Justification of Justice: Intuitionism

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Modern political philosophers ranging from Robert Nozick to John Rawls have attempted to discern the principles of justice that should guide societal arrangements. This project is of vital importance since it informs society of its obligations to its weakest and most vulnerable members. Yet, the question of why one should be just is an intelligible one to ask and deserves some response. This paper argues that the political-legal obligation to be just is derivative from man's more general duty to be moral, a commitment grounded in intuitions which are themselves based on transcendental values, i.e., values that exist apart from a particular society.

Those political theories that lack a transcendental notion of morality lack binding force; the theorist who persuades without asserting truth is helpless to convince or judge those committed to different principles. Modern liberalism, with its explicit commitment to neutrality, has nothing to say to individuals who do not share its values; similarly, communitarianism, with its cultural relativism, cannot critique an unjust society from the outside. Many liberals and communitarians underpin principles of justice, which require an individual to sacrifice his interests to secure the welfare of others, with that justification available to convince one that his preference for vanilla ice cream is mistaken; yet, justice, unlike ice cream, is not merely a matter of taste. Principles of justice not based on objective moral principles are arbitrary at best and prejudicial at worst, without binding authority or persuasive moral force. Though Rawls claims the "conception of justice is a practical social task rather than an epistemological or metaphysical problem," there must be some a priori, non-subjective commitment to justice, as well as positive laws, that compels individuals to sacrifice their self-interest.

Transcendental morality alone provides a substantial answer to those—anarchists, narcissists, libertarians, individualists, racists, isolationists, and others—who question the obligation to serve the common good, i.e., sacrifice one's interests for others. Merely discerning the claims of justice is not enough; these claims must be legitimized. The gap between "is" and "ought" reflects the distance between factual claims and moral ones, between truth and motivation, between description and obligation. Even if rationality informs man of political obligations to his fellow citizens, only moral intuitions can motivate him to act accordingly.

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I. THE DIVERSITY OF MORAL JUDGMENTS

An obvious critique of intuitionism and any transcendental grounding of justice is the diversity of societal arrangements. Tolerant neutrality offers the state widespread support from individuals with differing conceptions of the good and prevents society from condemning unpopular minorities; liberalism is right to value and accommodate a diverse range of choices. Even beyond the obvious answers that different applications of the same principles of justice may yield different superficial results and that not every societal difference is relevant to principles of justice, there remain substantive differences among particular societies and individuals. Yet, intuitionism can also explain why the institutional arrangements of various societies often differ from one another and from common intuitions concerning justice in relevant ways, without sacrificing an objective notion of morality, due to a combination of two reasons. First, there exist clear ethical principles that are practicably beyond man’s ability. Second, justice involves infinite, inexact, or otherwise unknowable obligations.

There exist clear ethical principles that are practicably beyond man’s ability. The number of sand granules in the world is finite, but cannot be determined by a single man. Similarly, the dictates of ethics may be enumerable, but beyond the ability of any society. Particular societies vary in their distance from the ideal.

Plato attributes injustice to a failure of human will. He links justice in society with justness in the individual, and reasons that justice, the highest human value which is also desired by all, is not achieved because some are unwilling to sacrifice. Plato argues that man’s common nature results in a common purpose, i.e., using reason to govern appetite. Thus, “moderation and temperance,” the suppression of particular desires, lead to true fulfillment, the happiness that comes from being just, but are usually overridden by the competing motivation to indulge oneself.

In contrast, Machiavelli agrees that there may be a tangible benefit to acting unjustly, but also concedes the necessity and even the desirability of such behavior. Both men agree that a society can know the demands of justice, but may not be able to fulfill its requirements. Yet, past experience also suggests that societies have been mistaken about the notion of justice and are not simply trying harder and harder to achieve a difficult goal.

Justice involves infinite, inexact, or otherwise unknowable obligations. An example of the first type of goal is to count the number of points in a given line segment, and an example of the second is to calculate the depth of one’s feelings. The first involves matters which are infinite, and thus beyond man’s comprehension; man’s imagination can only approach infinity without ever reaching it. If

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man cannot even comprehend infinite ideals, it is no surprise that he is unable to actualize them, excepting perhaps the miracle of birth that creates a being of infinite value and those instances of sacramental grace within certain religious faiths. Justice involving infinite obligations serves, at best, as an asymptote towards which society aims, but may never reach.

The second case of inexact measurements involves the lack of precision inherent to certain objects; beauty, art, passion, and other intangibles simply cannot be quantified. Justice may be an abstract concept that does not lend itself to measurement. Thus, it may unintelligible to consider the absolute justness of a given society. For example, an individual cannot declare that he likes chocolate chip cookies with ten units, but rather only that he likes cookies better than frog legs. Similarly, justice may be measurable only in ordinal units, rather than cardinal ones; yet, this is not equivalent to reducing justice to a subjective taste. An incommensurable notion of justice would allow societies to compare themselves with others, but not to an absolute standard; thus, no society could ever claim to be perfectly just.

Intuitionism accepts both types of limitations on man's ability to be just; intuitions are neither perfect insights nor motivators. Man possesses an incomplete view of justice, which he fails to fulfill. Man's inability to live justly may represent a fundamental flaw, or perhaps reflects nothing more than a lack of will, but his capacity to know at least some part of the dictates of justice offers hope. With the knowledge of what is required of him, man can aspire to rise above his current situation and order both societal institutions and his daily habits according to objective ethical principles.

Man must look within himself to discover those transcendental principles of justice which liberate him from his selfish and destructive desires. Though man is flawed, and perhaps unable to achieve a perfect state of justness, the failure of his will does not, despite Augustine's contention, condemn his reason. Man can approximate the requirements of ethical behavior by studying the potential contained in his nature; though the extent of actualization of each individual's inherent nature differs widely, all humans share a common nature that leads to a common purpose. This telos, man's ultimate and unchosen purpose, is what allows him to rise above his current unjust state.

Man's gradual understanding of his own nature and purpose is a difficult process that utilizes humanity's collective experience. As a child pieces together a jigsaw puzzle, society must put together clues until it has the entire set of obligations of justice. Some pieces may appear to fit at first, but later turn out to be in a mistaken place; it may even be necessary to tear apart entire sections built on one faulty piece. Thus, it may be necessary to destroy seemingly beautiful pictures in order to construct the one true picture, and no pieces must be left out or altered for an artificial fit. As society spends more and more time on the puzzle of justice and accumulates more clues, the picture should become

clearer and clearer until a discernible shape, a concrete goal, begins to form. It is no wonder that man can imagine Utopia, the ideal state ordered by the principles of justice; he has based the image on the clues made available to him.

