predictions.

Others have tried to further elaborate under which circumstances intuition is an effective approach to making decisions. Erik Dane, Kevin W. Rockmann, and Micheal G. Pratt (2012: 192) for example, studying the characteristics of the task at hand, find that intuitions are effective when solving non-decomposable tasks. A task is non-decomposable if “it is not easily
broken down into sub-processes” (ibid.: 189). Moreover, while the study supports the thesis that expertise within the focal domain increases the effectiveness of intuitions, they find that moderate expertise also improves the effectiveness of intuitions, at least when solving tasks that are not very demanding (ibid.: 192).

One way to give argumentative support for the assumption that philosophers can develop expert intuitions is to argue that since there is evidence of professionals’ intuitions being much more trustworthy than those of laypeople in non-moral domains, it is plausible to assume that professional moral philosophers’ intuitions are also more trustworthy than those of laypeople. Weinberg and colleagues (2010: 332-333) call this assertion “the expertise defense.” According to them the underlying empirical hypothesis is that “philosophers’ intuitions are sufficiently less susceptible to the kinds of unreliability that seem to afflict the folk intuitions studied by experimental philosophers” (ibid.: 333, italics removed; see also Machery 2011: 208).

Another, related hypothesis that the expertise defense can be based on is what Eduardo Machery (2015: 191-193) calls “the conceptual expertise hypothesis.” Two models underlie this hypothesis. The first one Machery calls “the mastery model.” According to this model it is because of philosophers’ superior understanding of philosophically relevant concepts that they are more sensible to the structure of those concepts and therefore more inclined to give a correct

25 Dane, Rockmann, and Pratt (2012: 188-190) maintain that making judgments about “the morality of behavior” is a relatively non-decomposable task. Other tasks they recognize as relatively non-decomposable are judgments about the taste of food and the quality of artwork, and judgments about whether a basketball shot is hard or a handbag is real or fake. The two latter tasks are the tasks given to the participants in their studies. What their findings seem to imply is that our moral intuitions, since assessing moral questions is a non-decomposable task, might be quite effective and that expertise might enhance the effectiveness of one’s moral intuitions. It is, however, questionable whether Dane, Rockmann, and Pratt’s findings in their study of judgments about basketball shots and handbags are transferable to the moral domain.

First, one may suggest that it is perhaps more feasible to regard a task as more or less decomposable, rather than either decomposable or non-decomposable. (Dane, Rockmann and Pratt (2012: 188) seem to imply that something like this is the case as they regard some tasks as “prototypical.”) Thus, one might ask whether assessing the difficulty of basketball shots and the realness of handbags are as decomposable as assessing moral questions. For example, it is possible to identify factors that may determine the difficulty of basketball shots (e.g. nearby defenders, distance, etc.). Similarly, one might distinguish features or clues that may reveal whether a handbag is real or fake.

Second, one may ask whether there is ground for assessing moral intuitions. It is possible to reach an objective conclusion on the difficulty of a basketball shot. The same goes for whether a purse is real or not. Therefore, it is possible to check whether intuitions in these cases are efficient or not. It is questionable whether this is the case for moral intuitions. Often moral intuitions are themselves assumed to serve as some kind of evidence for what is right and what is wrong.

I will address research on moral intuitive expertise below that will illuminate the second concern in particular. These studies bear a more pessimistic message when it comes to the possibility of acquiring intuitive expertise within the moral domain.
answer – i.e. more inclined to have correct intuitions – in thought experiments. The second he calls “the thought experimenting model.” According to this model philosophers, by being experienced users of thought experiments (i.e. cases), may be better at ignoring the irrelevant aspects and features of the thought experiments. Moreover, they may be better at understanding how philosophical concepts apply to thought experiments – fanciful though some of the thought experiments are.

While these hypotheses may at first glance seem plausible, there seems to be a lack of empirical evidence supporting them. Weinberg and colleagues, for example, argue that empirical evidence for “the expertise defense” does not exist. They conclude that

[...] philosophers at this time cannot take it for granted that they are experts, in the relevant sense here of being sufficiently shielded from the sorts of effects that provide the raw materials for the restrictionist challenge [that is, the challenge posed by psychologists against the practice of deploying armchair intuitive judgments about cases]. But that is of course not to say that we can assume that they are not experts in such a sense, either! (Weinberg et al. 2010: 335, italics in the original)

They suggest there is a possibility that philosophers do not receive the substantial feedback required for developing intuitive expertise (ibid.: 341-343). Machery (2015: 194-195) argues, less reservedly, that the conditions for developing intuitive expertise are not present in the philosophical domain:

Expertise develops only when feedback distinguishes correct from incorrect performances, but philosophical education does not include anything that resembles such feedback. When graduate students’ judgments about philosophical cases diverge from others, this clash of intuitions is often merely seen as just that – a clash of intuitions. [...] Furthermore, even when the diverging judgments are treated as erroneous, the source of the mistake is rarely, if ever, explained, and no lesson can be drawn from such situations. (My italics)

As Edward T. Cokely and Adam Feltz (2016: 230) write, in philosophy, unlike for example in chess, “it is often not clear or immediately known when one makes an error.” Moreover, Machery (2015: 195-197) argues that this claim is backed up by empirical evidence indicating that philosophers are influenced by irrelevant aspects to the same extent as (and sometimes perhaps even greater extent than) laypeople. Their judgments suffer from biases such as order effects and theoretical commitment (ibid.: 195-197; 2011: 210). Thus, according to Machery
(2015: 198) philosophers suffer from “an illusion of expertise,” that is, “an erroneous belief that they possess an expertise that they do not in fact possess.”

While Machery (2011: 210) does not think that philosophers have intuitive expertise, he still thinks they acquire some kind of expertise. Philosophers are more likely to question their intuitions and submit them to scrutiny. By submitting intuitions to scrutiny, philosophers may be able to eliminate the influence morally irrelevant aspects have on intuitions – e.g. by rejecting intuitions influenced by these aspects (see also Haidt 2001: 829).

While the assertion that philosophers are expert intuiters seems to meet difficulties, we can still distinguish three positions based on this distinction; those who think only philosophers’ intuitions are of interest, those who think only laypeople’s intuitions are of interest, and those who think it is the intuitions that are the most common in general – without distinguishing between laypeople and professional philosophers – that are of interest. However, the discussion of this distinction has illustrated that what is primarily relevant is whether our intuitions are influenced by morally relevant factors or not. This indicates, like with the first criterion, that the emphasis should rather be put on another aspect – the robustness of intuitions (again, see section 4.4).

### 4.3 Practical or theoretical?

McMahan (2013: 104-105) argues that we have moral intuitions about particular problems and moral rules or principles. In other words, we have moral intuitions at different levels of generality. Particular problems are often quite concrete, while moral rules and principles can be quite abstract, but even with these differences we may still able to intuitively judge both problems and principles.

Joakim Sandberg and Niklas Juth (2010) suggest that we differentiate between two different categories of intuitions – practical and theoretical intuitions – in order to capture this distinction. By practical intuitions they mean “intuitions about the moral status of particular actions and cases, e.g. our intuitive feeling that it is wrong to push the heavy man in the footbridge case, and our intuitive feeling that it is right (or permissible) to throw the switch in

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26 Machery (2015: 194) also argues that even if such conditions were in place, it is not clear that philosophers are those who developed moral expertise: “If anybody has a superior understanding, or mastery, of ethical concepts, it should be judges or those individuals involved in helping people make ethically difficult choices rather than philosophers since the former have extensive opportunity to apply these concepts.”
the standard trolley case [i.e. switch]” (ibid.: 213).27 These intuitions are “judgments about what is right and wrong in particular scenarios” (Sandberg & Juth 2010: 213). Sandberg and Juth believe, like Weinberg (section 3.1), that these are what philosophers most often are referring to when they discuss intuitions in ethics. Theoretical intuitions, on the other hand, are described as “intuitions about abstract moral principles or ideas, or about what makes actions moral or immoral generally and what morality is about” (Sandberg & Juth 2010: 213, italics removed). An example of a theoretical intuition is Peter Unger’s intuition that physical distance does not have moral relevance (ibid.: 214).

The judgment that it is permissible to pull the switch in the switch case is therefore a practical intuition. So is the judgment that it is not permissible to push the stranger in the footbridge case. The intuition that it is better that five live and one dies than five die and one lives is a theoretical intuition. It is not a judgment related to a specific case, but a more general bearing. This theoretical intuition concurs with the practical intuition that most have in the switch case, but not the one that most have in the footbridge case. By moving from the practical intuition to the theoretical intuition, we have moved from a level of specific judgments to a level of more general judgment. But we can make judgments at even higher levels of generality than that of the theoretical intuition I just mentioned. The judgment “if something is bad, more of it is worse” is an example of a theoretical intuition at an even higher level of generality. This theoretical intuition is in accordance with the theoretical intuition at the lower level of generality and the judgment in switch: death is bad, more death is worse; the death of five is worse than the death of one; we ought to, or it is permissible to, pull the switch. What is clear, then, is that theoretical intuitions may vary with regards to what level of generality they are at.

Based on the distinction between theoretical and practical intuitions, we can see the contour of three positions. First, one can hold that either practical or theoretical intuitions should be granted evidential weight. These two positions can also be formulated in more moderate, or some might say more plausible, terms; both kinds of intuitions are reliable, but when there is conflict one of them has primacy. For example, if one gives greater evidential weight to theoretical intuitions, these will prevail when they conflict with practical intuitions. This would

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27 In section 4.2 and 4.4 I discussed whether one’s judgment in the switch case actually is intuitive. I briefly surveyed some evidence that suggested that the judgment most have in the switch case stems from analytic thinking, or reasoning, guided by the intuition that harm is bad. That “harm is bad” is a more general idea or principle, and therefore the claim that the judgment in switch stems from reasoning guided by an intuition seems to imply that when the action we consider in cases does not arouse emotional discomfort, we succumb to theoretical intuitions. While that would call for a new understanding of the practical/theoretical distinction, I will not discuss it further in this thesis.
entail that the only reliable intuitions are those practical intuitions that are in accordance with the theoretical intuitions we hold. Peter Unger, according to Sandberg and Juth, holds this view. As mentioned above, Unger holds the theoretical intuition that physical distance is a feature that does not bear any moral relevance. Accordingly, practical intuitions that are influenced by features like physical distance would not be considered reliable.

Second, according to a third position, practical and theoretical are regarded as equally reliable, thus both are given the same evidential weight. On this view one can appeal to theoretical intuition to solve conflicts between practical intuitions, and vice versa. Sandberg and Juth belong to the third position.

4.4 Robustness

S. Matthew Liao (2008) suggests that we categorize intuitions according to their robustness. That is, put roughly, to what extent one has reflected upon them. There we can distinguish between different views on how much reflection is necessary to engage in, in order to ensure that intuitions are reliable. First, we can distinguish between surface intuitions and robust intuitions. Surface intuitions are “first-of” intuitions that may be little better than mere guesses” (ibid.: 256) where the intuiter does not necessarily have “a competent grasp of the concepts at issue” (ibid.: 257). Robust intuitions on the other hand are “intuitions that a competent speaker might have under sufficiently ideal conditions such as when they are not biased” and requires that one has engaged in serious discussion and reflection (ibid.: 256). The latter requirement entails that robust intuitions are intuitions that have been subjected to philosophical investigation (ibid.: 257).

