Intuitive Methods of Moral Decision Making, A Philosophical Plea

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Ethical theories aim to ground moral judgements or at least to make sense of the moral universe. Kant developed an a priori grounding of moral duties. What one ought to do is what can be willed by any rational being. A rule is moral if it can be willed as a universal law. Mill, on the other hand, focused on the outcome of actions. His utilitarian principle confers moral value to an action in as much as it maximizes happiness and minimizes pain. Both philosophers assume that at least two objectives can be expected from a moral theory: (i) to provide a criterion of the moral good, and, implicitly, (ii) to offer a method for testing whether the criterion of the moral good is satisfied. Thus, any moral theory provides a general framework for moral decision making.

Problems of applied ethics have been approached with paradigmatic ethical theories. These theoretical conceptual frameworks have been applied in a top-down fashion to pressing moral difficulties. Gradually, sceptical voices began to be heard. Mark Siegler signalled the fact that the tradition of philosophical ethics and top-down approaches, which are dominant in medical ethics, cannot claim any real progress in the practice of medical ethics.[1] Siegler's remarks can determine an anti-theory attitude of rejecting the usefulness of conceptual frameworks, even though Siegler himself does not sympathize with such attitude. I believe that more important than the debate between theory and anti-theory, are the assumptions behind this sceptical voice.

Philosophical and legalistic approaches did not manage to accomplish major progress in the practice of medical ethics because they do not capture the whole story of moral decision making, the needs and expectations of those confronted on a daily basis with situational constraints. Visible progress also starts from the micro level of parties who constantly deal with difficult moral situations. Extensive progress is hard to come by since the empirical ethics of medical practice are underdeveloped. The real expectations of doctors and patients consist in having a clearer picture of what is happening and how to proceed in a familiar manner. They are the *hot spot*, the ultimate beneficiary of disentangling moral difficulties. Here, it is necessary for tools of moral assessment to be *in hand*. Though moral philosophers have a tendency to focus on general traits, in the context of the practice of medical ethics the diversity of moral relevant factors and the intuitive aspect of moral assessment is in the forefront. Therefore, Siegler's presupposition is that the needs and expectations of those who constitute the critical mass of the practice of medical ethics are far too ignored.

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1 Siegler, M., "Medical ethics as a medical matter" in R. Baker, A. Kaplan, L. Emanuel, S. Latham (eds.), *The American Medical Ethics Revolution*, John Hopkins University Press, 1999, p. 178.

Taking into consideration the needs underlined above, one faces the challenge of providing intuitive methods of enhancing moral judgement in the daily practice of medical ethics or any other field. Intuitive methods are simple procedures by which an agent evaluates the morality of an action with ease and in a very short period of time. Intuitiveness is provided by the speed and ease with which normative contents come to mind. The aim of this paper is to argue that intuitive methods of moral decision making are objective tools on the grounds that they are reasons-based. First, I will conduct a preliminary analysis in which I highlight the acceptance of methodological pluralism in the practice of medical ethics. Here, the point is to show the possibility of using intuitive methods given the pluralism framework. Second, I will argue that the best starting point of elaborating such methods is a bottom-up perspective. Third, I will address the worry of subjectivism. Under the influence of certain rationalist positions[2] and recent developments in cognitive science and moral psychology,[3] one might think that intuitive methods of moral decision making are essentially subjective and emotion based. If moral intuitions are the result of emotional reactions and intuitive reasoning is emotionally driven, then there are reasons to believe intuitive methods are subjective and relative to particular psychological constitution. Against this picture, I will argue that intuitive methods of moral decision making are essentially reasons-based. A Wittgensteinian approach will show that intuitive methods of moral decision making are conceptually linked with criteria of morality.

Methodological pluralism

In the field of bioethics, broadly construed, there is a growing consensus that ethical theories do not have a straight forward application to concrete moral decisions. The road from abstract moral principles to particular moral decisions is paved with intermediary steps, at least concerning the specificity of moral content and the scope of principles. The function of intermediary procedures is to grasp the complexities of deciding on particular cases. I will discuss only the two most popular which are usually considered in opposition to each other because of the different justification and normative presuppositions. Principlism and casuistry are the most influential methods of moral decision making in medical ethics, and often the question arises of which one to choose.

Beauchamp and Childress reject the traditional models of moral justification (top-down and bottom-up) and argue for a coherence criterion inspired by Rawls' methods of reflective equilibrium.[4] Through a process of deliberation, one is supposed to pursue a reflective equilibrium between general principles, rules, rights,

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2 See Mureşan, V., *Fericirea, datoria şi decizia etică*, University of Bucharest Press, 2010.

3 See Greene, J. D., Sommerville, R. B., Nystrom, L. E., Darley, J. M., Cohen, J. D., "An fMRI Investigation of Emotional Engagement in Moral Judgment", *Science* 293: 2105-2108, 2001, and Haidt, J., "The Emotional Dog and Its Rational Tail: A Social Intuitionist Approach to Moral Judgment", *Psychological Review*, 108: 814-834, 2001.