II. NECESSITY OF MORAL INTUITIONS

The nobility of social reform is predicated on man’s ability to discern the ethical principles on which a just society should be ordered. Though no particular society possesses a complete conception of justice, all individuals have some capacity, e.g., moral intuitions, to recognize the foundational principles. Intuitionism’s notion of ethical claims as intelligible to humanity is not universally held and must, therefore, be defended against competing philosophical perspectives.

There are two distinct approaches to ethical claims. The first, cognitivism, acknowledges that ethical claims are discernible and have truth value. Cognitivist arguments are either natural, claiming ethical judgments are disguised assertions of fact and can be justified empirically, or non-natural, denying that ethical claims are derived from empirical propositions. Naturalism, either subjective or objective, provides some appeal and approaches the explanatory and moral power of intuitionism, but reduces the force of morality and does not properly differentiate it from scientific claims. While empirical evidence may provide circumstantial justification for principles of morality, e.g., witness the sociological pathology which often accompanies the cultural abandonment of certain moral values, the power and truth of moral principles are not entirely described by the natural data. Non-naturalism can be divided into either intuitionism or religious revelation.

The second approach to ethical claims, non-cognitivism, denies that ethical claims have truth value. Non-cognitivism can further be subdivided into either emotivism, which does not claim any justification or factuality for ethical claims, or prescriptivism, which claims existential justification, but no other reason, for believing ethical judgments. Non-cognitivism is obviously unsatisfying because it does not provide any basis for formulating principles of justice to order a society. Emotivism enslaves morality to the passions of the individual, and prescriptivism merely claims moral force, without justification, for its claims. Thus, man’s knowledge of justice must rely on a cognitivist approach to ethics.

Of the two cognitivist approaches, only non-naturalism combines the truth value of ethical claims with their seemingly extraordinary motivating force. The crucial distinction between naturalism and non-naturalism lies in their answer to the question of upon what does morality supervene. While naturalism claims that morality supervenes on natural properties, non-naturalism replies with non-natural

6. Id.
properties. For example, Bentham and other utilitarians, objective naturalists, claim that morality depends on people's happiness; conversely, Moore, a non-naturalist, links morality with elusive non-natural properties. Thus, Bentham claims that two actions are morally identical if they produce the same happiness, and that the morality of a particular action changes only if the satisfaction it produces changes. In contrast, revelationists, as an example of non-naturalists, claim that two actions are morally identical if they are similarly approved by God, and that the morality of a particular action can only change if God's will changes.

Whereas naturalism reduces morality to an empirical collection of data, thus rendering moral dilemmas nonsensical, non-naturalism elevates morality to a plane that transcends happiness and other natural phenomena. Principles of justice, which frustrate individual desires in the service of man's inherent nature and the security of the rights of others, require the binding force of non-naturalism to properly defend an objective notion of human well-being. Naturalism reduces human dignity to considerations of material flourishing, ignoring man's spiritual welfare, and cannot adequately protect human life from competing goods. Life must be respected because of its inherent and transcendental value, not because it happens to coincide with some natural phenomena, e.g., happiness, which is taken as a measure of success. Non-naturalism is preferable to naturalism in that it provides for morality's force, its trump over competing natural considerations.

Accepting intuitionism as the appropriate form of non-naturalism is not meant as a rejection of religious revelation. It may be that intuitions themselves are a form of religious revelation or that an intuition will point one to religious beliefs. However, intuitions, which transmit information to an individual through extra-sensory means, must precede revelation, or any other data interpreted by the senses, in order to supply criteria by which to accept or reject a particular revelation. It is through his intuitions that man trusts his senses, ability to reason, religious revelations, etc.

For example, Abraham is commanded by God to sacrifice his son, the very son that is the sign of God's covenant with him and is to produce countless descendants. Abraham's attempt to obey the command indicates that he believes the voice he hears comes from the ultimate Creator of all and Author of morality; such belief must be predicated on an intuition. The revelation itself, whether it be voices or other mystical experience, cannot be both its own verification and also the object of verification; some prior intuition, perhaps one directing Abraham towards faith and acceptance of divine voices, is strong enough to motivate Abraham to override the dictates of his conscience and society's morality. This is not to say that intuitions are inevitably followed, for Abraham maintains his free will and could spare his son. However, the intuition must have existed before the revelation to account for Abraham's ability to

accept or reject the revelation. Thus, intuitionism, a cognitive non-natural approach to ethical claims, provides the foundation for principles of justice.

It may be possible to combine the best aspects of objective cognitive naturalism with intuitionism. That is, though intuitions serve as the primary means for man to discern fundamental moral truths, human nature also testifies to the existence of objective moral truths. Thus, non-natural properties, e.g., intuitions, provide the justification for ethical conclusions, but also coincide with and are reinforced by the clues provided by natural properties, e.g., human nature. For example, the intuition to avoid causing unnecessary pain coincides with man's tendency for self-preservation; the intuition to choose a mate coincides with man's biological need for a partner to reproduce and nurture; etc. Thus, natural properties coincide with ethical claims, but non-natural intuitions give ethical claims their moral force.

The moral force of intuitions is not accepted by all political theorists as necessary for deriving binding principles of justice. For example, Ronald Dworkin discusses how individuals relate moral theory and intuition without admitting transcendental value for either. Though his alternative explanation strips ethical principles of their binding moral force, Dworkin views his avoidance of controversial truth claims, i.e., liberal neutrality, as an argument in favor of his notion.

Without explicitly positing coherence as an objective requirement of political morality, Dworkin claims that coherence requires a theory of justice to fit people's intuitions about justice and allows intuitions to be amended to "make the fit more secure." The two models consistent with this coherence are "natural" and "constructive." While the natural model involves an objective moral reality that is to be discovered and not created, the constructive model does not depend on the objectivity of moral convictions for its moral force. Unlike the natural model, which values consistency with convictions due to their accuracy, it values consistency for the sake of predictability in the actions of public officials.

Expounding on the idea of coherence, Dworkin cites Rawls' "reflective equilibrium" as a description of how individuals balance their convictions with principles, with each side influencing the other. Dworkin jumps from this description to the conclusion that the need to adjust convictions and principles argues for accepting a "constructive model" of morality. However, Dworkin does not apply his neutrality, but rather relies on an objective conception of morality. For example, though Dworkin is adamant that no group has any claim to truth, he allows an individual to judge and even disregard another's intuitions. The inconsistency of this view is apparent when one imagines judging the convictions of another without any recourse to objective criteria.