Second, Liao also argues there is an in-between category of intuitions; he calls them “minimally reflective intuitions” (ibid.). It could be argued, according to Liao, that it is these intuitions, the minimally reflective ones, which are captured by experimentalists’ surveys. This is because experimentalists through construction of cases and the composition of different cases are able to ensure that the respondents have understood the relevant concept and thus capture more than just surface intuitions (ibid.: 252, 257).

I have outlined three levels of robustness. However, this distinction needs to be elaborated further. In particular, it is necessary to look closer at the process of reflection to get a more thorough understanding of what distinguishes these three levels of robustness.

We should start by noting that Liao is concerned with a different role of reflection than Audi. While Audi is concerned with how intuition might be a conclusion of reflection (i.e. how
reflection may form intuitions), Liao is concerned with reflection as a means to assess
intuitions’ reliability (i.e. sort out which intuitions are robust). Nevertheless, Liao’s
understanding of minimally reflective or robust intuitions is not necessarily incompatible with
the view that intuitions are not the result of inferential thinking. For while discussion and
reflection is required for an intuition to be robust is likely to involve inference from beliefs
about what make an intuition reliable, this does not necessarily mean that a robust intuition is
the result of inferential reasoning. This is because the judgment is already formed (non-
inferentially) when we start to reflect upon it. Moreover, this reflection is not intended to alter
the judgment, but only to assess the reliability of it. Thus, the reflection may make us keep the
judgment or discard it. If, however, we formed beliefs through the reflection that make us alter
the judgment, the resulting judgment is not an intuition, but rather a judgment that stems from
reasoning. That we need to correct the initial judgment is inferred from a belief formed during
reflection upon it. However, I am not concerned with judgment altered by reflection. I am
concerned here with intuitions and reflection as a means to assess such judgments reliability.28

One could argue that the view that reflection is necessary for assessing the intuitions
reliability may seem to imply that intuitions are not prima facie justified, as a test is needed to
decide whether intuitions are reliable. An alternative interpretation of such view is that it is
compatible with intuitions having prima facie justification, and that reflection is a means for
granting ultima facie justification. Both views are relevant for the purpose of this thesis.

Regarding the different levels of robustness, we may first note that it is quite clear what
distinguishes surface intuitions from minimally reflective and robust intuitions. We need not
engage in reflection to have surface intuition, nor do we necessarily need to fully understand
the concept in question. Reflection and understanding, however, are prerequisites for the two
latter categories of intuitions. Reflection and understanding the concept at hand is therefore
what distinguishes robust and minimally reflective intuitions from surface intuitions.

28 Such an understanding of the role of reflection may seem to be quite similar to that of reasoning according to
the dual-process model. Daniel Kahneman and Shane Frederick (2002: 51) maintain that:

In the particular dual-process model we assume, System 1 quickly proposes intuitive answers to
judgment problems as they arise, and System 2 monitors the quality of these proposals, which it
may endorse, correct, or override. The judgments that are eventually expressed are called
intuitive if they retain the hypothesized initial proposal without much modification. (Italics in
the original)

A judgment is therefore still an intuition as long as the reasoning process does not alter it considerably.
What is harder to sort out is what distinguishes robust and minimally reflective intuitions. It is clear that one thing that matters is the extent to which one engages in reflection. The reflection one has to engage in in order to elicit robust intuitions is more serious than that one has to engage in to form minimally reflective ones. Moreover, Liao (2008: 256-257) stresses that discussion is necessary for obtaining robust intuitions, but not for obtaining minimally reflective ones. This gives robust intuitions an interpersonal element; it is not enough that one reflects on the intuition, one also has to discuss it with others. However, in order to further clarify the distinction between robust and minimally reflective intuitions, we need to look closer at what distinguishes reflection and serious reflection.

Let us start by assuming, as I think is reasonable to do, that the reflection both in the case of minimally reflective intuitions and in the case of robust intuitions is a means to assess an intuition’s reliability. Thus, if an intuition stands the test of minimal reflection, it is granted the status as minimally reflective, while if it stands the test of serious reflection (and discussion) it is granted the status as robust. As mentioned, Liao thinks that experimentalists’ surveys capture minimally reflective intuitions. Thus, a good point of departure for discussing minimally reflective intuitions and reflection is the experimentalists’ survey. In such surveys, the respondents, primarily laypeople (in the sense of being not-philosophers) in this case, are often confronted with a series of different thought experiments. The reflection that those respondents engage in could therefore consist of assessing intuitions’ reliability by comparing them with other intuitions. Such reflection may result in one having conflicting intuitions, which in turn might encourage a more critical examination of them and raise the threshold for which intuitions we accept as reliable. The assumption is that with conflicting intuitions comes the unease of experiencing dissonance. In order to try to resolve the dissonance, one may be encourage to search for reasons that may convince oneself of why one intuition is more plausible than another or searching for distinctions that may justify one holding what then may actually be apparently conflicting intuitions. While it could be possible that respondents in such surveys engage in reflection of this kind, I think it might be too optimistic to think that they do. Respondents may not go back and forth between different cases when answering the surveys. Alternatively, Liao may have intended that the reflection respondents engage in when responding to such surveys is merely applied in order to understand the relevant concept.

If for the sake of the argument we grant that respondents engage in reflection of the kind above, we need to consider what more serious reflection entails. A more serious reflection could consist of assessing the intuitions’ reliability in light of more information. That is, in addition
to comparing intuitions, we might assess them in light of moral principles and background theories. Moral principles may be used to question the normative propositions of the intuitions, while background theories may be used to investigate the factors that our intuitions respond to. Expanding the information we use to assess the intuitions to include moral principles is in tune with Liao’s assumptions that robust intuitions are intuitions that have been submitted to philosophical investigation and may be colored by theoretical commitments (ibid.: 257). I assume that a philosophical investigation entails informing the discussion by consulting moral principles, and that furthermore it is the inclusion of moral principles that may bias one’s view regarding the reliability of intuitions.

To summarize Liao’s view, we have intuitions at three levels of robustness. According to my interpretation of Liao the three levels read as follows: First, we have surface intuitions. These are intuitions we have not reflected upon and eliciting such intuitions does not presuppose we have a proper understanding of the concept in question. According to Liao, surface intuitions are therefore little better than mere guesses. Second, we have minimally reflective intuitions. In order for an intuition to be minimally reflective, it has to be retained after we have assessed its reliability through a reflections process that mainly consists of comparing the intuition with other intuitions. It is also a prerequisite that we understand the concept in question. Third, we have robust intuitions. For an intuition to be robust we have to retain it after we have, in addition to comparing it with other intuitions, investigated it in light of background theories (or some other way of investigating what factors influence the intuition) and moral principles, and thoroughly discussed it. Like with minimally reflective intuitions, it is a prerequisite that we understand the relevant concept.

I will make three revisions to this scheme. First, when it comes to surface intuitions, I think many would refrain from even calling such judgments intuitions, as it often is assumed that a proper understanding of the relevant concept, the case, and the proposition in question is needed in order to form an intuition (cf. e.g. Audi 1997: 41; McMahan 2013: 105). Such a judgment, which is nothing but a mere guess, certainly does not have non-inferential prima facie justification. Thus, in order to make the first category more relevant, I revise it so that one needs to understand the concept in question in order to have a surface intuition. What distinguishes surface intuitions from minimally reflective ones according to my revision, then, is only that we have not reflected upon the surface intuitions. In order to accentuate this alteration, I call the revised version of surface intuitions initial intuitions instead of surface intuitions. In other words, this revision consists of removing Liao’s surface category and dividing the minimally
reflective category into two categories; one that I call initial intuitions, and one that retains the label of minimally reflective intuitions. As the intuitions captured by psychologists’ surveys are characterized by an understanding of the relevant concept, but not necessarily submitted to reflection of the kind I suggested an intuition has to be submitted to in order to be minimally reflective, intuitions captured by psychologists surveys belong to the category of initial intuitions in the revised scheme.

Second, I do not view it as a necessity for an intuition to be submitted to serious discussion in order to be robust. While I grant that such a criterion might be interesting, I will not include it in my scheme. This way the distinctions are more fine-grained, and it is only the extent to which the intuition has been submitted to reflection that varies between the different kinds of intuitions. Moreover, I do not think this criterion is relevant for my discussion as none of the methods seem to encompass such an interpersonal element.

Third, at the beginning of this section I mentioned that Liao thinks that robust intuitions are intuitions formed under ideal conditions. However, if “ideal conditions” means something like what Rawls means, that we are not frightened or upset when we make the judgment, I think this criterion applies to all kinds of intuitions. Even initial intuitions need to be formed under such conditions.

Finally, I will outline some arguments concerning the robustness of intuitions. An argument for why one should strive for robust intuitions, is that it due to the reflection it has undergone is more reliable. Some may object that because of the extensive reflection, robust intuitions may be colored by theoretical commitment and therefore distorted – unlike initial or minimally reflective ones (cf Liao 2008: 257). The argument seems to be that it is problematic to use intuitions to test theories for external validity if these intuitions are colored by the theories the intuitions are meant to test.

4.5 Genuine or non-genuine?

Another distinction, and the last one I will bring up, is the distinction between genuine and non-genuine intuitions. This distinction was originally proposed in a paper by Bashshar Haydar and Gerhard Øverland (2015). The distinction I propose is a somewhat revised version of Haydar and Øverland’s distinction. (The difference becomes clearer below, in section 4.6, but in short they argue that when it comes to cases, the chance of encountering the case and the chance of being compensated for the loss one suffers from helping persons in need, is what distinguishes genuine from non-genuine.) For an intuition to be genuine it has to stand a test of genuineness.
The test (somewhat modified) reads as follow: “a moral intuition (I) about a given situation (S) is not genuine, if it is unlikely that people in general will comply with I” (ibid.: 15) when encountering S. In short, for an intuition to be genuine, people in general will have to comply with it.