4 Beauchamp, T., Childress, J., *Principles of Biomedical Ethics*, Oxford University Press, 2001. See also Rawls, J., "Outline of a Decision Procedure for Ethics", *The Philosophical Review*, 60.2: 177-197, 1951.

on the one hand, and moral intuitions, virtues, beliefs on the other hand. When there is a conflict between different normative reasons, assessing what one ought to do is a reflective process of justification through which a certain moral perspective gains "weight". With regards to normative presuppositions, principlism assumes a normative framework based on four moral principles extracted from common morality. These principles are central to the practice of medical ethics: the principle of autonomy, the principle of benevolence, the principle of non-maleficence and the principle of justice. Principlism conceives these principles as *prima facie* principles, that is, they are not absolute. A principle can be justifiably overridden by another in some circumstances, and there is no hierarchy among them.

On the other side, casuistry has a much longer tradition, beginning with Aristotelian ethics. What is specific to casuistry is the bottom-up justification. It starts from moral judgements about particular situations and afterwards formulates more general recommendations. The moral solution for a particular dilemma is generalized to similar situations. Casuistry guides a moral solution reached in a case to other cases on the basis of similarities and differences. If new cases resemble far enough a paradigmatic case, then it is justified to apply the paradigmatic moral solution. If this is not the case, then one must find a different paradigmatic example. Casuistry need not assume an *a priori* normative framework. It just happens to find in moral experience paradigmatic cases and reason from them by analogy. The moral pedigree of these exemplary cases represents the source of authority for moral decisions. Paradigmatic cases are not timeless. This is why there are precedents. Casuistry is rather an *a posteriori* endeavour. It just looks for paradigmatic cases in our moral practice which represent the basis for moral arguments and have a decisive impact on moral decisions.[5] Problems arise when two paradigmatic cases compete with each other. Social and cultural history can successively reveal significant clarifications that can solve such difficulties. The advocates of casuistry believe that the cultural context sheds light on what paradigmatic moral solution is to be applied.

Frictions have emerged between the two approaches to moral decision making. The supporters of casuistry are protesting against the "tyranny of principles"[6]. There is a dynamic of moral judgement that is not properly expressed by principles. Principlists warn that, without a stable framework of principles, there is no control on moral judgements and no prevention against prejudiced social conventions. Basically, "casuistry is a *method without content*".[7] Despite the fierce debate and methodological rivalry, both camps gradually began to accept methodological pluralism. Jonsen explains that the moral arguments, which are internal to paradigmatic cases, have the form of moral maxims and that the general moral principles, so often applied to public moral debates, are not so different from the former.[8] Paradigmatic cases embody moral maxims highly similar to moral

principles. In this way, casuistry is not a fundamental alternative to principlism. Beauchamp considers that casuistry need not be a rival to principlism because paradigmatic cases are often the decisive source of authority for moral assessment.[9] Principlism and casuistry can co-exist, both on normative content and justification issues.

Beauchamp admits that there "there is no reason to suppose that moral philosophy or methods of specification supply the only way or the best way to treat a case. From this perspective, there may be no single right solution to the problems presented in a case".[10] For this reason, methodological pluralism has become a social fact in the practice of medical ethics. While methodological monism might still be defended philosophically, it is highly impractical to shape a practice according to one single ethical procedure or theory. Since there is no consensus, and might not be one, about which is the true theory or procedure, monism will always face the question "why this procedure and not the other?" Given that methodological pluralism has made its way into the practice of medical ethics, intuitive procedures can get a piece of the methodological cake.[11]

Starting point

The question to be answered now is where one starts with drafting intuitive methods: will one consider ethical theories the starting point and by a process of simplification and customization arrive at simpler and intuitive forms or one will start from common morality, understood as the practice and experience of ordinary moral judgement?

The first strategy is suggested by the standard picture which can be found in applied ethics handbooks. Simple forms of classical ethical theories are applied to pressing moral issues such as abortion and euthanasia. For didactic reasons, the theoretical structure is simplified and applied to particular cases in order to facilitate the understanding and usage of abstract moral concepts. Under the influence of this picture, it has been proposed to simplify Kant's ethics, utilitarianism and virtue ethics in order to deliver methods which are easy to use.[12] Second, there is the argument that it is not just about the intuitive character of simplified ethical theories. Moral objectivity is also at stake. If the starting point is ethical theory, then the objectivity of intuitive forms of moral decision making is preserved. Although simplified versions of ethical theories might not be as intuitive as one expected, at least objectivity is conferred upon them. This concern is understandable since we do not want arbitrary moral decisions and if this is the case then this strategy is appealing. However, this kind of reasoning assumes that ethical theories are the only

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5   Jonsen, A., Toulmin, S., *The Abuse of Casuistry*, University of California Press, 1988, p. 306.