10. Id. at 22, 33-36.
The primary arguments for abiding by principles established by society without any claim to truth are either consistency or functionalism. The first, chosen by Dworkin, states that one must be true to principles for the sake of consistency. However, this argument for consistency for its own sake, and not for the principles or intuitions being followed, is incomplete. Intuitions, which justify principles, must be consistent with something external to themselves; else, one is trapped in a vicious cycle whereby intuitions are overridden by principles held only because of other intuitions. Without an independent reason to accord varying degrees of legitimacy to particular intuitions, principles can only be a best fit of intuitions and are limited to the extent that they cannot accommodate all intuitions. Intuitions which do not fit principles, outliers, have more validity than the principles according to the constructive model. The intuitions, and not the principles, provide the moral legitimacy in this type of theory, but lack any legitimacy themselves because they are not grounded in objective truth claims. Dworkin's underlying "assumption that men and women have a responsibility to fit the particular judgements on which they act into a coherent program of action" cannot stand without a claim to the objective value and truth of both consistency and moral intuitions.

The second argument, functionalism, claims allegiance for society's principles on utilitarian grounds. Moral intuitions are taken as neutral preferences, similar in substance to an individual's dislike for vanilla, and societal principles follow these intuitions out of convenience. Thus, intuitions are inexplicable background data that must be accommodated, but not given any ethical force, in designing society's principles. Morality is the product of unguided evolution, which selects those principles that accommodate general intuitions with the least amount of contradictions. Contradicting people's preferences would generate unnecessary frustration and is thus not an efficient way to structure society. Yet, principles created by society's practical needs, lacking independent value and moral force, cannot motivate an individual to sacrifice wealth and opportunities for the sake of another. Enlightened individuals should be enabled to free themselves and their societies from the burden of these neutral preferences; yet, enlightenment involves caring for the weakest members of society, not abandoning them.

Though Dworkin does not illustrate the viability of ethical principles without the moral force provided by an objective morality discernible through intuitions, his and others' preference for neutrality illustrates the need to justify intuitionism. But as neither consistency nor utilitarian arguments justify society's accommodation of intuitions that lack a transcendental basis, a defense of intuitions as non-natural properties must be provided. The following section discusses those characteristics that distinguish intuitions from other motivations, e.g., arbitrary likes and dislikes usually dismissed as whims.

11. Id. at 36.
12. Id. at 28.
III. INTUITIONS, FREE WILL, AND MORALITY

Intuitionism posits non-natural cognitivist principles of morality that normally, but not always or necessarily, coincide with man's natural interests. Man's objective nature delimits individual differences and results in universal interests, the most basic being those things necessary for life itself. As significant as interpersonal differences may appear, those characteristics common to all people are even more noteworthy. The common nature of humanity thus provides a rough criterion by which to judge moral codes; the validity of principles can be approximated by evaluating their promotion of human well-being. Such a view is predicated on the Aristotelian view that every object, including a person, has an objective nature with an inherent end "towards which it tends." Thus, the common human nature validates objective morals. Western society has until recently held fast to this belief in absolute values and unchanging first principles.

Intuitionism does not base the validity or content of moral principles solely on human flourishing, as a naturalist approach to morality might, but rather acknowledges the practical utility of approximating moral principles by observing objective human interests. This "shortcut" is especially relevant given the lack of consensus on non-naturalist justifications. While individuals might be encouraged to continue exploring the deeper non-natural basis for morality, political consensus in pluralistic societies only requires the approximation provided by the study of objective human flourishing. Once man's well-being is accepted as a basis of an objective moral code, the challenge is to discern the best means to facilitate human flourishing; herein is the necessity of intuitions as unique insights into notions of well-being and justice.

IV. INTUITIONS AS INSIGHTS AND MOTIVATORS

Just as physiology and evolutionary biology teach that form follows function, it should be possible to study human nature, which specifies an objective notion of well-being, as the function and derive the form, which is morality. This objective perspective supposes that humanity is designed to abide by moral codes, rather than moral codes being designed according to man's whims. Only those human interests which are truly moral will be served by a moral code, thus excluding many interests acknowledged by man in everyday conversation. "It is not because they produce happiness that . . . activities are valuable; it is because these activities are valuable in more direct and specific ways that they

produce happiness." Merely observing what makes individuals happy and then labeling these causes morally correct are not enough.

Though the coincidence of man's nature with objective moral principles means that an ethical society will best facilitate human well-being, this objective notion of well-being must not be confused with the happiness maximized by utilitarianism. Utilitarians are correct to articulate the commonly held intuition that morality must serve human interests, but mistakenly identify man's interests with reference only to his preferences rather than a transcendent notion of the good. Man's happiness is not always coincident with his best interests; indeed, man may not always be aware of his interests, but is always aware of his happiness. In its very lowest form, utilitarianism is enslaved to man's every desire, whether an intolerant external preference for how others should be treated or an intensely held extravagant desire for how one should be treated, and is no better than hedonism. In contrast, a theory based on transcendent morality can discern which preferences must be fulfilled and which can be rejected. Intuitionism may override individual desires in order to promote objective human flourishing and thus rejects subjective naturalism, i.e., claiming that the individual's choices provide truth claims their meaning and justification.

Intuitionism's rejection of individual desires and happiness as justifications for morality commits it to providing an alternative methodology to discern the principles of justice. Rationality alone cannot guide man to morality, for the belief in an ordered world accessible to reason is itself a particular pre-rational moral belief. In contrast, Rawls is correct in basing the legitimacy of his Original Position, and the principles it embodies, on its consistency with generally held intuitions; similarly, Plato's Socrates appeals to his readers' intuitions about justice, Locke locates his notion of the state of nature in man's innate ideas, and many other theorists also justify their conceptions of the good according to man's intuitions. Intuitions, which by definition contain their own justification, are an invaluable source of insights into morality.

Just as man determines the direction and force of wind by its effects, rather than direct observations, intuitions provide visible confirmation of and data about moral principles. Moral intuitions are clues into a natural order which frames morality in the same way natural laws frame physical reality; such intuitions are more than mere insights into moral facts, but are also potent, though not necessarily overwhelming, motivating forces active in all. Preachers, political activists, and others hoping to motivate their listeners often use the feelings of guilt and shame which accompany any contradiction of strongly held moral intuitions; thus, appeals to justice, fairness, mercy, and other moral intuitions are often used in political debates and from the pulpit. On the other hand, feelings of affirmation result from actions consistent with deeply held moral intuitions; thus, charities seeking donors often remind individuals of the fulfillment that

accompanied acts of generosity. The universal motivation to treat others fairly or perform acts of altruism is not entirely socially constructed, but rather has its origin in moral intuitions.