Genuine is not the same as common, however. There might be some intuitions that are quite common and that people in general share. It is another question whether people in general are actually willing to comply with them. There might be some intuitions that most people have, but that most people, despite sharing these intuitions, are not willing to comply with. Such an intuition is indicated by Haydar and Øverland in their paper. For example, most people have the intuition that Bob should sacrifice his car (the Bugatti) in the following case:

*Bob’s Bugatti*: Bob, who has most of his retirement savings invested in a Bugatti, is confronted with the choice of redirecting a railway trolley by throwing a switch in order to save a child which will result in the destruction of his Bugatti because it has accidentally been placed on the side spur of the line, or he might leave the switch as it stands so that his Bugatti remains in mint condition, which will result in the child’s death. (ibid.: 4)

Haydar and Øverland hold that Peter Singer and Peter Unger think that the fact that most people have this intuition shows we ought to make considerable sacrifices to fight global poverty (ibid.: 4). However, as Haydar and Øverland write:

[…] despite more than four decades of pushing this line of argument, Singer has not succeeded in inducing the desirable change in behavior amongst most people, including the many who are exposed to his arguments in ethics courses, as well as the many moral philosophers who are fully aware of the force of Singer’s argument. (ibid.: 5)

While most people share the intuition that Bob ought to sacrifice his Bugatti in order to save the child, it might be the case that most are not willing to comply with the intuition. More precisely, Haydar and Øverland argue that even while having the intuition that one shall save the child in the *Bob’s Bugatti*-case, people are not willing to comply with such intuitions if this means they have to make considerable sacrifices in response to global poverty, or more precisely, spend all their retirement savings to save children in danger of suffering an early death. (I discuss this further in the next section.)
Based on the distinction between genuine and non-genuine intuitions, I think we can distinguish between two plausible positions. According to the first, we should only regard genuine intuitions as relevant for developing theories. According to the second position, intuitions being genuine is not regarded as a relevant concern. One reason for granting genuine intuitions evidential weight may be that there is a stand-off between genuine and non-genuine intuitions. Øverland and Haydar argue there is no evidence that the process underlying intuitions guarantees that our intuitions are consistent (ibid.: 13-14). They maintain we may in fact be facing a choice between abandoning either our genuine or our non-genuine intuitions, and opting for favoring genuine intuitions. The underlying assumption seems to be that moral theories should prescribe conduct that people are capable of. Thus, they seem to opt for non-ideal moral theories. (I will further discuss the relationship between the genuine/non-genuine distinction and the non-ideal/ideal theory in the next section.)

4.6 A taxonomy of intuitions

The criteria surveyed in this section can be divided into two groups: criteria regarding the intuiter and criteria regarding the characteristics of the intuition. I will base the taxonomy on the latter group. Regarding criteria concerning properties of the intuiter, I have only outlined one criterion; the intuiter can either be a layperson or an expert. Based on this criterion I identified three different possible positions. My discussion of some of the literature shows that there is controversy around whether moral philosophers actually are expert intuiters. The taxonomy I develop below, however, can be applied by all three positions; one can use this taxonomy to classify philosophers’ intuitions as well as laypeople’s intuitions. In my discussion of this criterion, I also cited evidence that may indicate philosophers’ expertise does not consist of having more reliable intuitions than laypeople, but that they are rather more inclined to question their intuitions. Thus, this indicates that the expert/layperson distinction seems to merge together with the robustness criterion.

There are quite many criteria concerning the intuitions themselves. Depending on the problem one is confronted with, an intuition can be labeled as either practical or theoretical. Practical intuitions are judgments about specific scenarios – e.g. what is the right thing to do in a specific situation S? – while theoretical intuitions are judgments about general principles or ideas – e.g. is feature F of moral relevance in general?

Moreover, we may distinguish between intuitions based on the degree to which they are subjected to reflection. Initial intuitions are intuitions that are not reflected upon. This does not
mean, however, that they cannot be conclusions of reflections. It only means that intuitions that fall into this category, once formed, are not reflected upon. If we question an intuition by comparing it with other (perhaps conflicting) intuitions, the intuitions that stands this test can be considered minimally reflective. Robust intuitions are intuitions we through serious reflection have made sure are not influenced by morally irrelevant factors. One way of investigating what factors intuitions respond to, is by consulting background theories.

We should note that initial intuitions serve as a point of departure. Even robust intuitions start out as initial intuitions. However, while all robust intuitions were initial at one point, not all initial intuitions become robust. As we submit our intuitions to reflection we may find that some are not reliable, and the stronger the test we submit our intuitions to, the more intuitions will peel off.

Finally, an intuition is considered genuine if people in general are willing to comply with it. If we combine these criteria we get a taxonomy with twelve different kinds of intuitions. Table 1 gives a tabular representation of this taxonomy. These categories should be viewed as ideal types; there might be intuitions that do not easily fit into any of these categories. Moreover, I am open to the possibility that some may argue that this taxonomy is not exhaustive. If I have overlooked any relevant criteria, and thereby category, anyone is welcome to add the missing categories. I do, however, think that the taxonomy as it stands now is nevertheless useful for the purposes of this thesis. I will end this section by discussing and making some clarifying remarks about the different kinds of intuitions.

Table 2: A taxonomy of intuitions

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<th>Non-genuine</th>
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<tr>
<td><strong>Practical</strong></td>
<td><strong>Theoretical</strong></td>
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<td><strong>Initial</strong></td>
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<td><strong>Minimally reflective</strong></td>
<td>V</td>
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<td><strong>Robust</strong></td>
<td>IX</td>
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As we can see from the taxonomy, we can have both genuine and non-genuine practical intuitions. In some cases we have intuitions that most people are not willing to comply with. As I indicated above, the intuition most have in the Bob’s Bugatti-case might be such a practical intuition, as most people are not willing to sacrifice most of their savings in order to save people...
in need. One might object, however, that while people are not willing to spend most of their savings on charity in order to save people from suffering, they might, if ever encountering a case similar to that of Bob’s Bugatti, sacrifice their very expensive car that they had used most of their savings to buy, in order to save a child from being run over by a trolley. What this objection suggests is that the two cases (if we regard donating money to charity as a case) are not analogous. That the cases are not analogous is something that Haydar and Øverland (2015; see also Timmerman 2015) argue throughout their paper. They hold that there are two kind of emergencies: accident-based and resource-based. Accident-based emergencies are emergencies that one seldom encounters, but where there is a high likelihood of being compensated for the help one offers. Bob’s Bugatti is such an emergency. Resource-based emergencies, on the other hand, are emergencies that the chance of encountering is quite high, and since they stem from a persistent lack of access to resources, the chance of being compensated is quite low. Extreme poverty is an example of the latter. In fact, many people experience something like the donation case on daily basis; they have money they can use to help people experiencing extreme poverty, but many seem to judge it permissible to keep the money for their own good (see also Greene 2003). Thus, Bob’s Bugatti and the donation case are two different cases and are judged accordingly.

What may now become more apparent is that the distinction I made between genuine and non-genuine intuitions is a bit different than that made by Haydar and Øverland. Their full formulation of the test of genuineness of intuitions reads as follows: “a moral intuition (I) about a given situation (S) is not genuine, if it is unlikely that people in general will comply with I once the chance of encountering S, as well as, not being being[sic] compensated for loss incurred on them, becomes significantly high” (Haydar & Øverland 2015: 15). It is different, as they make assumptions about why people have more demanding, non-genuine intuitions. I, on the other hand, make no such assumptions. Genuine intuitions are simply intuitions that people in general are willing to comply with, while non-genuine intuitions are intuitions people

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29 I have not outlined the donation-case, in the sense that I have specified the scenario. Greene (2003: 848), however, suggests one possible way of construing this case:

You are at home one day when the mail arrives. You receive a letter from a reputable international aid organization. The letter asks you to make a donation of two hundred dollars to their organization. The letter explains that a two-hundred-dollar donation will allow this organization to provide needed medical attention to some poor people in another part of the world. Is it appropriate for you to not make a donation to this organization in order to save money […]?

This case is adapted from Unger.
in general are not willing to comply with. Thus, my distinction merely tracks compliance without making any assumptions about what affects it.

Let us return to what I started out with: some practical intuitions might be genuine, while others may be non-genuine. I have now look at two practical cases: Bob’s Bugatti and the donation case. If we grant the objection that people actually might be willing to sacrifice their expensive car in Bob’s Bugatti, and also assume that most people judge it not to be wrong to refrain from donating money, this could indicate that practical intuitions oftentimes are genuine. This seems to resonate with Railton’s account of intuitions, that they generate some pressure toward action. However, these two cases are not enough to prove that practical intuitions are always genuine. Although intuitions might generate pressure toward action, this might not be enough to make us comply with it. Sometimes, for example, one might have a practical intuition that the right thing to do is to kill someone in order to achieve a greater good, like in the switch case. While having the intuition that pulling the switch is the right thing to do, people in general could find it hard to, and perhaps not be willing to, pull the switch in real life because of the distress of intervening in such a scenario. (This presupposes, however, that one make the stronger claim that the intuition in switch tell us what we ought to do and not merely what is permissible.)

Likewise, we may think that theoretical intuitions oftentimes are non-genuine. The fact that they judgments at higher levels of generality means that they can be applied to an array of cases. The more cases it can be applied to, the greater the chance it will contradict with what people are willing to actually do. Or, one might assume, their generality gives them less of an emotional pull compared to practical ones (cf. Sandberg & Juth 2010: 215). Nevertheless, some theoretical intuitions may be more genuine than others, and thus, the genuine/non-genuine distinction may still be of interest. It should be stressed that it might therefore be better not to think of the distinction in terms of discrete categories, but rather as a scale.

I have argued that while it might at first seem that the genuine/non-genuine distinction is overlapping with the practical/theoretical distinction, this is not the case. It has at least some independent significance. The genuine/non-genuine distinction is important as it relates to the debate on whether moral theories should be ideal or non-ideal (cf. chapter 2). For those who think theories should be non-ideal, in the sense that they are realistic, this distinction seems to be relevant, as people’s compliance may be an indicator for whether some principle or theory is realistic or not. To solely rely on genuine intuitions may therefore be a way to ensure that one ends up with a realistic theory. However, we should note that these distinctions are not
completely overlapping. While the genuine/non-genuine distinction is concerned with whether people are *willing* to do something, the ideal/non-ideal distinction is concerned with whether people are *able* to comply. One might for example be able to do something, but still not be willing to do it. Thus, the claim that theories should have a basis in genuine intuitions seems somewhat stronger than the claim that theories should be realistic. In other words, a realistic theory might contradict some of our genuine intuitions.

In addition to being either genuine or non-genuine, practical and theoretical intuitions can exist at three different levels of robustness. Practical intuitions at the first level of robustness – i.e. practical initial intuitions – are the intuitions we have in a specific case that we have not reflected upon. Similarly, theoretical intuitions at the first level of robustness are intuitions we have about abstract moral principles or ideas we not have reflected upon.

In order to obtain practical intuitions that are minimally reflective, we have to compare the intuitions we have in cases. The intuitions we still have confidence in after such a comparison are minimally reflective practical intuitions. Similarly, we reach minimally reflective theoretical intuitions by comparing different theoretical intuitions. If, however, one thinks that both practical and theoretical intuitions matter and therefore should be weighted equally, the comparing process will consist of comparing intuitions across the categories of practical and theoretical intuitions. After such a process of comparing we may end up with both minimally reflective practical intuitions and minimally reflective theoretical intuitions.

In order to obtain robust intuitions, in addition to comparing intuitions with other intuitions, we scrutinize our intuitions in light of background theories. This means we investigate what factors may have influenced our (theoretical, practical, or both theoretical and practical) intuitions, in order to ensure that they do not respond to factors that are morally irrelevant. However, it might be that some argue that it is not necessary to consult background theories in order to thoroughly investigate the factors that our intuitions respond to. There may be different views on how robustness is achieved. Either way, it is necessary to conduct a thorough investigation of what factors influence one’s intuitions, and the moral relevance of these factors has to be assessed. What makes this process quite complex, however, is that whether some factors are relevant or not may itself ultimately rest on some normative intuitions.