6   Toulmin, S., "The Tyranny of Principles", *The Hastings Center Report*, 11.6: 31-39, 1981.

7   Beauchamp, Childress, *Principles of Biomedical Ethics*, p. 395.

8   Jonsen, A., "Casuistry: An Alternative or Complement to Principles?", *Kennedy Institute of*

Ethics Journal, 5.3, 1995, p. 246.

9   Beauchamp, T., "Methods and principles in biomedical ethics", *Journal of Medical Ethics* 29, 2003, p. 269.

10   *Idem*.

11   I leave as an open question the aim of determining more precisely when and how intuitive methods are to be used.

12   Swinton, L., "Ethical Decision Making: How to Make Ethical Decisions in 5 Steps", *Mftrou.com*, http://www.mftrou.com/ethical-decision-making.html, 2007.

source of moral objectivity and reasons for what we ought to do. I will address this concern later in the paper.

The error with the first point is the confusion between a pedagogical approach to applied ethics and actual moral decision making.[13] In order to be applied, general moral principles need not be simplified or made trivial as in the case of academic ethical training. Moral principles do not need to be turned into trivial prescriptions. We'll get better guidance in the practice of moral assessment if moral principles are "used artfully as perspectives, not rules, including particular lenses from which cognitive orientations and attitudes derive".[14] Understood as such, to apply a moral principle means to approach a moral issue from a *certain* moral point of view. Not only moral psychologists make the case that a moral principle gives us a cognitive perspective,[15] but also philosophers. For example, Thomas Hill Jr. explains that his project of reconstructing Kant's ethics in order to tackle the moral implications of terrorism is not based on the conception that one needs to draw logical conclusions from moral principles. There is no sharp line between permissibility and impermissibility when assessing the problem of terrorism. Rather, one should try to see if Kantian ethics can provide a reasonable and coherent perspective to approach problematic cases. Hill does not want to bring to bear the Kantian abstract principles in an intuitive form in order to derive conclusions for particular cases. His aim is to extract a perspective which sets the power lines of moral consideration.[16] A Kantian principle offers an optic through which one sees the relevant moral facts from a *certain* angle. Ethical theories might be best suited to being applied if we take them to be "lenses" of moral thinking, not trivial prescriptions or procedures. If we want to have full use of an ethical theory, it might be best not to simplify it so as to make it intuitive.

One might object that ethical theories do contain and refer to common moral intuitions and beliefs and often we use moral intuitions to test the plausibility of ethical theories. The reply is obvious. If ethical theorizing uses moral intuitions and common moral beliefs, why not start with them directly. Kant claims that the categorical imperative as the supreme principle of morality is already operational in ordinary moral understanding, though not in its abstract and theoretical form. Why not use directly the intuitive and familiar form, characteristic of common moral understanding? It seems counter-productive to try making something intuitive which in the first place is resistant to it and ignoring the real intuitive forms of moral reasoning that are functional in common morality.

Often philosophical positions are presented as caricatures. A standard picture

is that philosophical theory ignores how things really are and that in order to solve moral problems it is necessary to apply, almost in a mechanical manner, its conceptual framework. A careful reading shows otherwise. First, we see the distinction between foundational endeavours to ground what ought to be enacted and daily moral decisions. For the practice of daily moral decisions, there is no ambitious requirement to use an entire theoretical device. The main goal of a philosophical investigation is a justificatory one. It seeks to answer what actions should be performed. Most of the time, the practice of moral decisions is about putting in action what is already acknowledged as the right thing to do. Though the argument that ethical theory should supervise this practice can be made, it is not necessary to start with ethical theory. Philosophers do share this reasonable picture.[17]

For Kant a philosophical investigation should ground and clarify our moral duties. Nevertheless, in the case of ordinary moral decisions a philosophical intervention is not *ipso facto* necessary because common understanding is able to judge on its own what ought to be the case: "would it not more advisable, in moral things, to leave it with the judgement of common reason, and at most to bring on philosophy to present the system of morals more completely and accessibly [...] but not to let it lead common human understanding away from its fortunate simplicity for practical purposes" (IV: 404).[18] Common moral understanding knows well enough what duties ought to be respected in everyday life, and Kant sometimes acknowledges that it "even becomes subtle [...] referring to what is to be called right" (IV: 404). At this point, I am not concerned with how and when a philosophical intervention is called for, but only with granting that common moral judgement has at least some autonomy in the sense that most of the time it can perform on its own to determine what is the right thing to do.

Similar thoughts are to be found in Mill's *Utilitarianism*. Defending his principle of utility, Mill tries to reject the common objection that in most cases applying the principle of utility at best complicates things. In daily life, we have limited time resources and knowledge. Due to these constraints the requirement to apply a theoretical framework makes things worse. The objection is that, in real life, we do not have the time and knowledge to calculate or determine each token consequence of our actions. Most of the time, we act without conscientiously making a calculus of happiness which is required by the principle of utility. Applying to each token situation the principle of utility, without any special need, will make matters worse. But Mill, as well as Kant, accepts this point. That is why in his reply Mill points out the justificatory function of the principle of utility and demarcates it from "the rules of morality for the multitude" which are functional in the practice of moral decisions: "During all that time mankind have been learning by

13 Richard Hare points out the crude "kind of act-utilitarianism to which all beginner philosophy students are taught the standard objections". See Hare, R.M., *Essays in Ethical Theory*, Oxford University Press, 1989, p. 188.