In addition to being intelligible to man, morality must also wield some, but not always determining, power over his will. Though the full motivating force of an intuition may often be evident, e.g., through guilt, after the intuition has been contradicted, intuitions are also considered, though not necessarily followed, when an individual contemplates a course of action. Man's intellect must coincide with his desire, both formed in part by intuitions, in order for an ethical conception of the good to be actualized. Such a view of intuitions as a motivating force behind morality, commonly called "internalism," is usually associated with subjectivism. However, some set of intuitions must be commonly applicable for society to use these intuitions as a guide in formulating moral principles.

The instinctive aspect of morality, though contrary to the detached and abstract nature usually associated with objective principles, renders moral codes universal. The most basic foundational principles of justice, e.g., "inflicting pain on a sentient being for no purpose is wrong," are instinctive and not learned. All human beings, regardless of their experiences, have a natural tendency towards this basic rule. The universality of this principle is evidenced by horrified reactions to violations. An illustration of this fact is that even in times of war, a drastic period during which many rules of decent behavior are suspended, outrage is still expressed over the killing of innocent civilians. The moral outrage is an instinctive reaction and does not follow from logical reasoning. People naturally feel an emotion motivated by an intuition that compels them to condemn such killings.

Morality is not merely a matter of cognitive ability; even those without formal education are expected to abide by basic unlearned moral principles. Saintliness is not correlated with intelligence. Intuitions, available to all, explain the universal nature of morality. In contrast with universal intuitions, Plato requires that individuals be virtuous before they recognize good; he excludes atheists from his ideal state since it is the gods who command moral duties. Rather than being limited to those who are virtuous, the postulated moral intuitions provide all with a notion of the good.

The universality of intuitions does not mean that "cause no needless pain" and other basic principles are always followed or even recognized. Moral intuitions, like reason, are only one of many motivators and do not always determine one's actions. It is not surprising that individuals act inconsistently with respect to their moral intuitions, respecting them as sacrosanct in one situation and freely violating them in another. However, the fact that individuals feel compelled to justify actions which contradict particular moral principles,
e.g., by appealing to other moral principles, is at least circumstantial proof of their universal instinctive appeal. For example, military leaders on both sides of armed conflicts portray their causes as “just wars,” emphasize their nation’s objectives in honorable terms, and express remorse for the loss of human life. Regardless of the persuasiveness of such arguments in particular situations, the fact that individuals feel compelled to offer justifications testifies to their need to overcome moral intuitions against causing pain and harming others.

The existence of competing motivators confirms both man’s free will and his responsibility for acting ethically. Merely doing what is right, that which is prescribed by the moral law, is not the same as being virtuous, acting out of a desire to obey the moral law; coincidentally doing the right thing, while motivated by the wrong reasons, is not the same as acting ethically. Freedom, the ability to choose between moral and non-moral motivators, is necessary to give any act moral worth and actor moral responsibility.

Choosing to act ethically is a critical component of acting ethically. Merely knowing the moral law is not the same as abiding by it. Indeed, hypocritical moral sages may be “worse sinners” since their violation of moral laws cannot hide behind ignorance or intentionality! Alternatively, other perspectives do not allow this individual consciousness and thus dismiss selfless or other moral acts, e.g., denying oneself advantage even if the chances of being noticed are nil, as either externally imposed habit or self-delusion. Intuitionism predicts that moral intuitions compete with other motivators for an individual’s allegiance and may often lose, but are always a force with which to be reckoned.

V. FAILURES OF INTUITIONS AS MOTIVATORS

Given the obvious fact that many individuals and societies do not act ethically, moral intuitions must be either limited in scope or potency. Intuitionism accepts both limitations without conceding any loss in the legitimacy of objective morality. The inability of intuitions to override competing motivators, e.g., appetites, is discussed in this section and helps explain the existence of wrongdoers; the more fundamental limitation on intuitions, their inability to provide all with a complete conception of the good, is discussed in the next section.

Moral intuitions may fail to act as powerful motivators due to a variety of factors external to the actor. For example, socialization may dull one’s moral instincts, even to the point that wrongdoers feel little remorse and seem completely unaware of ethical codes. For example, youngsters growing up in violent environments may accept the atrocities they witness daily as the norm; it is no surprise that children of abusive parents often repeat their parents’ mistakes or that many children maturing in certain inner cities do not make long-term plans. Social workers in impoverished neighborhoods report the frustration of observing many children engaging in unsafe behaviors, such as promiscuity, drug abuse, and violence. Such children, whose actions seem irrational, are unaffected of AIDS, teenage pregnancies, and other consequences of their actions.
since they do not expect to live beyond their twenties anyway. Their moral intuitions, even the most basic instinct towards self-preservation, are muted, though not obliterated, by the powerful societal forces surrounding and occasionally overwhelming them.

Though most societal institutions are not radically opposed to moral intuitions, no society's arrangements are perfectly just. All societies exert some pressure contrary to the individual's moral intuitions. Following one's morals often involves being counter-cultural, and most individuals are influenced by peer pressure throughout their lives. Thus, it is not surprising that members of a society internalize their cultural norms, even those held by few other societies, and exhibit behavior patterns which reflect society's attitudes towards drug use, extramarital sexuality, modern music, fashion trends, and other activities which vary in their moral content. As a result, many immoral actions, e.g., altering expense accounts, are common in practice, if not explicit acceptance.

The need for affirmation from one's peers can be a very powerful motivating force, often stronger than moral intuitions. Even the individual attempting to be ethical may face difficult choices as the entire system may be against him; for example, the honest businessman in a corrupt market faces the dilemma of being honest or paying bribes to avoid bankruptcy. This is not to say that morality should be redefined to fit society better or that society has made it impossible for an individual to act ethically, but rather that it is understandable why individuals contradict their own intuitions rather than opposing the strong impulse to conform to society's standards.