To the extent that it supplies the reflection process with information that is not already accounted for, moral principles and substantive normative arguments may also be included in this process. However, this assertion or claim should probably be modified. First, this is because if theoretical intuitions are already included in the process, it is not clear that including moral
principles as well with add something to the process. Second, I want to accommodate the view that practical intuitions can be robust without one having to confront them with theoretical intuitions. Therefore I think it is better to leave it open whether consulting moral principles is needed to ensure the robustness of intuitions.

As indicated above (see section 2.1.3), background theories may, in addition to be used to ensure the robustness of intuitions, be used to investigate whether people in general are able or willing to comply with some intuition or moral principle. We should note that the background theories one uses in order to investigate whether, for example, a principle is of the kind that people in general will comply with, are different from those that inform us with regard to what factors influence our intuitions. So, while background theories may be used for both purposes, we should not conflate genuine and robust intuitions. Genuine intuitions need not be robust, and robust intuitions need not be genuine.

Before concluding this section, I will just make a brief remark regarding the different levels of robustness and justification. As I have argued, reflection may be a means to justify intuitions. Thus, while intuitions have prima facie justification, reflecting upon them is necessary for granting them ultima facie justification. Having made these comments, I think the taxonomy is ready to be applied to the discussion of the different methods and their views on the justificatory role of intuition.
Different methods and the justificatory role of intuition

With the taxonomy of intuitions in place (table 2), we may now proceed with the discussion we left in section 2.2. The main purpose of this chapter is to apply the taxonomy and thereby be able to say something more about how the three methods differ with regard to what kind of intuitions are considered to have a justificatory role. When comparing the methods I will also comment on the justificatory models that are implied by the different methods. In addition I will briefly discuss some implications the differences might have.

In this chapter I proceed as follows: In the three first sections of this chapter I use the taxonomy of intuitions to give a more precise account of each position. I will start with the method of reflective equilibrium, and try to categorize considered judgments.³⁰ As I suggested in chapter 2, considered judgments might be a kind of intuition. I then go on to categorize first Singer and then Kamm’s intuitions. To outline Kamm’s method and categorize the intuitions she is concerned with is not as straightforward a task as with the two former views. I will therefore devote more of the remainder of this thesis to the analysis of Kamm than the two other

³⁰ In chapter 2 I suggested that considered judgments might be a subcategory of intuition. As mentioned, Rawls himself holds that considered judgments might be intuitive. However, Rawls’ notion of intuitive is wider than the understanding of intuitive that I suggested in section 3, as intuitive according to Rawls may entail “inquiry into the facts of the case” and “application of a common sense rule.” Intuitive judgments so understood seems to encompass judgment that stems from reasoning. Nevertheless, I think it is still plausible to maintain that considered judgments, at least some of them, might be a kind of intuition. Or, to rephrase it, if some of our considered judgments are intuitions, they will be intuitions of the kind that I present in section 5.1. First, this is because while some of our considered judgments stem from reasoning, some may still be intuitive (in the sense which I use the word). Second, the requirement is not rehearsed in Rawls’ later writings. This could imply that he may have distanced himself from it. Third, many of the methods adherents seem to think that considered judgments are some kind of intuition.
views. I end this chapter by comparing these different views on the justificatory role of intuition and briefly discuss the implications these differences may have.

5.1 Rawls and considered judgments

As we recall from chapter 2, according to the method of reflective equilibrium we start out by identifying relevant considered judgments. However, not all of these judgments end up being a part of the reflective equilibrium. Some are rejected along the way. In this section I will both outline what kind of intuition the judgments that enter the reflective process, and what kind of intuitions those judgments that end up being a part of the reflective equilibrium are.

First, Rawls argues we have considered judgments at all levels of generality. Therefore, considered judgments can be both practical and theoretical. Second, it is not quite clear whether considered judgments are genuine or not. In chapter 2 I argued that Rawls is primarily concerned with constructing realistic theories. Moreover, one purpose of background theories, at least according to Valentini’s interpretation of Rawls, is that they are meant to ensure that the moral principles one ends up with are principles that people are able to comply with. That background theories are applied for this purpose may imply that considered judgments are not necessarily genuine. For if our considered judgments were genuine, it would not be necessary to apply background theories for this purpose. However, if we consider the examples that Rawls gives of considered judgments, that racism, slavery, and religious intolerance is wrong, it may seem like considered judgments are genuine. Nevertheless, we should have in mind that we might have considered judgments at even higher levels of generality, and that some of these could in certain situations prescribe action that goes against what people in general would be willing to do. I think, then, it is plausible to assume that some considered judgments might not be genuine (cf. section 4.6).

Moreover, if we assume that including background theories, that are meant to ensure that the moral principles we end up with are principles people are able to comply with in the reflective process, will make us reject considered judgments that are non-genuine, those judgments that end up being a part of the reflective equilibrium are more likely to be genuine. I say “more likely” since, as mentioned above, “being willing to comply” is a stronger claim than “being able to comply.” Thus, considered judgments that are in tune with principles that people are able to comply with need not be the judgments people are able to comply with. However, I think people are more likely to be willing to comply with judgments that they are able to comply with, than with judgments they are not able to comply with.
Third, it seems also clear that for a judgment to be considered, it must be something more than mere initial intuitions. Considered judgments have been through a selection process. Rawls (1999: 42) writes that in deciding which judgments are considered and which are not, we may “select some and exclude others,” and we may exclude “those judgments made with hesitation, or in which we have little confidence” or those “given when upset or frightened, or when we stand to gain one way or the other.” He also argues that considered judgments are “those [judgments] which stand up to critical reflection” (Rawls 1980: 518; see also Tersman 2008: 392; Sandberg & Juth 2010: 221-222). Given the criteria I have given for calling an intuition robust, that we retain it after considering it in light of background theories that inform us with regard to what the intuitions respond to (or having thoroughly examined what our intuitions respond to in some other way), considered judgments do not qualify as robust. The test that an intuition has to undergo to achieve the status of robust, however, is much like the wide version of reflective equilibrium. We might therefore say that considered judgments that make up a part of a wide reflective equilibrium are robust. Therefore considered judgments in general, as they are not robust nor initial intuitions, fall into the category of minimally reflective intuitions. However, we may note that the process of discerning which of our initial beliefs are considered judgments is not necessarily identical to the process I describe in chapter 4. On Rawls’ account, this process consists of considering whether the judgments were formed the right way, that is, made under specific conditions, by people with certain abilities and desires. Some might suggest that considered judgments in general are initial intuitions (to me it seems like that is how many adherent of the method interpret it). One could argue that one can construct cases such as the judgments they elicit are not influenced by excessive attention to self-interest and so on. For example, it does not seem like self-interest may affect our judgment in *switch* and *footbridge* – we do not know anything about the people which lives are on stake. While it may be possible that one can ensure that our judgments satisfy some criteria by constructing cases in a certain way, it may not be sufficient for eliciting judgments that can be said to be considered judgments. However, I have to leave the discussion of the construction of cases for another time. For now I will consider considered judgments as minimally reflective intuitions. Nevertheless, I think it is quite clear from the account of considered judgments that I have outlined, that considered judgments are judgments we have, to some extent, reflected upon and not just initial intuitions. As mentioned above, Rawls argues that considered judgments are those judgments that stand up to critical reflection. The way I interpret this claim is that it is not all of our initial intuitions that stand up to critical reflection, and that is only
those initial intuitions that stand up to critical reflection that are regarded as considered judgments. In other words, on my interpretation of Rawls some reflection upon the judgment seems necessary for it to be “considered.”

To summarize, considered judgments in general are intuitions of the following categories: V, VI, VII and VIII. As mentioned in chapter 2, Rawls calls these judgments provisionally fixed points. Thus, these judgments seem, on his account, to have prima facie justification. Rawls seems to imply that what grant such judgments prima facie justification is that they are formed in a specific way; they are formed by persons in the right mood, with certain abilities, under specific conditions. Considered judgments that are in a wide reflective equilibrium, and have ultima facie justification, are intuitions of the following categories: XI and XII.

5.2 Singer and intuitions

Singer’s intuitions, which are something similar to Sidgwick’s three ethical axioms, are robust and theoretical. They are robust as Singer clearly seems to think that we should investigate our intuitions in light of background theories in order to assess the factors that influence our intuitions, as he argues that empirical investigations can tell us something about the reliability of intuitions. 31 He writes, for example, that:

If […] Greene is right to suggest that our intuitive responses are due to differences in the emotional pull of situations that involve bringing about someone’s death in a close-up, personal way, and bringing about the same person’s death in a way that is at a distance, and less personal, why should we believe that there is anything that justifies these responses? If Greene’s initial results are confirmed by subsequent research, we may ultimately conclude that he has not only explained, but explained away the philosophical puzzle [of making moral principles accommodate our practical intuitions] (I say that we may ultimately reach this conclusion because of course Greene’s data alone cannot prove any normative view right or wrong. Normative argument is needed, of the kind I shall sketch below, to link those data with a particular normative view). (Singer 2005: 347)

As becomes clear from the quote, Greene’s studies alone are not enough to show that practical intuitions are unreliable, we need a normative argument too. Singer (2005: 347-348) thinks we

31 Note that I do not intend to discuss whether the empirical evidence is as conclusive as Singer seems to think, as this is not relevant for the aim of this thesis. I only aim at establishing that Singer thinks empirical investigations have methodological relevance.
should consider Greene’s findings in a broader evolutionary context. If we do that it becomes evident that our practical intuitions respond to factors such as our evolutionary history. Most of our evolutionary history we have lived in small groups where harm only could be inflicted in ways that are “up-close” and “personal.” To deal with such situations, he argues, “we have developed immediate, emotionally based responses to questions involving close, personal interaction with others” (Singer 2005: 348). This, moreover, explains why we think it is permissible to pull the switch in the switch case but not push the stranger in the footbridge case. These responses make the thought of pushing the stranger repulsive. We do not, however, have any such responses in the switch case since when one throws a switch that diverts a trolley that will hit someone, one does not inflict harm in a way that is up close and personal. Singer’s (2005: 348) normative argument is therefore mainly that “the fact that [one] has killed someone in a way that was not possible a million years ago, rather than in a way that became possible only two hundred years ago”, bears no moral salience.32

The intuitions that Singer is concerned with are theoretical, as he maintains that we should search for undeniable fundamental axioms, or what Audi (1997: 47) calls unmovable movers. That an intuition is fundamental means there cannot be further evidence given for it; we have reached an end point and cannot push the investigation any further. Thus, they should be at the highest level of generality as possible.