14 Puka, B., "Moral Intimacy and Moral Judgment—Tailoring General Theories to Personal Contexts", p. 165, in W. Edelstein, G. Nunner-Winkler (eds.), *Morality in Context*, Elsevier, 2005.

15 Kohlberg, L., *Essays on moral development: Vol. 1. The philosophy of moral development: Moral stages and the idea of justice*. San Francisco: Harper & R Press, 1981a.

16 Hill, T. Jr. *Dignity and Practical Reason in Kant's Moral Theory*. Cornell University Press, 1992, p. 197.

17 It might be objected that philosophers do care about the applicability of their theories and about putting them to work in order to solve practical problems. Surely they do, but the issue I'm pressing on is not about the practical implications of philosophical ethics. I just want to point out that philosophers accept some autonomy for ordinary moral decisions without the intervention of theory.

18 Kant, I., *Groundwork for the Metaphysics of Morals*, translated by Mary Gregor, Jens Timmermann. Cambridge University Press, 2011.

experience the tendencies of actions; on which experience all the prudence, as well as all the morality of life, is dependent".[19]

In the practice of moral decisions we do not use, and it may not be desirable to use on each token situation, the theoretical form of moral principles. In everyday life we rely on moral education and the practice of common morality. When faced with dilemmas or highly complex issues ethical theories are called upon, but in many cases common moral judgement works well. Both philosophers would have accepted in principle this reasonable claim.

Richard Hare is the paradigmatic philosopher who argues for a clear separation between ordinary moral judgement and critical moral judgement. His theory distinguishes between two levels of moral thinking: the intuitive level and the critical level. The intuitive level is manifested in everyday life moral decisions. Only when faced with exceptional cases, such as moral dilemmas or normative gaps, one has to ascend to a superior level where a solution can be reached. At the critical level, one decides according to a utilitarian principle. I will not discuss the critical level. I only want to draw attention to Hare's description of the intuitive level: "The intuitive level, with its *prima facie* duties and principles, is the main locus of everyday moral decisions [...] when we face a moral question, decide it on the basis of disposition, habits of thought[,] moral intuitions (it makes little difference what we call them) which we have absorbed during our earlier upbringing and follow without reflection".[20] Hare's view is that ordinary moral decisions are the result of implicit moral intuitions and habits.

Relevant for this analysis is not whether the above views describe accurately common morality or moral intuitions, but only the acceptance of the premise that in ordinary moral assessment there is no absolute necessity for "theory intervention". Philosophers accept that most of the time we can handle moral decisions, independent of ethical theories.

If in many human activities "rules of thumb" have emerged with the goal of facilitating the accomplishment of certain objectives, then why should we ignore the "rules of thumb" of moral evaluation? If there are no reasons to reject the first, then there are no reasons to ignore the second. The best starting point for drafting intuitive methods of moral decision making is the practice of common moral judgement.

Intuitive methods of moral decision making can have the form of methodological questions, considered natural and familiar because one has assimilated them through moral education and practice. The golden rule, do to others as you would have them do unto you, is maybe the most prevalent intuitive method. Besides this, there are other intuitive methods which help us track down relevant moral features. Methodological questions such as "what if my motive for action were made public?", "what if everybody did that?", "what if the same thing would happen to me?", "what would my family have to say about this?" might be good candidates for intuitive procedures. Then again, there might be others. Identifying the exact form and content is a task for empirical investigation.

The main objective of these kinds of methods is to track down the relevant moral aspects of a situation without much deliberation in order to enable an easier moral decision. Of course, the output of an intuitive method can be defeasible. Kahneman's research shows that there are many ways in which intuitive thinking can lead to poor decisions at least in non-moral contexts.[21] It is also argued that intuitive thinking leads to systematic errors even in moral contexts.[22] Moreover, non-reflective judgement is prone to many biases. For example, moral judgements are made more severe by the presence of disgust,[23] and less severe when the concept of cleanliness is salient.[24] Nevertheless, it is acknowledged at the same time that intuitive thinking is "safe" in a variety of cases. The goal of my analysis is to see how intuitive methods work, whether they are actually tracking down moral reasons or are subjective and emotion based. As I said earlier, it is the goal of empirical investigation to identify the exact form and content of moral "short-cuts" or "rules of thumb".

The stake of intuitive methods is to provide *in hand* solutions to moral decision making in daily practice. Analogous to cognitive psychology where practical aptness is measured in relation with activity that comes in a natural manner for real time situations[25], one can measure the efficiency of intuitive methods in relation with a natural easiness that tracks down relevant moral aspects for real time situations.