In addition to individuals acting according to societal preferences, rather than abiding by objective moral principles, there are others who contradict societal and moral codes to fulfill selfish appetites or perform brutal acts. However, just as contrary societal preferences do not threaten objective moral principles, the existence of immoral actors does not weaken the moral claim of intuitions. For example, the limited appeal of sadism does not negate the moral principle that "inflicting pain for selfish satisfaction is wrong." Individuals can commit wrong deeds, but must first overcome their moral instincts, i.e., their consciences. Individuals capable of the most despicable crimes can be responsive to spiritual and other forms of rehabilitation and are often the products of abusive environments, thus evidencing an internal drive towards morality that can be developed but which has been suppressed by external circumstances and individual decisions.

An even more bizarre group overrides the instinctive drive for self-preservation, normally a powerful argument for the value of life and for universal morality, to enjoy pain. Masochists, who do not condone the destruction of life as this would interfere with their pleasure, have become partially numb to their intuitions.\(^{20}\) However, masochism does not belie the powerful testimony to the

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\(^{20}\) The claim that pain which causes pleasure is distinct from other notions of pain, normally associated with injury and the frustration of one's desires, is a semantic argument which strips the term of its normal meaning. "Pain" is used to denote objective suffering.
value of life evidenced by the instinct for survival present in both animal, e.g., the raccoon who chews off his limb to escape a trap, and man, who instinctively moves his body out of harm's way. Human reflexes work to preserve life or avoid injury, even against the individual's will, thus requiring one to forcibly prevent one's eyelids from closing to administer eyedrops. The ability of despondent suicidal individuals, masochists, etc. to overcome their intuitive desire for self-preservation does not refute the existence and moral force of that intuition; indeed, such individuals are properly recognized as sick and in need of help. Man's alienation from his inherent nature is a deplorable state which results in horrible atrocities, but does not threaten the objective moral principles which coincide with his true nature.

The fact that particular cultures have encouraged or that some individuals practice bigamy, slavery, self-mutilation, etc. does not threaten the legitimacy of moral intuitions, based on transcendental morality, which condemn these actions. Flawed societal and individual attitudes may be the result of overpowering appetites, perversions of the good, conscious disregard for morality, etc. As few societies or individuals explicitly admit the depravity of their choices, those motivators which successfully compete with intuitions must masquerade as conceptions of the good. Evil actions are often defended, perhaps sincerely, as expressions of moral principles; thus, intuitions that fail as motivators often fail as insights.

VI. FAILURES OF INTUITIONS AS INSIGHTS

The failure of intuitions to successfully and lucidly transmit moral truths to humanity is evidenced by the fact that an individual's moral instincts are often in conflict, change over time, and occasionally cannot be reconciled with those of others'. Since an intuition cannot be simultaneously true and not true, these various states mean that certain sincerely held intuitions are false. To be aware of moral intuitions is to be motivated, at least in part, by them, but individuals lack the ability to discern fully their own intuitions. The failure of intuitions to provide complete and consistent insights into morality does not reflect their flawed nature, but rather suggests that man's ability to discern moral intuitions is in some sense faulty. Just as disabilities do not invalidate the concept of health, faulty intuitions, which cause individuals to feel no remorse and prevent them from comprehending the evilness of their actions, do not threaten normal moral intuitions.

It is no wonder that intuitions are often misinterpreted and even ignored; objective morality can be more subtle than many think. Indeed, even straightforward intentions are often lost in the application. For example, a volunteer worker may mistakenly overfeed a starving child, causing medical complications; though the intuition to help others is correct, the means chosen actually frustrate the ultimate goal. Wanting to do the right thing is a good start, but is often not enough.
Consider the parable of the three blind men describing an elephant. Each man reports a different sense perception: one feels, another hears, and a third smells. The three cannot even agree on one particular sense perception: each feels a different part; each hears a different part of the animal’s vocal repertoire; and each smells a different part. The point is that all are correct, and all are wrong. All three men are sensing the same animal, but none has the complete picture. So it is with objective morality, the elephant of ethics. Morality may be composed of objective principles, but man often perceives only disjointed parts. Man is left with only his imagination and his wits to reconstruct morality from the clues provided by intuitions; hopefully, he will do better than the three blind men.

The failure of intuitions to serve as comprehensive and accurate moral insights is due to an individual’s inability or unwillingness to discern them. Allowing intuitions to be fundamentally mistaken, not merely incomplete or misinterpreted, invalidates all further principles and would require some independent criteria to judge intuitions. As no such criteria exists, certain basic intuitions must be accepted without questioning and then used to discern further intuitions, principles, and truths. The sanctity of objective morality, despite man’s inability to comprehend fully the good, is illustrated by the court’s habit of showing leniency to those individuals unable to distinguish between right and wrong, while still condemning their actions as criminal; thus, man’s flawed moral capacity affects his culpability, but not the objective moral status of his actions.

Plato postulates that only certain individuals have the moral insights necessary to rule and act justly. Calvin’s view of fundamentally depraved man often leads to the theology of predestination which claims only the “elect” are imbued with special graces, though not all Calvinists agree on whether even these individuals can rise above the state of both original and actual sin to act ethically. Intuitionism argues that though no individual may actualize his potential and act upon his intuitions in a consistent manner, all individuals must have the potential to discern intuitions; a complete absence of moral capacity prevents an individual from being a moral agent.

Though all individuals occasionally mistake vice for virtue, those who would consistently feel no guilt over abhorrent actions lack the moral faculties necessary to be ethical or even fully human. Such an extreme state of depravity does not include the vast majority of individuals who commit heinous acts, but later regret their crimes. Also distinct are those who deliberately delude themselves or simply do not understand the reality of their situations. What is left is the rare individual who deliberately and with full knowledge commits evil acts and thinks them morally justified.

The capacity to possess and discern moral intuitions, though never fully realized, remains a constitutive aspect of the human condition. Whether

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22. James Akin, A tiptoe through TULIP, 4 This Rock 7-8 (1993).
humanity's moral corruption is inborn or a product of environment or both is akin to whether a physical disease is genetic or viral. Regardless of the cause, all individuals occasionally misinterpret and confuse their intuitions, often to serve their own perceived ends. Indeed, the failure of intuitions to act as motivators may necessitate their misinterpretation to appease man's innate drive towards moral behavior, thus creating a vicious cycle whereby unethical behavior results in flawed intuitions. Thus, the failure of intuitions to serve as reliable insights into morality is due partly to man's inability or unwillingness to differentiate intuitions from rationalizations.