Moreover, that theoretical intuitions on Singer’s account are reliable but practical intuitions are not is clear from his assertion that a theory may reject all our practical intuitions but still be superior to theories that accommodate them. Similarly, in his article “Famine, Affluence, and Morality” he writes that:

[T]he way people do in fact judge has nothing to do with the validity of my conclusion. My conclusion follows from the principle […] and unless that principle is rejected, or the arguments shown to be unsound, I think the conclusion must stand, however strange it appears. (Singer 1972: 236)

32 What follows is that only our theoretical intuitions that are reliable. It seems to be the case, then, that to reach the conclusion that practical intuitions are unreliable Singer ultimately relies on a theoretical intuition – something like “how we live and have lived our lives is not decisive for how we ought to live our lives” or “we should not derive an ‘ought’ from an ‘is.’” This is interesting because there are various constraints on skeptical challenges regarding intuitions. One of them is that the challenge must not be self-undermining – the challenge cannot itself rely on an intuition (Pust 2016: section 3.2). Singer’s argument might at first hand seem to be self-undermining, as his challenge against intuitions is ultimately based on an intuition. However, Singer challenges the reliability of one kind of intuitions and his challenge is grounded in a different kind of intuition. Thus, Singer’s challenge is not self-undermining.
This could suggest that even if people have practical intuitions that contradict the principle Singer defends, this poses no problem to the principle whatsoever, as long as our theoretical intuitions favor the principle (cf. Kamm 2007: 417).

Haydar and Øverland argue that Singer’s intuitions are non-genuine. However, Singer do not seem to set out with the goal of discovering non-genuine intuitions. On the contrary, as Haydar and Øverland are well aware, Singer is trying to induce change in how we think of morality and in our behavior. Singer is clearly an activist, and have written several books urging people to live what he regards as more ethical lives, and his activism would be inexplicable if he did not think it was possible to live by the principles he embraces. He himself seems to do so. As he puts it: “I doubt whether preaching what one does not practice would be very effective” (Singer 1972: 240). Furthermore, he gives several examples of other people that live by his principles; that are willing to donate a kidney to a stranger, give half of their fortune or a substantial part of what they earn to charity, etc. (Singer 2010).

One could object that people in general do not, and will not, comply with Singer’s intuitions, although Singer himself and some other people do. That an intuition is non-genuine means only that it is unlikely that people in general will comply with it; there might still be some people who comply with it. Thus, Singer’s intuitions are non-genuine. To this one might reply like Singer (1972: 237) does: “What it is possible for a man to do and what he is likely to do are both, I think, very greatly influenced by what people around him are doing and expecting him to do.” Thus, what people at one point think or do may not be a good indication of what principles people are able, or willing, to comply with at some later point. So even if Singer’s intuitions actually are non-genuine, this is affected by the general attitudes in the societies we live in, and might change. It seems like Singer is aware that people might not be willing to comply with his intuitions and that his aim is to convince more and more people to comply with them until complying with these intuitions or principles becomes the norm. A major point is Singer’s seems to be that we should not let what people are willing to do influence which moral principles we embrace. However, this does not change that we might consider the intuitions Singer appeals to as non-genuine. While Øverland and Haydar argue that Singer’s intuitions are non-genuine, it could still be the case that one could apply Singer’s method and end up with genuine theoretical intuitions. However, I think, like Øverland and Haydar, one is more likely to end up non-genuine intuitions. Nevertheless, it is clear that when applying Singer’s method one is not restricted to restricted to search for genuine intuitions.
What distinguish Singer’s intuitions from the intuitions in a wide reflective equilibrium, is that Singer’s intuitions might be non-genuine, and that they are solely theoretical. Singer’s intuitions, those he thinks are ultima facie justified and play a justificatory role, therefore fall into category XII and possibly also category X. To arrive at this fundamental level one has to investigate different moral principles, always asking for further evidence or arguments. Since a moral theory can deny all of our practical intuitions but still be the best theory, there seems to be no need for or purpose of consulting them. Thus, the input in this process will consist of theoretical intuitions at lower levels of robustness (such as II and IV). However, since for a belief to be justified on Singer’s account it has to bear an appropriate inferential relation to a foundational axiom, none of the beliefs (or inputs) should be regarded as having any justification at the outset of the process of searching for fundamental axioms. In McMahan’s words (quoted above), the order of discovery is the reverse of the order of justification.

5.3 Kamm and intuitions

As argued in chapter 2, Kamm seems to think we should primarily be concerned with the intuitions about specific cases, practical intuitions, when we construct moral theories. In a short critique of Singer’s methodological view, she writes that she thinks that “our intuitions about general principles [theoretical intuitions] must be tested against our intuitions about the implications of general principles for practical cases [practical intuitions]” (Kamm 2007: 417) and that she does not think that “our intuitions about cases [practical intuitions] are less reliable than those about principles [theoretical intuitions].”

In fact, she thinks the opposite is the case; that practical intuitions are more reliable than theoretical intuitions (Kamm 2015c: 240). This is, she argues, partly “because we do not have a reliable grasp of a principle itself without considering its implications” (Kamm 2007: 418). One reason for not relying on theoretical intuitions, then, especially at an early stage, is that if one relies on theoretical intuitions without consulting one practical intuitions, one ends up with principles with extreme implications. Another reason for not using a principle, and thus a theoretical intuition, as a starting point for one’s investigation is that it may distort one’s practical intuitions (cf. Kamm 2001: 9, 11-12). When one does not use a moral principle as a starting point, “it is less likely that the response to cases are the result of conscious application of principles that one already is committed” (ibid.: 11-12, italics in the original).

Our practical intuitions, on the other hand, should be the starting point of our normative analyses. By doing this we will be able to assess the implications of the principle we ultimately
end up with, and thereby avoid ending up with principles with extreme implications. Moreover, she thinks that practical intuitions in most cases track morally relevant factors (Kamm 2009: 335-336; see also 2001: 11-12), and is equally optimistic when it comes to our ability to judge cases – even when it comes to those that are quite complex (Kamm 2000: 667; 2008: 111-112). What follows is that practical intuitions serve to both reveal and justify principles. Thus we do not discover or justify principles directly (by theoretical intuitions), but we discover them via practical intuitions (Kamm 2007: 418). An implication of moral principles being discovered by investigating practical intuitions is that the principles might be quite complex, as they have to capture our practical intuitions (Kamm 2001: 12).

We find a good illustration of practical intuitions having primacy over theoretical intuitions in an article by Kamm (2000) on the moral relevance of distance. In this article Kamm appeals to practical intuitions by constructing an impressive battery of cases that she carefully compares, in order to reveal a moral principle concerning the moral relevance of distance. She does not, however, question the practical intuitions by confronting them with theoretical intuitions, which could perhaps have made a difference. Sandberg and Juth (2010: 215; see also Kamm 2007: 6; Singer 1972: 231-232), for example, argues that theoretical intuition that distance have no moral relevance is quite common. However, Kamm seems to disregard this intuitions altogether. Thus, at least in this article on the moral relevance of distance, Kamm downplays the role of a theoretical intuition that is assumed to be widely shared.34

To further elaborate what kind of intuitions Kamm is concerned with, a short inquiry is required. I will start by discussing Kamm’s understanding of reflection. She argues that “it may be inappropriate to call a judgment about a case a moral intuition if it has not first been reflected upon” (Kamm 2007: 426), and writes that:

[A] case with a black victim may yield lower compensation than a case with a white victim. This does not mean that some subjects had a moral intuition that being black affects how much money one deserves and then, when presented with both cases, realized that the intuition does not accord with a moral principle.

33 In fact, she argues that one reason why some people may have difficulty with considering cases is because of the fear of making hard decisions (Kamm 2001: 10). She also remarks that considering cases is a task that needs exercise, and that there may be only a few that can respond to a complex case with a firm response (Kamm 2001: 11).
34 Kamm (2000: 674) writes that she accepts that intuitive support, and by that she means the support of practical intuitions, “is not enough to justify a principles of morality. We must find morally significant ideas underlying the intuitions for the principle for the principle to be justified.” These ideas, then, are explanations or arguments for why the distinctions that our practical intuitions uncover are sound. I discuss this aspect of her theory below when discussing how to assess which factors are morally relevant.
Rather, the subjects did not have a moral intuition at all; they had a prejudice. We should also consider the possibility that when subjects are presented with one case, they are (appropriately) doing something different from what they do when presented with two cases together.

One possible interpretation of Kamm’s view on reflection is that it seems to be somewhat similar to that of Audi. Reflection is a means to produce intuitions, and the reflection itself consists of thinking about an overall pattern. However, what the overall pattern consists of seems to differ. For while Audi by “the overall pattern” means the different aspects of the case, Kamm means the constellation of different cases. In order to produce an intuition, according to Kamm, it is not enough to consider a single case. A judgment of a single case may reveal nothing but our prejudices. In fact, when one is presented with only a single case, we are doing something different from what we do when we are presented with several cases; we do not engage in reflection. In other words, according to Kamm, in order to engage in reflection and thus produce an intuition, we have to consider more than one case.

This interpretation implies that the judgments Kamm is concerned with – or more precisely, the judgments that serve as input to her method – are initial intuitions. This is because these judgments have not been reflected upon, but are the outcome of a reflection process. This is the part of Kamm’s view that is similar to Audi’s view, and as argued above, Audi’s view is compatible with my account of intuition. With this interpretation of Kamm, then, we need to assess cases pairwise to elicit intuitions. It is not enough to assess one single case. While we judge several cases together, we still have one judgment in each case. Thus, this interpretation seems to differ somewhat from the common understanding of intuition where it is not a condition that cases have to be judged pairwise. Still, cases are often compared.

Alternatively, the reflection process can be viewed as a process of assessing the judgment. Thus, the judgments are already produced, but in order to achieve the status of intuitions, they have to undergo a process of reflection. In this process we compare the different intuitions, and if we find through this process that some judgments are unreliable, we do not grant them status as intuitions. (At least they have to be revised in order to achieve this status.) Such an interpretation implies that Kamm reserves the term intuition for judgments that are minimally reflective. However, on this interpretation it is doubtful whether the judgments are formed non-inferentially.

I think both interpretations have something to them. As Kamm notes, there is a possibility that “considering several cases together may yield a different intuitive judgment than
considering each case in insolation” (ibid.: 427). For example, when considering the cases of how much money a black man and a white man respectively deserve as compensation (cf. the quote above), one supposedly judges these differently when one judges them together versus when one judges them in insolation. What she seems to maintain is that when judging the two cases together, the judgment is not influenced by, for example, prejudice. This seems to favor the first interpretation. However, what supports the second interpretation is that in order to ensure the robustness of the intuitions, we have to study them carefully by comparing them with other intuitions. The input to the method that Kamm applies, then, is initial intuitions and to investigate these intuitions she elicits further intuitions to which she compares them. 35 I will discuss this in greater detail below.