A philosophical plea

Are intuitive methods tracking moral reasons? Doubts can be raised. The challenge comes from Kant's critique of the golden rule. In his pursuit of the supreme principle of morality, Kant rejects the golden rule as a possible candidate for the principle of morality:

> "the trivial *quod tibi non vis fieri* [...] can be no universal law, for it does not contain the ground of duties to oneself, not of duties of love to others (for many a man would gladly agree that others should not benefit him if only he might be exempt from showing them beneficence), finally not of owed duties to one another; for the criminal would argue on this ground against the judges who punish him, and so on". (IV: 430, fn.20)

The charge of subjectivism that can be extracted from Kant's critique of the golden rule has two roots. First, intuitive methods are arbitrary and can generate unsatisfactory outcomes being dependent on contingent and subjective factors. The criminal's argument against punishment strikes everyone as plain false. The golden

19 Mill, J. St., *Utilitarianism and On Liberty*, Blackwell Publishing, 2003, p. 200.

20 Hare, R. M., *Essays on Bioethics*, Oxford University Press, 1993, p. 18.

21 See Kahneman, D., *Thinking Fast and Slow*, Farrar, Straus and Giroux Press, New York, 2011.

22 Sunstein, C., "Moral heuristics", *Behavioral and Brain Sciences*, 28, 531-573, 2005.

23 Wheatley, T., Haidt, J., "Hypnotic Disgust Makes Moral Judgments More Severe", *Psychological Science*, Vol. 16. No. 10, 2005.

24 Schnall, S., Benton, J., Harvey, S., "With a clean conscience. Cleanliness reduces the severity of moral judgments", *Psychological Science*, 19, 1219-1222, 2008.

25 Puka, B., ibid., p. 164.

rule, according to Kant, generates this outcome because it seems that the criminal's reasoning is based on an arbitrary factor, namely, the fact that he does not like to be punished. The worry pops up immediately: how can one trust the golden rule? Imagine a doctor who asks himself what his fellow colleagues would say about a course of treatment, and by accident his colleagues are extremely paternalistic about this. As such, they would probably say to completely ignore the patient's desires. Moreover, in the spirit of Kant's examples, another possible outcome is moral indifference. Or, consider claims from the neuroscience of intuitive moral thinking. Greene et al. claim that emotional engagement drives people's intuitive moral judgement.[26] In the trolley dilemma there is no direct contact. One has to pull a hand lever to switch the tracks in order to save the five people, but in the footbridge dilemma one has to push a fat man onto the track to save them. From a normative standpoint, the fact of direct contact is arbitrary to whether something is to be considered morally permissible or not.[27] It should not play a role in determining the moral permissibility of an action. Second, intuitive methods are not theoretically sound in order to be a source of moral objectivity. The golden rule is short on grounding core moral duties, such as beneficence, or duties to oneself, such as cultivating talents and promoting one's health. In comparison with an intuitive method, a philosophical moral principle is supposed to ground all these kinds of duties.

Those who want to attack intuitive methods siding with the first objection also need to accept that even the most influential procedure in moral philosophy can generate morally worse outcomes in its application. Kant's famous formula of the universal law, at least the "contradiction in conception" test, is one example. Kant admits that the egoist maxim not to care about the other's welfare passes the test of universality and, therefore, moral indifference is permissible.[28] The moral absurdity is that beneficence is no longer a moral duty since the egoist maxim is permissible, while everybody acknowledges that we ought to help others in need. To solve this difficulty, Kant introduces a new test of permissibility, namely the contradiction in the will test:

"It is still impossible to WILL that such a principle hold everywhere as a law of nature. For a will that resolved upon this would conflict with itself, as many cases can yet come to pass in which one needs the love and compassion of others, and in which, by such a law of nature sprung from his own will, he would rob himself of all hope the assistance he wishes for himself". (4: 423)

One cannot will the maxim of moral indifference as a universal law because it

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26 Greene et al., ibid., p. 2106.
27 The fact that direct contact changes one's moral attitudes may not be arbitrary from an evolutionary standpoint. Evolutionary explanations can be formulated to account for this reaction.
28 Kant says that "if such a way of thinking were to become a universal law of nature, the human race could very well subsist, and no doubt still better than when everyone chatters about compassion and benevolence". (4: 423)

would be impossible to ask for help in future moments of his life when he wishes for assistance. As Parfit puts it, the contradiction in the will test still does not work because its scope are people who want to be helped.[29] This test is not applicable to those who do not want to be helped. Therefore, the maxim of moral indifference can be willed as a universal law by those who do not wish to be helped. Even though Kant uses the term "wish", most Kantians would reply that to will something does not mean to want or wish for something. Certainly, Kant's concept of willing is not desire based, but then we do not have to understand the golden rule in terms of simplistic emotional reactions as I will show.