Though no one may ever be truly virtuous, i.e., actualize all moral intuitions, and even though moral intuitions are accessible to all, some individuals are better than others at discerning and manipulating their intuitions. Just as some scientists or philosophers are better than others at taking the same data and deducing new paradigms, certain individuals have an increased capacity compared to others in the realm of moral reasoning. Though all may develop their innate capacities through discipline, certain individuals possess a superior innate vision; similarly, Picasso used the same paint and canvas used by many lesser artists and created a new style of painting due to his superior creativity and insight. Superior moral vision may be more of a burden than a talent, in that it informs individuals of their moral obligations but is not necessarily accompanied by the will necessary to actualize moral insights! While theologians and philosophers often have insights into morality, it is the saints who actually live according to that morality. Yet, there does appear to be a positive, though not perfectly causal, relationship between following and discerning intuitions.

The fact that individuals possess varying degrees of moral reasoning skills argues for a theory of justice to help guide society, but should not be abused as an excuse for authoritarianism. Despite intuitionism's differentiation between individuals according to moral perceptiveness, autonomy, i.e., the liberty to make mistakes, is still regarded as an essential component of well-being; the powerful inclination to respect individual judgement is reflected in the allowance for an individual to follow his conscience. However, this right to conscience does not free the individual from the obligation to consider established moral codes or protect the rebel from the consequences of rejecting these codes. Intuitionism admits the right of the individual, regardless of the justness of his cause, to abide by his intuitions, as long as he does not expect society to abandon its commitment to its ethical principles; thus, both the rebel and the society which punishes him may be acting correctly. It is through such challenging that man's understanding of morality evolves. Obviously, a society must reevaluate its principles if they continually conflict with the intuitions of its members, and members must do likewise.

Perhaps more common, and more complicated, than the conflict between individual and societal morality is the conflict between particular intuitions,
which seemingly forces the individual to choose one over the other. However, if intuitions fit together to form a coherent objective morality, they cannot contradict each other, and any conflict must be due to an imprecise, incomplete, or otherwise faulty understanding of one or both intuitions. Assuming that the conflict is not between intuition and appetite, or some other desire disguised as intuition, many conflicts between intuitions can be reduced to disagreements over implementation.

Take the case of a primitive farmer desiring food. While an international aid agency offers to increase the efficiency of his farm through the eventual fruits of fertilizer and machinery, he does not see the benefit of cow dung and steel. However, there is only the appearance of conflict between the desires of the farmer and the goals of the agency. The agency could be frustrated and paralyzed by inaction if it attempts to choose between respecting the farmer's stated desires and fulfilling his objective needs. However, providing farming aids and training best fulfills the shared intuition of the farmer and agency that all individuals should have sustenance. Though not all intuitions can be so readily reconciled, this conflict illustrates the coherence of many intuitions in apparent tension.

In summary, intuitions are hardly straightforward motivators or simple insights into objective morality; though they serve both purposes, man's competing appetites and his inability to fully discern moral intuitions result in unethical behavior. Such a view of moral intuitions is consistent with the Augustinian view of man's inherently fallen nature, not with the secular humanist's idealized view of the condition of mankind. Yet, intuitionism's conclusions may appeal to both those who acknowledge a higher authority as the source of intuitions as well as those who accept intuitionism only insofar as it describes moral principles consistent with man's objective well-being. The perspective which depends entirely on man to construct morality cannot rise higher than his flawed understanding. There can be no appeal to established truths or principles, only recourse to intuitions. But intuitionism's transcendental view of the good allows man to adjudicate among particular intuitions. Additionally, the fact that individuals are likely to misinterpret or misapply moral intuitions underscores the necessity of formulating principles of justice.

VII. NECESSITY OF INTUITIONS AS OBJECTIVE INSIGHTS

Man's inability to act on and discern intuitions, though responsible for preventing him from being consistently ethical, does not mitigate the link between intuitions and objective morality. In contrast with Dworkin's ambivalence about the truth of intuitions, intuitionism explicitly recognizes their transcendental nature as necessary to provide content for and justify principles of justice which are strong enough to supersede man's selfish interests and competing appetites. Though liberals claim neutrality for their assertions, invoking a minimalist approach to political morality in an attempt to avoid controversy, a fuller conception of the good is required in order to conflict with
and override other motivators. The very content which Rawls and Dworkin avoid claiming for their theories provides principles of justice with their moral force.

Principles of justice which are entirely dependent on people’s consent present no arguments against the status quo; if morality’s legitimacy is derived solely from individual preferences, then these same individuals’ actions must be just and therefore need no correction or guidance from binding principles. Individuals, according to this idealized account, would work without incentives to produce enough for all in society and then willingly sacrifice their property rights; thus, there would be no danger of free riders, unproductivity, or other issues generally confronted by distributive principles of justice. Yet, principles of justice are required exactly because people are not automatically just; such principles must have legitimacy external to the actor if they are to constrain him. Due to man’s selfish desires, true principles of justice should appear difficult, challenging man’s rationalizations of his appetites, rather than merely the product of his preferences; moral codes must, on occasion, make individuals feel constrained and involve sacrifice if they are to do any work.

Dworkin’s move of taking an individual’s concern for himself and applying it to others assumes the very equality he is attempting to achieve; similarly, Rawls derives his principles of justice from those deep bases of agreement which already exist within society, i.e., those moral convictions common to all. However, just distributions are not the inevitable product of people’s preferences; an individual could reasonably question why the fact that he desires to be treated with dignity requires that he treat others similarly. Though both men recognize the need to override selfish desires, and thus appeal to people’s preferences as expressed when abstracted from their particular situations, they do not justify either this interpretation of equality or their specific conclusions from this mental exercise.

Intuitionism, though close in methodology to Rawls’s model, differs because it depends upon objective principles which are discerned through and may override immediate intuitions, rather than empirical claims about people’s actual or abstracted preferences. Intuitionism examines humanity’s collective experience for common moral intuitions, but, unlike Rawls, does not confer legitimacy upon principles of justice because of political consensus. History teaches that the state, church, and other social institutions often act to restrain individual selfishness and promote a just social order. Similarly, individuals, e.g., Martin Luther King, Gandhi, George Washington, etc., must also at times intervene to reorder their social institutions.

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24. Imagine trying to prevent society from enslaving a portion of its population to enrich the vast majority without resort to supra-societal arguments concerning human rights and dignity. Majoritarian consent may be achievable if membership in the enslaved group is dependent on some fixed characteristic which cannot be transmitted to the general population. The transcendental notion of human dignity, not self-interest, is the most powerful argument against such arrangements.