Before moving on to how robustness is achieved, I will first outline some of the reasons why Kamm thinks we should assess several cases together – or pairwise, to be more precise. Kamm admits that there might be certain objections to this way of testing cases. For example, she is aware of the assertion that not judging cases in isolation “may threaten an assumption about the purity of philosopher’s intuitions” as the intuition “may be impure because they are the result of a coherentist frame of mind” (ibid.). This means that philosophers’ intuitions may be shaped by their desire to make “intuitions hold as a sensible whole” (ibid.). Nevertheless, while Kamm notes this possible problematic implication of considering cases together, she seems to find another implication that is favorable to be more plausible: “one person, considering intuitions in multiple cases, can be led not to alter or discard any intuition but rather to alter or discard a principle he had thought underlay an intuition” (ibid., my italics). Considering several cases together, then, is a way of assessing and examining an underlying principle. For practical intuitions to serve this purpose, however, a certain approach is required: the method of equalizing cases. Equalizing cases entails that “if we are trying to find out whether a factor x matters per se in our intuitions [i.e. is morally relevant], we must construct a set of comparable cases, one with the factor x[sic] and one without it, and hold all other factor

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35 Whether this is an accurate or plausible description of what happens when one judge several cases together is questionable. Audi, as we have seen, argues that the intuition is elicited when we have reflected “enough,” and seems to suggest that we cannot control when the intuition is elicited. This means that we might risk that we already have an intuition in the first case before we have manage to assess the second case. Thus, the reflection that judging cases together encourages is not reflection that produce intuitions (i.e. intuitions as conclusions of reflection), but rather reflection upon the judgments. In fact, based on a survey of empirical investigations regarding the cognitive psychology of moral intuitions, Daniel Kahneman and Cass R. Sunstein (2005: 95) seem to suggest that when we judge cases together we engage reflection upon the initial judgments (i.e. engage in reasoning). If, however, one assumes that Kamm’s method consists of judging cases and then comparing them with other cases, one avoids these objections.
in the two cases constant” (Kamm 2000: 658, italics in the original; see also Kamm 2015c: 237). Thus, the method is used to illuminate what factors our intuitions respond to.

Equalizing cases is a demanding exercise. Kamm (2007: 428) gives the following example of how to equalize cases when assessing the harming/not-aiding distinction:

(1) Jim wants to get Jane’s inheritance, so he pushes her down in the bathtub, holding her head under the water until she drowns. (2) Bill wants to get June’s inheritance. He sees her drowning in the bathtub, and while he could easily help her, he refrains, intending that she drown. […] In these two cases, motive, intention, effort (involved in not killing and in aiding), etc., are the same. Only one case is a case of harming and the other a case of not-aiding. (notes removed)

If we react differently in these cases, this means that the distinction, in this case the harming/not-aiding distinction, makes a “moral difference.” In other words, it seems that distinctions are relevant insofar as our intuitions respond to them.

To briefly summarize what we have found out about Kamm’s method so far, the method consists of judging several cases together. Judging cases together gives one, according to her, the advantage that one is able to reveal the underlying moral principle that governs our judgments. However, in order to do so, one has to equalize cases properly.

I will now consider Kamm’s process of ensuring robustness. To do this, we have to take a closer look at to what extent Kamm engages in a scrutiny of what factors influence our intuition and discuss their moral relevance. Her view on the relevance of empirical investigations in this process is also of interest.

The method of equalizing cases seems to imply that every factor that affects our intuitions is eo ipso morally relevant. Recall, if the only factor that is not held constant affects our intuition, it makes a moral difference. However, she remarks that some factors that affect our intuitions may in fact not be morally relevant and that some intuitions therefore might be unreliable: “If people’s intuitions in certain contexts are unreliable or shown, on reflection, to be irrational, we should be hesitant to rely on them in those contexts” (ibid.: 438; see also Kamm 2015c: 236; 2001: 11-12). It appears from this quote that one, through reflection, may discover such unreliability. According to Kamm, then, we should reflect upon our intuitions, thus striving for robust intuitions.36

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36 An example of a factor whose influence makes intuitions unreliable that Kamm (2007: chap. 14) discusses is framing effects. (The objection that philosophers are unreliable because they are affected by framing is an objection that is proposed by Daniel Kahneman (see e.g. Kahneman & Sunstein 2005: 99-101).) Framing effects means that
We might now seem to have arrived at a contradiction: if the factors that intuitions respond to are, by the fact that intuitions respond to them, morally relevant, intuitions ex hypothesis cannot respond to morally irrelevant factors. However, according to Kamm, merely affecting our intuitions does not make factors morally relevant. She implies that in addition to influencing our intuitions, a factor has to be backed up by a morally significant underlying idea (Kamm 2000: 674). This follows from the assertion that the support of practical intuitions is not enough to justify principles. We need some significant moral idea to account for the distinctions that we uncover when we analyze our intuitions. Moreover, she argues that what factors are ultimately morally relevant “is a judgment that depends on moral theory” (Kamm 2007: 439).

In short, one applies the method of equalizing cases in order to reveal factors that make a difference, but to find out whether these factors are morally relevant – and thus make a moral difference – one has to consult moral theories.

While the contradiction seems to be solved, a new problem has occurred. Kamm’s approach now has something tautological to it: intuitions are reliable insofar as they are only influenced by morally relevant factors. What counts as a morally relevant factor depends on (a justified) moral theory, and a moral theory is justified if it is supported by reliable intuitions. However, I think that such an interpretation of her method is misguided. This is because I think Kamm’s formulation – that judgments about whether a factor is morally relevant depends on moral theory – is unfortunate and confusing, as she (as noted earlier) does not think that we should make judgements in light of already existing moral principles or theories that we are committed to. In fact, the opposite is true of her method. It is by investigating practical intuitions that one discover moral principles.

Having explained how Kamm’s view is not tautological, the question of how to assess whether the factors that our practical intuitions respond to are morally relevant still needs to be explained. I have already touched upon what seems to me to be the answer. The distinctions, or factors, that our intuitions reveal need to be supported by some idea or reason (Kamm 2000: 674; 2001: 12). As Kamm (2001: 11-12) writes, “[t]hese judgments [our practical intuitions] are not guaranteed to be correct, and one must give one’s reasons for making them” and...

—one judges two cases that are morally identical differently because of how the description of them is framed: “a framing effect is arbitrary only if the different descriptions that frame are equivalent in all morally relevant respects, that is, they are merely alternative ways of saying what has exactly the same moral content” (Kamm 2007: 438). Thus, the frame introduces an element that should be irrelevant (Kamm 2007: 439). Another example is the personal/impersonal distinction (Kamm 2009). However, in her discussion Kamm argues that it is evident that these factors, once we equalize the relevant cases properly, do not actually influence one’s intuitions. In other words, the distinctions that underlie these intuitions are morally relevant.
moreover, the principles that cover our intuitions “must be related to morally significant ideas.” This means that we, by investigating our practical intuitions, have to identify the distinctions that generate them, which will be to offer a reason for making those judgments. Based on the distinctions we uncover, we articulate a principle. That this principle has to be related to significant moral ideas I think is best interpreted as it has to possess some intuitive support (cf. Kamm 2007: 5; 2008: 112; 2015c: 238). Kamm (2005: 5) writes that we have to “consider the principle on its own” and that this “is necessary to justify it as a correct principle, one that have normative weight, not merely one that makes all of the judgments cohere” (italics in the original). Thus, at this stage theoretical intuitions are introduced, as it is not enough to simply construct a principle that covers all the practical intuitions – the principle itself must have some intuitive appeal.

However, theoretical intuitions are given a very limited role. They are only relevant at a late stage in the process and they seem to only have a negative role. Theoretical intuitions, it seems, can only debunk the principles that are uncovered. Moreover, the likelihood of a theoretical intuition debunking a principle uncovered according to this method seems quite low, as Kamm (2007: 5; see also 2001: 12) urges us to be prepared to let us surprise by the principle we uncover is, accept that it might be quite complex, and “not ignore some case-based judgments, assuming they are errors, just because they conflict with simple or intuitively plausible principles that account for some subset of your case-based judgments.” It is therefore the principle that should be conformed to the practical intuitions – not the other way around (Kamm 2015b: 60). Furthermore, as mentioned above, by giving practical intuitions primacy over theoretical ones, we avoid ending up with principles with extreme implications. Thus, it is more important to hold on to our practical intuitions than our theoretical ones, as practical intuitions “are an important bar that rationales must hurdle, not merely a device that can trigger their discovery, and […] our intuitive judgments about cases are often more to be trusted than intuitive judgments about the moral compelleness of rationales” (Kamm 2015c: 239-240). So if the principle we reveal does not have any intuitive support itself, one has to continue one’s investigation of one’s practical intuitions by examining closely related cases (cf. ibid.: 236).

To sum up, in my discussion of Kamm’s method I have tried to clarify several points. First, Kamm is primarily concerned with practical intuitions. Second, the intuitions she starts out with are initial intuitions. Third, I think it is reasonable to argue that she considers the intuitions she ultimately relies on as robust. She does not consult background theories to investigate what factors that influence them, but applies the technique of equalizing cases. As she argues,
“consider your case-based judgments, rather than do a survey of everyone’s judgments. […] Much more is accomplished when one person considers her judgments and then tries to analyze and justify their grounds than if we do mere surveys” (Kamm 2007: 5; see also p. 426). In fact, she argues that both much of the empirically founded critique of methods relying on the appeal to practical intuitions is flawed, as the cases they use in their surveys are not equalized properly, and thus these studies are not able to reveal the distinction that actually generates the intuitions (see Kamm 2007: chap. 14; 2009).

I still have not said anything about the genuineness of Kamm’s intuitions. I will address this matter in brief. Kamm herself does not seem to address this matter explicitly. She argues, however, that it is for some reason problematic if principles have extreme implications. If we assume that principles with extreme implications, because of these implications, are harder to comply with, this could indicate that Kamm primarily opts for genuine intuitions. That Singer’s principles according to Kamm have extreme implications, and the assertion that principles with extreme implications are not genuine, seems to resonate with the view of Haydar and Øverland that Singer’s theoretical intuitions might be non-genuine. Moreover, Kamm argues that revealing moral principles by investigating practical intuitions leads us to principles with less extreme implications. It is by investigating practical intuitions that we get a reliable grasp of principles and their implications, she argues (ibid.: 418). Thus, Kamm might seem to presuppose that practical intuitions oftentimes are genuine, as discovering principles via practical intuitions leads to principles with less extreme implications. However, I think it is reasonable to encourage viewing the last supposition with caution as the indications of it are not that evident.

The intuitions that Kamm starts out with, and that are prima facie justified, are initial practical intuitions, that is, intuitions of categories I and III. By applying the technique of equalizing cases, she ends up with a set of robust practical intuitions that reveals a moral principle. This principle has to have some intuitive support itself, thus, the principle needs to be supported by robust practical intuitions and some theoretical intuition. As the theoretical intuition does not undergo the same kind of scrutiny as the practical intuitions it is reasonable to categorize the theoretical intuition at a lower level of robustness. However, since Kamm argues that the principle has to be supported by reasons and normative ideas, and since the scrutiny of practical intuitions is a scrutiny of possible implications of a principle and thus might be said to be an indirect way of scrutinizing the theoretical intuitions, I think the theoretical intuition should be categorized as minimally reflective. Thus, the moral principles that Kamm
ends up with are supported by intuitions of the following categories: IX, XI, (IV,) and VIII. (I have put IV in parentheses because of the indications that the principle should be a principle that people are able to comply with.) It is these intuitions that are ultima facie justified.