Nevertheless, let us accept Kant's interpretation of the golden rule. Even so, one can reply that the objection is based on the questionable presupposition that agents who use intuitive methods are morally illiterate. They do not have any moral background or moral sensitivity independent of intuitive methods of moral decision making or ethical theory. If this is the picture of normal agents, then wrong judgements can be formulated even by following ethical theories. An illiterate agent can make bad judgements even though he applies the most solid theory. Consider a doctor who knows all the right rules to follow, but when it comes to how and when to apply them he is illiterate. The "rightness" of the rules does not grant the correct application. It is hard to believe that normal agents do not have any further experience or moral flags to guide and check the application of procedures. Suppose, as Kant does, that the golden rule argument is that the judge does not like to be punished so he should not punish the criminal. And next that a normal agent will apply the positive form of this pattern of reasoning, namely, do to others what you would like others to do to you. One outcome might be this: because I like others to create a stressful environment (it might make me work better), I will create the same conditions for others. Will the agent who arrives at this outcome stop here? If this is the result, then is that it? Will he sincerely believe that he ought to create stressful conditions for others? It is highly implausible. We do not unconditionally accept any outcome. If an outcome conflicts with core moral intuitions then it will be further examined. It is hard to justify the presupposition that we are incapable of realizing when our judgements and actions are clearly trespassing against the boundaries of morality. Normal agents that apply intuitive methods are not morally blind-sided. They have implicit or explicit moral knowledge that supports further guidance. Usually, we can see that something is not right. Intuitive methods do not substitute for moral thinking, they just help it. One should consider them decision aids. This is why the danger of enacting such arbitrary outcomes is exaggerated. Remember that the criminal's argument strikes everyone as odd.

An intuitive method may seem to lack objectivity when compared with universal principles. It must be grounded on a robust theoretical construction which covers a wide range of normative situations. This seems to be the ideal. If they do not meet theoretical rational standards of excellence, then they fall short on objectivity. Valentin Mureșan suggests this claim implicitly when he says "it is necessary for procedures of moral decision making to be removed from their handbook simplicity if we want their social usefulness. And in the context in

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29 Parfit, D., *On What Matters*, Oxford University Press, 2011, p. 322.

which the usefulness of applied ethics is disputed it seems to me that only a *mature proceduralization* can build its credibility".[30] The idea is that in order to determine the "quality" of a method we have to see if certain *mature* conceptual standards are satisfied. Any proposed method ought to be theoretically mature, validated independently of its usefulness for a practice. Kant claims this explicitly. The golden rule cannot ground duties to oneself or duties of beneficence. A normative criterion is needed which can cover all these cases, a robust principle that can deal universally with what we ought to do. The idea behind these conceptions is that a procedure must satisfy a priori theoretical standards, such as universality, in order to be a sound tool for moral assessment. Mature proceduralization and theoretical reflection are needed to analyze difficult cases with major social implications. However, at the micro level of decision making where there are situational constraints, intuitive methods can do a better job.

The language games of intuitive methods

My plea for intuitive methods also originates in Kant's critique of the golden rule. More exactly, in what Kant omits to say. Surely, universality is one of the most influential standards for moral thinking. However, we need not assume a priori that all moral principles are universal principles because this is an open question to philosophical investigation.[31] We should not a priori expect to find only universal principles. One may find general principles or not. Or among general principles one may find local ones, which deal only with certain types of actions and situations. Now what is interesting is that in Kant's critique one does not find the charge that the golden rule cannot track certain moral rules *at all*. Yes, it does not ground duties to oneself or duties of beneficence, but it can ground other moral rules. When somebody asks himself if he wants to happen to him what he would do to others, he realizes that the will of others is just as important as his own. This shows that the moral reasons at work are about negative duties towards others. One should not cause pain to others because he would expect others not to cause him pain. The golden rule tracks at least the negative version of the principle of moral equality. This principle can be said to be local or limited to certain parts of morality in as much as it cannot ground all types of duties. The key question we have to ask is why this is the case. Intuitive methods can track moral standards, maybe not always universally or generally, but why can they do so?

The answer to this question is the key to understanding how intuitive methods work. The natural approach is to see how people use them. Following Wittgenstein's philosophical method we have to describe the language games of intuitive procedures. Wittgenstein rejects Socrates' way of doing philosophy. We have to see the problem, not through Socrates' eyes, but through his companions' eyes. To the question "what is the moral good?" Socrates wants a unique, general answer, but his fellow companions answer what they have learned to be morally good. In

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30 Mureşan, V., ibid., p. 159.
31 Scanlon, T., "Moral Theory: Understanding and Disagreement", *Philosophy and Phenomenological Research*, Vol. 55. No. 2, 1995.

Wittgenstein's terms, they give examples of how the word "good" is used. These are language games. The language games of morality are basic activities that form a practice, by which one learns what actions are obligatory or permissible, what attitudes one ought to show in human relationships, that certain feelings ought to be suppressed while others nurtured.[32] We learn that an action is right when it springs from the motive of duty, but also when it produces good consequences. There are many language games by which one learns the many facets of morality.