Individuals strive towards the ideal goal of ethical behavior, the motivation coming from internal intuitions and reinforced by external structures, but often fall short and thus require society to intervene to protect the basic rights of others. It is only by comparing individual actions to some higher standard that one can argue for redistribution and restraint in the name of justice. Rights, whose existence is communicated to man through his moral intuitions, serve man's objective interests, but are not created by man nor are they dependent on his recognition for their continued existence; any lesser definition would render them useless as principles to guide society to be better and to motivate individuals to sacrifice for others.

Dworkin hints at a higher source for morality's power when he claims that "principles must have independent appeal to our moral sense," but does not follow through with the significance of this statement. In contrast, intuitionism recognizes both the power of intuitions to provide clues about an objective morality and also their shortcomings as insights and motivators. Intuitions, limited by man's understanding, serve an essential purpose as distorted reflections, if not exact images, of objective moral principles.

VIII. USING INTUITIONS TO DISCERN OBJECTIVE MORALITY

Excepting divine revelation, individuals are left with their moral intuitions and reasoning skills to discern principles of justice. Though man's inability to discern perfectly intuitions renders their interpretation flawed, they are not useless. For example, some intuitions, e.g., "cause no pain," are more certain than others. The existence of objective truths allows man to learn to discern intuitions from experience and build on intuitions and moral codes from other time periods and cultures. Though the application of intuitions may vary, depending on particular customs and traits, the underlying doctrines remain the same and can be abstracted. The convergence of independently held intuitions suggests the discovery, not creation, of an objective truth, in contrast with relativism's emphasis on and inability to transcend the material world.

Moral knowledge, like scientific knowledge, can evolve to lead to better understanding. There is no need for every generation to deduce for itself the dictum cause no pain, just as every generation of mathematicians does not discover anew the basic postulates of geometry. It is enough to understand and internalize the work of others and build upon their foundations, though there is value in periodically questioning their assumptions and reestablishing initial beliefs. Certain intuitions, due to their basic nature or repeated occurrence in other times and cultures, may gain credibility. Man must combine established

27. Dworkin, supra note 9, at 23.
30. Plato, supra note 2, at 209-12.
principles with experience, applying traditional moral codes to contemporary situations and modifying them if necessary, to expand his knowledge of morality.

XI. PROCESS OF LEARNING MORAL FACTS

Man's obligation to follow his most fundamental intuitions, the dictates of his conscience, even if they contradict general principles, does not mean he may follow his every whim and ascribe it to intuitions. Indeed, man may examine his experience with flawed intuitions and decide that his most basic intuition is to trust an external authority or shape his conscience according to the principles of that authority. Consciences, like habits, may be shaped through will, and the ethical individual will take great effort to shape his conscience, crucial in discerning and acting on intuitions, according to some trusted authority or set of principles. Good consciences, like good habits, involve preparation before a situation arises; else, it is often too late.

An essential step in man's gradual understanding of morality is the guidance basic intuitions provide in accepting and rejecting other supposed intuitions. One might discern a directive to trust a particular authority, e.g., magisterium, or certain principles, e.g., human dignity, which then lead to other specific guidelines. Reason, even guided by the content of moral intuitions, is not up to the task of resolving many ethical dilemmas.31 Thus, secondary principles are accepted on the authority of a primary authority that is accepted due to basic intuitions. Examples of primary authorities include Scripture for various religious groups, ecclesiastical hierarchy for certain churches, common law for many societies, the laws of reason and empiricism for scientists, etc. Such primary institutions or principles act authoritatively only within the sphere delimited by the same moral intuitions that give them their power. For example, the Catholic Church properly legislates on matters of faith and morals, e.g., prohibiting murder, but improperly used its authority to judge Galileo's teachings; though Catholicism gives the papacy primacy in moral matters, it does not subject scientific judgement to ecclesiastical authority.

Whereas intuitions provide information about basic principles, e.g., the rules of scientific evidence, they are less useful in discerning specific conclusions, e.g., the structure of DNA. Moral intuitions legitimize authoritative principles or institutions, but do not provide infallible guidance concerning the precise details of a just society. The inevitable conflict between individual intuitions, whether held by the same person or by different people, demands some process for resolution. Deriving specific policies involves either unanimity with respect to intuitions concerning the common good or an authority with the power to override individual intuitions.32

31. Pope John Paul II, supra note 8, at 15.
Since the imprecise nature of intuitions prevents unanimity on particular aspects of the common good, some commonly respected authority, whether vested in principles or institutions, must, of necessity, be trusted. However, even though consent may be more easily achieved with respect to sources of authority than with concerning specific notions of the common good, authority must not be held hostage to absolute certainty within the individual or the group. Ultimately, some authority is and indeed must be accepted as a means to further the common good; the only external criterion to assess authority is a conception of the common good provided by one’s moral intuitions. Perhaps the most basic moral intuition, that man should treat his intuitions with skepticism though they provide the best insights into objective morality, leads one to accept authority on faith; though one is more confident in the veracity of the authority’s legitimacy, as it represents a basic intuition, than in any competing claim, one can never be absolutely sure. At least, trusting in an authority abstracted from the particulars of one’s situation insures that one is not acting due to self-interest or prejudice alone.

The most obvious example of a commonly accepted authoritative principle is the process of majority rule, which involves giving authority to the preferences of others in society. Such authority is hardly absolute, since the majority can be wrong. The fact that individuals are motivated out of self-interest and often deny their own moral intuitions prevents one from always allowing majority rule to override one’s intuitions; the historical record, e.g., Nazi Germany, American slave trade, Indian caste system, etc., argues against acceding all moral judgements to the state. Though one may trust the state on a daily basis, due to practicality and a sincere belief in the political process, one should withhold the right to override any authority if it conflicts with one’s most fundamental intuitions. Basic principles, e.g., human dignity, have more claim to allegiance than political institutions, though the latter should always strive to effectively implement the former.

The same skepticism which prevents one from placing absolute confidence in the political judgements of others should also prevent one from trusting one’s own moral intuitions absolutely; the human capacity for self-delusion and rationalization knows few, if any, limits. Meaningful principles of morality must not be subject to individual whims; there must be some external authority which provides justification for believing or acting a certain way though one does not immediately see a sufficient reason for doing so. For example, the claim that one trusts God’s revelation more than one’s own reasoning may evidence a trust in authority, discerned by one’s primary moral intuitions; similarly, a communist may express the same loyalty and confidence in the virtue of the state. Primary moral intuitions lead one to accept authority; this derivative authority may override secondary intuitions, even when the individual is strongly attached to

33. Id. at 251-52.
34. Id. at 233.
those intuitions, but its validity is contingent upon its continued consistency with basic moral beliefs.