5.4 The justificatory role of intuition

We may now compare Rawls, Singer, and Kamm’s methods. The three methods differ with regard to what kind of intuitions are considered as input, and what kind of intuitions are the output, and ultima facie justified. I will in the following section outline these differences in more detail.

First, let us take a look at the different views regarding the practical/theoretical distinction. Kamm is the one that has the most faith in practical intuitions. She thinks that they in most cases track morally relevant factors. On the other hand, she is skeptical to giving too much weight to theoretical intuitions, since she thinks that by relying on theoretical intuitions without consulting one’s practical intuitions, one ends up with principles with extreme implications. Moreover, she thinks that using a principle or a theory as a starting point for one’s investigations can distort one’s practical intuitions. What follows is that Kamm is primarily concerned with investigating practical intuitions.

Singer, having the exact opposite view of Kamm, is very skeptical to practical intuitions. He argues that they are not reliable, as they are influenced by factors such as evolutionary history and cultural indoctrination. How we live or have lived for millions of years is not of moral relevance, and since our practical intuitions respond to these factors, we should not rely on them. Singer believes that theoretical intuitions, on the other hand, are not influenced by these factors and that they therefore are reliable. Thus, according to Singer, we need not accommodate any of our practical intuitions. The only thing that matters are theoretical intuitions.

Rawls’ view forms a middle position. Unlike Singer and Kamm, he does not have great confidence in the one and correspondingly great skepticism toward the other. As outlined above, we should trust our considered judgments because these are judgments formed in a specific way; they are formed by people in the right mood, with certain abilities, under specific condition. Since what matters on Rawls’ account is how the judgment is formed, theoretical and practical judgments should be granted equal weight in the reflective process as long as they are formed in this way.
In short, if we again imagine a continuum on which the three positions lie, the end nearest to Kamm’s position is characterized by reliance on practical intuitions and skepticism towards reliance on theoretical intuitions, while the end nearest to Singer’s position is characterized by reliance on theoretical intuitions and skepticism towards reliance on practical intuitions. In between these positions we find Rawls and the method of reflective equilibrium. It is also interesting to note that they justify their claims in quite different ways. Kamm argues that we have to study the implications of principles, Singer appeals to background theories on what our intuitions respond to, and Rawls appeals to how the judgment is formed.

Second, and related to the first point, the views on how robustness is achieved varies between the different positions. Kamm, for instance, works her way from initial to robust practical intuitions by carefully comparing the intuitions. Instead of relying on background theories – i.e. empirical investigations – she applies the method of equalizing cases. By equalizing cases she reveals which factors influence the intuitions. In fact, Kamm is skeptical toward relying on empirical investigations, as she thinks the cases used in these studies are not equalized properly. Moreover, she thinks it is “more valuable to have one person’s intuitions in combination with an analysis of what moral concepts underlie them than to collect the intuitive judgments of many people” (Kamm 2007: 426) and that there may be only a few people that can respond to complex cases with firm response and thus reveal the underlying distinctions (Kamm 2001: 11). Since the principle we ultimately end up with is thoroughly scrutinized through the investigation of our practical intuitions, it is not necessary to give the theoretical intuition an equally thorough investigation.

Singer does not share Kamm’s skepticism toward empirical investigations of moral intuitions. He thinks that Greene’s study gives good indications of practical intuitions being unreliable and that by combining Greene’s findings with a normative argument we have provided evidence for the assertion that practical intuitions are unreliable whereas theoretical intuitions are reliable. Having reached this conclusion, one searches for undeniable fundamental axioms. By investigating different moral principles, pushing the investigation further and further, one arrives at some fundamental axiom. That this axiom is undeniable means that it is supported by robust theoretical intuitions. In this process we reveal many theoretical intuitions, but it is only the most fundamental of them, those at the highest level of generality, that we ultimately rely on.

Rawls’ way of ensuring robustness shares some elements with both of the other methods. Theoretical and practical intuitions have to be confronted with each other and background
theories. Thus, the process that makes intuitions ultima facie justified differs according to the methods.

Third, the view on genuineness varies between the different positions. Rawls suggests, or at least he can be interpreted this way, that genuineness could be a concern – people should be able to comply with the principles we end up with. Rawls, then, may be viewed as a proponent of realistic theories. However, we should recall that the genuine/non-genuine distinction is not necessarily completely overlapping with the ideal/non-ideal theory distinction. Kamm seems also to indicate that genuineness is a concern. At least she thinks that the principles we end up with should not have too extreme implications, which may imply that she leans toward the realistic camp. When it comes to Singer, there are no limitations on how extreme the implications of the principles may be. He could therefore be viewed as a member of the idealistic camp – we should identify an ideal and try to satisfy this ideal as best we can. However, since he argued that what is possible for a man to do is very greatly influenced by what people around him do, it seems plausible to interpret Singer as questioning the ideal/non-ideal theory distinction – at least with regard to assumptions about human nature.

A fourth aspect is how to resolve conflict between intuitions. While Kamm actually admits that conflict between practical intuitions may be resolved by appealing to a theoretical intuition, she thinks it is preferable to construct more cases in order to elicit new intuitions, as this may reveal some underlying distinction that resolves the conflict (Kamm 2015c: 235-237). Thus, she seems to assume that the conflicts between practical intuitions are often only apparent conflicts; if we examine our practical intuitions thoroughly enough, we will ultimately see that they often do not actually conflict, but respond to some relevant distinction. However, an implication of this way of resolving conflict is that in order to resolve such conflicts one might appeal to cases that prompt no clear judgments, in the sense that not all people share them (see e.g. Norcross 2008). Thus, if the judgments are not clear in this sense, the distinctions that are discerned might be dubious and perhaps seem arbitrary.

Singer, if ever encountering conflict, will dig deeper for a more fundamental principle supported by a strong theoretical intuition. A problematic implication of this method may be that one could end up with principles that are equally fundamental and equally intuitive, but still conflicting. Moreover, there might be interpersonal disagreement regarding which principle is more fundamental or more intuitive. If one disregarded practical intuitions, one would lack resources for resolving such conflicts. One would then lack means to solve this conflict. Rawls, however, will resolve conflict by searching for an equilibrium. Thus, the
intuitions that do not constitute a part of this equilibrium will be revised. One problem with this way of solving conflict (as noted above in n9) is that one could end up having different plausible reflective equilibriums.

A final aspect that I will address, and that I also discussed in section 2.2, is which model of justification underlies the different methodological positions. I will not depart from what I concluded on this matter in section 2.2, and will simply restate it in light of what has been discussed. The method of reflective equilibrium can be interpreted as coherentist, foundherentist, and foundationalist according to which justificatory aspects one emphasizes the most. However, if we grant that our minimally reflective intuitions (i.e. considered judgments) serve as provisionally fixed points that are directly justified, the method cannot be classical coherentist. Likewise, that none of these intuitions are immune to revision indicates it cannot be strong foundationalist either. However, it is possible to argue, like McMahan does, that we may use the method to reveal some fundamental beliefs that are not revisable. According to the first interpretation it is the input, the considered judgments, which is some kind of foundation, while according to the latter interpretation the method is used to discover the foundation, thus, it is the output that is the foundation. Nevertheless, it seems quite clear that according to the method of reflective equilibrium our moral intuitions are revisable.

Kamm’s method is best interpreted as weak foundationalist. Practical intuitions serve as some kind of (weak) foundations that are directly justified. A plausible principle should cover as many of these intuitions as possible, even if this means we end up with a complex principle. However, practical intuitions seem not to be immune to revision. While practical intuitions have some direct justification and the threshold for disregarding them is quite high, Kamm admits that some of them may be unreliable and that we sometimes may need to revise one or another practical intuition. Moreover, there seems to be a negative dependence on coherence with a theoretical intuition (which also is partly directly justified). So while our intuitions according to this method ultimately are revisable, the threshold for revising them seems to be considerably higher than in the case of reflective equilibrium. Singer’s method, on the other hand, is strong foundationalist as he searches for undeniable fundamental axioms on which to build theories from. These axioms are directly justified and not revisable. Thus, on Kamm’s account it is the input that has the status of foundations, whereas on Singer’s account it is the output.

What seems to follow from the differences that have been outlined here is that the methods may, as a consequence of their differences, lead to conflicting conclusions. First, conflicting normative conclusions may be a result of different input. There is some variation in what
relevant input is according to the different methods. Thus, normative conclusions are reached on the basis of different information.

Second, not only does the input differ, but the output of the methods differ as well. In Kamm’s case a principle has to accommodate an array of practical intuitions and have some direct intuitive support itself. In Singer’s case, on the other hand, principles need not accommodate any practical intuition. The only thing that matters is that the principle itself has (undeniable) intuitive support. What might follow is that Kamm’s method will have a tendency to lead to justification of quite complex principles and hence support complex moral theories, while Singer’s method will lead to justification of parsimonious principles and hence support parsimonious theories. The method of reflective equilibrium will probably support theories that are less complex than what Kamm’s method supports since the threshold for revising practical intuitions according to the method of reflective equilibrium is lower. However, the theories that the method of reflective equilibrium supports are probably more complex than the theories that we end up with when applying Singer’s method as some practical intuitions still have to be accommodated.

Choice of method therefore may affect the complexity of the theory one ends up with. Thus, even if by applying the three methods one should end up with more or less the same principles on which to build a moral theory, how complex a version of the principle the different methods would yield will vary. Singer’s method, for example, would yield a principle P in its purest form. Kamm’s method, on the other hand, if yielding the same principle, would be a modified version of it, P*, that capture most of our practical intuitions. P and P*, while being quite alike, are still in some ways different and one will therefore in some instances reach different conclusions when applying these principles. Thus, different methods may in this way be a source of normative disagreement. As an illustration of these points, let us consider were Kamm and Singer’s methods take them. Kamm (2015b: 66), when applying her method, ends up with the “Principle of Permissible Harm”:

Actions are permissible if greater good or a component of it (or means having these as a noncausal flip side) leads to lesser harm even directly. Actions are impermissible if mere means that produce greater good […] cause lesser harm at least directly, and actions are impermissible if mere means cause lesser harms […] that are mere means to producing greater goods.
Singer’s (2011: 13) method, however, leads him to “preference utilitarianism”: “we should do what, on balance, furthers the preferences of those affected.” I think it is quite clear that Kamm’s Principle of Permissible Harm is quite complex compared to Singer’s preference utilitarianism. My claim is that the reason why this is the case, at least part of it, could be that Kamm and Singer apply different methods.

Furthermore, that the methods have different ways of ensuring robustness may contribute to making the conclusions diverge. For example, according to the method of reflective equilibrium, theoretical intuitions have to go through a process where they are confronted with practical intuitions. This is, however, not the case for Singer’s method. Thus, the two methods might end up with different robust theoretical intuitions. Similarly, Kamm’s practical intuitions need not be confronted with theoretical intuitions in order to be robust.