Analyzing the language games of morality helps us to understand the way the golden rule and other intuitive methods work. What is actually asked when one formulates these intuitive methodological questions? When one asks if somebody wishes to have done to him what he would do to others, he does not ask whether this is convenient to him or if his psychological constitution can handle such events. The purpose of the question is whether, by asking it, he sees something wrong from a moral point of view. For example, suppose that Albert insults Martin and afterwards Albert applies the golden rule. The problem is not whether Albert's subjective profile can handle insults. He might very well not care, whereas Martin might be deeply offended. When one assimilates the golden rule through moral education, he does not ask if a course of action is convenient to him or whether he can handle psychologically some events. He has learned something else. Applying the golden rule Albert tries to see what moral criteria become manifest in order to assess the respective action as being the right one or not. When Albert imagines that Martin insults him, he is constrained to remember the moral criteria he already assimilated, reaching the conclusion that the action of insulting somebody is morally wrong. The moral rule that insulting is morally bad has been learned by a language game of morality. This language games carries with it the structure that insulting is bad even though the person insulted might not be offended. The act of insulting is linked then to the negative assessment of one's character. This framework of the meaning of rules and how to use them constitutes the moral language game of insulting. This language game represents a part of our shared moral education and practice. Albert can claim consistently at the same time that he does not mind if he is insulted and that the action of insulting is morally wrong. He can claim this consistently exactly because the golden rule is coupled with moral reasons, not with contingent and subjective preferences. By describing such language games, it becomes clear that in the process of learning what is morally right or wrong, intuitive methods are not linked with contingent factors, but with necessary ones. If somebody answers that he is not bothered by insults, he does not *ipso facto* hold that insulting is morally permissible. Through moral education, one has learned that the golden rule is coupled with the idea that reciprocity and equal standing matter.

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32 Wittgenstein gives simple examples of language games: "And the processes of naming the stones and of repeating words after someone might also be called language-games. Think of much of the use of words in games like ring-a-ring-a-roses. I shall also call the whole, consisting of language and the actions into which it is woven, the «language-game»". Wittgenstein, L., *Philosophical Investigations*, Blackwell, 1953, p. 5. Though he does not give examples of normative situations, we should not assume that there are no language games of morality. Since normative language and moral judgement are also learned, there are certainly language games of morality.

The same remarks apply to the methodological question "what do your parents have to say about that?" When one asks this question he is supposed to remember what his parents told him is the right thing to do. One asks what they had taught him is the right thing to do, not what their subjective reactions were or what their mood was. At this point, the main objection against intuitive methods can be dismissed by showing that it rests on a misunderstanding. As Kant objects, one may say that there are families where children learn that theft is permissible and even worthy of pursuing. In these cases, as in the criminal case, the application of intuitive methods will bring about certain outcomes that we consider morally worse. When these children ask themselves what their parents would have to say about a course of action, they will answer that it is permissible, where it is clearly not so. Therefore, one can say, intuitive methods must be rejected. This example does not show that intuitive methods are not reliable. The problem is deeper, and it concerns the criteria of morality, not intuitive methods themselves. The problem is that these children did not learn correctly what they ought to do. They received an inadequate education. Those who learn that theft or violence is morally permissible have not assimilated the language games of morality. They have been taught something else. I'm not speaking about exceptional cases where stealing something for altruistic ends might be the right thing to do. Here, it is about the usual fabric of moral relations. The criminal did not learn correctly how to apply the golden rule given our shared framework of moral education. This is why his argument strikes everybody as false. It is not that the argument follows from the golden rule and that one cannot accept the conclusion; it is that he ties the golden rule to something that one has learned is irrelevant or incorrect. The fact that a judge might have a strong personal desire not to be punished at all by anybody it not relevant with respect to condemning a criminal. When the criminal argues that he should not be punished because the judge does not want to be punished either, he distorts our shared practice of punishment. We punish people not because we simply want to. We punish them because they did something wrong. Being punished is independent of our desires.

Moral education is the process by which an agent learns what a community believes it is the right thing to do. When we say that a child has a received a bad education we want to say, on the one hand, that he was not educated at all and, on the other hand, that a wrong belief was passed on. The belief that stealing is morally permissible is false because it runs counter to our commonly shared belief that stealing is morally wrong. The skeptic will say that the two beliefs can be equally true or that we do not know which one is false. This objection is essentially telling us that intuitive methods cannot deal with the problem of relativism. Well, the reply is that this is a problem, not for intuitive methods, but for the criteria of morality itself. It does not matter if we adopt a particularist or generalist conception of morality, intuitive methods are still linked with moral reasons. The debate whether moral reasons are general or not does not touch the fact the intuitive methods in the process of moral education are coupled with necessary moral factors, and not with contingent or subjective ones. It only impacts the nature of moral reasons, not whether they are coupled with intuitive methods of moral decision making.