We should also note that while some of the output of the different methods are intuitions of the same categories, this does not mean that the intuitions that are the output of the different methods, while belonging to the same categories, are substantially the same. While both reflective equilibrium and Singer’s method might discern robust, genuine theoretical intuitions, the content of these intuitions may be different. One factor that can explain the different content is, as already mentioned, that the processes for achieving robustness differ. Another such factor is that the input differs between the methods. Metaphorically speaking, the method of reflective equilibrium and Singer’s method need not be two different paths to the exact same target, but two different ways of climbing a hill in which the result is that one ends up at different places at the hilltop, and thus different views, depending on which way of climbing the hill one chose.

To sum up: In this chapter I have applied the taxonomy that I developed in chapter 4, in order to outline in more detail how Rawls, Singer, and Kamm differ in their views on the justificatory role of intuition. I have argued that they differ with regard to what intuitions they consider as input, with regard to what kinds of intuitions are the output of the methods and thus ultima facie justified, and what the process that makes a belief ultima facie entails. Moreover, I have outlined the ways in which these methodological differences might be a source of normative disagreement. I have summarized some of the main points from this section in table 3 below.
Table 3: A tabular representation of the three methodological positions

<table>
<thead>
<tr>
<th></th>
<th>Kamm</th>
<th>Rawls</th>
<th>Singer</th>
</tr>
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<tbody>
<tr>
<td><strong>Intuitions (input)</strong></td>
<td>I, III</td>
<td>V-VIII</td>
<td>II, IV</td>
</tr>
<tr>
<td><strong>Intuitions (output)</strong></td>
<td>IX, XI, (IV,) VIII</td>
<td>XI, XII</td>
<td>(X,) XII</td>
</tr>
<tr>
<td><strong>Model of justification</strong></td>
<td>Weak foundationalism</td>
<td>Weak foundationalism, foundherentism, or weak coherentism</td>
<td>Strong foundationalism</td>
</tr>
</tbody>
</table>
The aim of this thesis has been to analyze and compare the different views on the justificatory role in Kamm, Singer, and Rawls’ methods. Following Kagan, I argued that there are mainly three methodological positions regarding normative questions, and Kamm, Singer, and Rawls each represent one of these positions. A lot of preparatory work was required to conduct the comparison itself and some detours along the way were necessary. In particular, I have used a lot of this thesis to try to clarify what intuitions are and to create a taxonomy of intuitions.

Before I present the main conclusion of this thesis, I will make a summary of my main points.

In the second chapter, I presented the three methodological positions. I argued that Singer and Kamm seem to rely on different kinds of intuitions. While Singer is concerned with intuitions about principles, Kamm is concerned with intuitions about specific cases. Rawls, however, is concerned with both kinds of intuitions. Moreover, I suggested that the methods implied different models of justification. While in this chapter I gave some quite clear indications of how the three methods differ in their views on the justificatory role of intuition, a closer look at what intuitions are and what kinds of intuitions there are was necessary in order to further elaborate the account of how the views on the justificatory role of intuitions differed.

In the third chapter I discussed the question “What are intuitions?” I outlined both philosophical and empirical answers to this question. I started by outlining philosophical accounts of intuition. I argued that there are two approaches to the question of how philosophers understand intuition: a practical and a theoretical. The understanding that follows from the practical approach is based phenomenological accounts of the judgments that philosophers maintain are intuitions. Thus, according to this account intuition is a sense we cannot explain.
the basis or origin of, that arises non-voluntarily and effortlessly or spontaneously, and strikes us as correct. According to the theoretical approach, which is informed by the theoretical discussion of intuition, intuition is a conclusion that is formed non-inferentially. I called this the classical philosophical understanding of intuition.

In the second section I outlined what I called a psychological understanding of intuition. However, as I mentioned in the introduction, it is perhaps more precise to say empirical understanding, as experimental philosophy is an interdisciplinary project. Thus, those who take part in these projects are both philosophers and psychologists. Moreover, people with backgrounds in both philosophy and psychology take part in these debates. The reason I still called it the psychological understanding of intuition is that this understanding of intuition has a basis in psychology. According to this understanding, intuition is the product of a cognitive process that is fast, unconscious, and automatic. I also outlined some theories that explicate what moral intuitions are. Some argue that intuitions are heuristics that have been shaped by trial-and-error experience and thus may operate well for problems that are familiar in the sense that they occurred in our evolutionary past. According to another theory, moral intuition belongs to the general category of social cognition.

In the third and fourth sections, I compared the philosophical understanding of intuitions with the psychological understanding. In the third section I focused on the philosophical understanding stemming from the practical approach, and outlined how philosophy and psychology, or empirical science, have complementary roles in the study of intuition. In the fourth section I compared the classical philosophical account of intuition with the psychological account. In that section I focused on the distinction between intuition and reasoning, arguing that the distinction was not conceptualized the same way according to the discussed accounts. The understanding of intuition that I based the discussion of justificatory role of intuition on is something like the understanding that follows from the practical approach.

In the fourth chapter, I constructed a taxonomy of different kinds of intuitions. I based this taxonomy on three distinctions. The first distinction, the practical/theoretical distinction, concerns the distinction between intuitions about practical cases and intuitions about general principles or ideas. The second distinction, the genuine/non-genuine distinction, concerns whether the intuitions are intuitions that people are willing to comply with or not. The former is a genuine intuition while the latter is a non-genuine intuition. The last distinction is a distinction concerning the level of robustness of intuitions. This distinction says something about to what extent an intuition has been subjected to scrutiny. I have operated with three
levels of robustness: initial, minimally reflective, and robust. I ended up with a taxonomy with twelve categories of intuitions. Thus, in this chapter I developed a framework for discussing methodological questions.

In the fifth chapter, I give a more thorough account of Singer and Kamm’s methods and use the taxonomy to elaborate on the analysis initiated in section 2.2. I argued that the methods differ with regard to what kind of intuitions the input of the method is, what kind of intuitions the output of the method is, and what the process that makes intuitions ultima facie justified consists of. In addition, I hope that the discussion in chapter 5 also illustrates that the framework developed in chapter 4 may yield interesting findings and bring some clarity to the discussion conducted.

The questions I have been concerned with in this thesis are the following:

- How do Rawls, Kamm, and Singer’s methods differ in their view of the justificatory role of intuition? And what kinds of intuition, if any, have a justificatory role?
- Are philosophers and psychologists studying the same phenomenon when they study intuitions? And if yes, do they differ with regard to how they understand this phenomenon?

Let us start with the latter set of questions first. I have argued that philosophers and psychologists seem to study the same phenomenon. One indication of this is that the phenomenological account of intuition (i.e. the account of intuition that stems from the practical approach), seems to correspond well with the psychological account of the process of intuitive thinking. Another indication is that they use the same cases to elicit intuition. Thus, they seem to agree on where intuitions are supposed to be found. However, while there seems to be agreement on where to find intuitions, there seem to be some differences regarding the understanding of this phenomenon. On the classical philosophical account, intuitions are judgments that satisfy a strong non-inferentially requirement – they are conclusions that are not formed on the basis of either conscious or non-conscious premises. On the psychological account however, intuitions are judgments that satisfy a weak non-inferentially requirement – they are conclusions that are not formed on the basis of a conscious premise. Some have, for example, suggested that the empirical evidence shows that intuitions are heuristics, and heuristics is a kind of unconscious reasoning. Similarly, the view that moral intuitions belong to the general category of social cognition also entails that intuitions are the conclusion of
unconscious reasoning. The practical philosophical account seems to be closer to the psychological account. As one is not aware of unconscious premises, judgments that satisfy the strong non-inferentially requirement and judgments that only satisfy the weak non-inferentially requirement have the same phenomenological appearance.

Interestingly enough, this indicates that there is some discrepancy when it comes to what judgments philosophers identify as intuition (i.e. the practical account) and what philosophers think intuitions should be (i.e. the classical account). At least, this is what some of the empirical theories presented in section 3.2 suggest. However, some have argued that a better explanation of the empirical evidence than that moral intuitions are heuristics, is that they are judgments that satisfy the strong non-inferentially requirement. In other words, what the empirical evidence suggests is an ongoing debate.

When it comes to the former set of questions, I have argued that Rawls, Singer, and Kamm differ in their views of the justificatory role of intuition. I have argued that they differ in their views on which intuitions are relevant. The input to Rawls’ method are intuitions that are minimally reflective, practical or theoretical, and genuine or non-genuine (V-VIII). The input to Kamm’s method are practical initial intuitions that are either genuine or non-genuine (I, III). When it comes to Singer, I think it is a bit harder to specify what kind of intuitions serve as input, but I suggested that when we search for fundamental axioms we start out with principles at a lower level of generality, and from that work our way to more fundamental principles. Thus, the input to Singer’s method might be something like initial, theoretical intuitions that may be either genuine or non-genuine (II, IV). I have also argued that the output of the methods, that is, the intuitions that are ultima facie justified, differ. The output of Rawls’ method I have suggested is robust, genuine, and theoretical or practical (XI, XII). The output of Kamm’s method is primarily robust, practical intuitions that are either genuine or non-genuine, but also a theoretical, minimally reflective intuition that should be quite genuine (VIII). The output of Singer’s method is robust, theoretical intuitions that some have argued are non-genuine (XII). In addition, Rawls, Kamm, and Singer have different views on what the process that makes intuitions ultima facie justified is like.

Moreover, I argued that the methods imply different models of justification. Given that according to the method of reflective equilibrium the intuitions that serve as input are directly justified, but not immune to revision nonetheless, the method can be interpreted as a weak foundationalism, foundherentism, or weak coherentism. However, if we interpret the method in a manner similar to that of McMahan, that the method may reveal foundational principles,
the method can be interpreted as strong foundationalist as well. Kamm’s method seems to imply weak foundationalism. This is because the intuitions that serve as input are directly justified, but seem, as with Rawls’ method, not to be immune to revision. Nevertheless, the threshold for revising intuitions with Kamm’s method seems to be higher than that of Rawls’ method. Singer’s method implies strong foundationalism. We should note, however, that it is the output of the method that has status as foundational beliefs.

These differences, I suggested, may have several implications. One implication is that choice of methods may influence the conclusions one reaches. Since the methods are concerned with different input, or weight the input differently, it is not unreasonable to expect that this will lead to different conclusions. I also argued that choice of method would affect how complex the theories one ends up with will be. Emphasizing theoretical intuitions will favor parsimonious theories, while focusing on practical intuitions will lead to complex theories.

Finally, an interesting question is what the implications of the answer to the question of what intuitions are may have for the analysis of the different methods. If we assume, like Liao seems to do, that the judgments that are of relevance when discussing normative matters are judgments that satisfy the strong non-inferentially requirement, it is only such judgments that are directly justified. Let us further assume it should turn out that our judgments about specific cases are in fact formed by some process of unconscious reasoning, and therefore only satisfy the weak non-inferentially requirement. What implications would that have for the conclusions reached in this thesis? First, this would mean that there is nothing like practical intuitions in the strong sense. Second, if it is only intuitions in the strong sense that are directly justified, Rawls, and especially Kamm, would need some argument for why we should grant such practical judgments evidential weight. Such arguments would have to explain how heuristics or social cognition may inform the normative debates.
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