Suppose that in a community stealing is considered a moral duty.[33] Each member of that community will steal without remorse and feeling good about it. Even if there are communities with opposing moral beliefs, those moral beliefs are not the result of arbitrary factors. If somebody decides not to steal, the community will still consider that decision as being morally wrong. Whatever the reasons for grounding the duty to steal, they cannot be particular and contingent psychological facts such as mood, temporary disposition, intensity of desires and so forth. Even if there is a true moral duty to steal, then what I have shown is that it must be based also on non-contingent features. Irrespective of the question whether moral reasons are general or not, the language games of morality show that intuitive methods are not based on contingent factors, but on something morally necessary. The necessary moral factors might be general or particular. We may reject certain practices as being morally wrong, or we can accept them as being justified. Nevertheless, inside a practice, there are normative criteria that shape people's behaviour. Moral thinking makes sense in relation with what one has learned to think about such matters. Intuitive methods have been transmitted through moral education in order to track and to make manifest relevant moral aspects. This is what language games show. The golden rule does not cover a variety of cases because in the language games in which it functions, it is tied with moral criteria regarding reciprocity and equal treatment. Other intuitive methods are linked with other moral standards such as beneficence or integrity. The way one uses intuitive methods of decision making, as a result of moral education and practice, shows that they are *essentially* tied to normative criteria, not subjective preferences or contingent emotional reactions. Methodological questions such as "can my decision be publicly endorsed?" or "what if everybody did that?" constrain the agent to take more easily into consideration relevant moral factors.

The usage of intuitive methods makes sense *within* the language games of morality that one has learned. A methodological question, such as the golden rule, functions to make manifest what one already knows is the right thing to do. The criminal, in Kant's case, ignores how the golden rule works in our shared moral practice. The rule embedded in the language games of morality marks the functional limits within which one can judge and act. The practice of moral education is simple and transparent, and, by describing it, we see with clarity what kind of relation exists between intuitive methods and moral criteria. The importance of describing the language games of morality consists in the advantage that it makes transparent the *internal relation* between intuitive methods and normative reasons.

The result of my analysis has implications for the scientific understanding of intuitive moral thinking. Intuitive thinking is often referred to as a "gut feeling". The picture is that we "feel" or "sense" that something is right or wrong. There is an influential research paradigm in neuroscience and psychology of moral decision making which advocates for an emotion based model. Both Greene and Haidt claim that most moral judgements are not deliberate reasoning but a matter of emotion and

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33 I am not concerned with the problem that such a moral duty is self-defeating. If everybody steals then it is impossible to fulfill this moral duty because there will be nothing else to steal.

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The Moral Values and Partitive Logic

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About values it has been said that they are "queer things"[1] (J. L. Mackie), and the Romanian philosopher Lucian Blaga called them "amphibious-existences",[2] emphasizing their subjective but also objective character. At the same time, it is said that values are seen as "units" and for example the value of "good" is not made up of any part,[3] that is the values represent entities organically unified.[4] The fundamental values (or the aim-values) have the role of logical and ontological basis, respectively of "possibility conditions"[5] for the values of the opposite pole (known as intermediary or mediate-values).

Starting from these assessments, the purpose of our study is to establish what the adequate logic for the analysis of values[6] is especially that of moral values. It is almost evident that since the values are "wholes", the adequate logic for this subject would be partitive logic. This has found its place in "a map of logic"[7] in a series of metaphysical applications from philosophical logic. But the partitive logic also has some different variants, as for example the *mereology* initiated by Lesniewski, or the *holology* theorized by Brentano. Some authors consider that these types of partitive logic are instruments that have been perfected enough to explain the logic performance of values. Given our concerns, we advance the hypothesis that for the moral values a variant of partitive logic which we will call *holomery* is more suitable variant and one which we try to build as an alternative to mereology and holology, starting from the suggestions of the Romanian philosopher Constantin Noica.[8]

Before discussing the known variants of partitive logic, we consider that some supplementary explanations in relation to the particulars of the moral values are necessary. The moral values are integrative in a community *par excellence*, since they function as basic values (values-aim). But they also function in their quality of instrumental values (values-means) in the expression "the good deeds", deeds which always have as an ideal "The Good". Then, beyond the level of the "good deeds" we have the level of norms, which permit us to judge if the deeds are "good" or not. So, one should be able to explain logically the process of passage one way or the

1   J. L. Mackie, Subiectivitatea valorilor, in Valentin Mureșan (ed.), *Valorile și adevărul moral*, Editura Alternative, București, 1995, p. 155.
2   Lucian Blaga, *Opere*, vol. 10, (Trilogia valorilor), Editura Minerva, București, 1987, p. 504.
3   G. E. Moore, Obiectul eticii, in Valentin Mureșan (ed.), *Valorile și adevărul moral*, p. 33.
4   R. Nozick, Valoare și sens, in Valentin Mureșan (ed.), *Valorile și adevărul moral*, p. 177.
5   Nicolai Hartmann, *Ethik*, de Gruyter, Berlin-Leipzig, 1926, p. 338.
6   In this study did not consider deontic logic, which is a practical logic of norms. Here we are interested in the philosophical logic of values as wholes.
7   Nicholas Rescher, *Topics in Philosophical Logic*, D. Reidel Publishing Company, Dordrecht, 1968.
8   Constantin Noica, *Scrisori despre logica lui Hermes*, Editura Cartea Românească, București, 1986.