This procedure of trusting primary intuitions to judge secondary ones is similar to Rawls's use of commonly held convictions to judge the outcomes of his Original Position and his subsequent use of the Original Position to provide guidance in confronting difficult questions of distribution. The significant difference is that intuitionism expects intuitions to lead to a direct acceptance of the subsequent authority, rather than the mere observation that the initial consequences of both the intuitions and the derivative authority are similar. Intuitionism's derivative authority is accorded greater legitimacy than Rawls's contingently held Original Position, which only models intuitions and may be modified to fit better the specific principles it produces. Thus, authoritative principles have more validity than any individual intuition, though an accumulation of contradicting intuitions would argue for at least a reexamination, if not eventual abandonment, of all but the most basic principles.

The modification of principles does not mean that the same action can change from being right to wrong or wrong to right, but rather that either changes in society have rendered the situation different in morally significant ways or that society was mistaken in the first place. An example of the former would be new medical technology which allows physicians to detect sickle-cell anemia or sex phenotype in fetuses, thus creating the dilemmas of whether genetic manipulation or abortion is justified in cases of genetic defect or gender preference. Society's previous silence on such cases should not be interpreted as approval, but rather reflected its inability to extract information from amniotic fluid. An example of society recognizing that it is mistaken is America's repeal of slavery laws and affirmation of the equality of all persons. It is not that blacks suddenly became equal in the nineteenth century, but rather that America was wrong to enslave part of its population. Thus, situations are objectively right or wrong, and it is man's fallible understanding of intuitions and resulting principles which changes.

The possibility of error does not excuse those individuals who follow random and seemingly inconsistent intuitions without any regard for coherence or principles. Individuals have a moral obligation to inform themselves, deliberate over the relevant facts, act according to their consciences, and then be willing to accept the consequences. Society's obligation is to provide stability and be more conservative, implementing changes when needed but not mistaking progress as change for the sake of change. Individuals have more right to alter their principles than to reorder society's morality. Society must reflect the collective experience of all individuals and thus requires cumulative evidence of irreconcilable conflict before abandoning previously held principles.

The fact that a particular principle has been held for a period of time testifies both to the fact that it has been adopted based on common intuitions and also that it has not produced enough conflict with subsequent generations to be overthrown. The individual may decide to submit his individual intuitions to the authority of an established principle due to his past failure at discernment;
indeed, moral principles have no weight or purpose unless an individual is
willing to sacrifice to serve his commitment to them. Principles provide
guidance to individuals too unsure of themselves to decide in the midst of
temptation, i.e., the specifics of a situation, and also provide starting premises
from which to deduce conclusions concerning new dilemmas; however, principles
will never be formed or changed if individuals are not willing to challenge them
with the moral power of intuitions. Thus, the power of inertia protects traditions
to a certain extent, but does not provide absolute immunity.

This process of basing principles on the raw data of intuitions and then
refining the principles to accommodate new observations is similar to the way
the human brain interprets reality. The brain matches “its model of reality to
signals from the body’s sensors” and thus interprets what “must be happening.”
For example, a passenger sitting in a stationary train as a parallel one starts
moving forward feels, for a fraction of a second, that his train has moved
backward. The senses, the mechanisms which translate reality into meaningful
perceptions and thus allow the individual to interact with the outside world,
provide raw data, thus fulfilling a role similar to the one moral intuitions play
in the formulation of principles of justice. In a feedback loop, the brain adjusts
what it perceives to be happening based on what it knows must be happening,
i.e., “its model of reality.” Thus, the brain’s first response when it senses an
object outside the train window to be moving forward is that its container must
be moving backwards. Similarly, if one sees something extraordinary,
something that contradicts what the brain expects, one usually dismisses the
observation. For example, if a lone individual sees a mysterious object at night,
he is likely to blink and look again or check his eyeglasses rather than
concluding that he has seen a UFO or a heavenly apparition. He may even
dismiss the observation unless it occurs again, is reinforced by others, or finds
some support in his own predisposition to believe in flying saucers.

Man’s approach to the moral realm closely resembles his interpretation of
physical reality; both involve feedback processes which fit data, intuitions or
senses, to previously held principles, the brain’s “model of reality” or moral
principles. Though principles are based on raw data, man is likely to dismiss
any data that do not coincide with these principles. However, an accumulation
of data that is inconsistent with his principles forces him to reevaluate his
principles in favor of the data. Eventually, the passenger realizes his train is not
moving and, perhaps, even that heavenly apparitions or other seemingly irrational
objects exist. The brain, which attempts to fit new data to its incomplete view
of existence until forced to reevaluate its principles, takes time to comprehend
unexpected data. Eventually, the brain will adjust and gain a better approxima-
tion of reality; it is the brain, unable to comprehend all of reality, which changes,
and not reality. Experience and trial and error are thus crucial to man’s
unfolding appreciation of objective reality and morality, i.e., moving beyond the

superficial to understand the underlying principles which order the moral and physical worlds.\textsuperscript{36}

The ability to override principles in favor of individual intuitions is an important one, even if it is never used. The fact that principles are contingent upon intuitions suggests that there is some point at which any principle could be abandoned. Take the case of a man who believes in his denomination dependent on something else, be it a belief in revelation, church authority, sensual perceptions, or experience. If it were possible to show that these underlying revelations, senses, etc. were no longer valid, then the belief in the denomination would no longer hold. For example, suppose that it could be proven that a particular sect's scriptures were hoaxes authored by swindlers; surely, its membership would decline. Any reasonable person has considered what new data would cause him to abandon his current beliefs; only the fanatic insists, beyond all reason and with absolute certainty, that his belief is irrefutable, true regardless of future experiences, new knowledge, etc. Indeed, it is this dependence of principles on intuitions for justification that allows for the possibility of conversions.

The contingency of moral principles does not mean that all individuals consciously recognize why they believe what they believe, nor does it deny that certain individuals have very firm faiths, e.g., one with a belief in God stronger than belief in self or reason. However, all beliefs, including religious faiths adopted due to will, reason, or experience, ultimately depend on intuitions. Even the individual who suspends reason and wills himself to believe in God, i.e., takes the Kantian leap of faith, depends upon an intuitive belief in free will and chooses God due to intuitive data: reason itself is only reasonable because of human intuitions that the world is an ordered and understandable environment; experience is trustworthy only because intuition leads one to trust one's senses; etc.

The underlying reason to believe in intuitions is intuitive; their validity is contained within the intuitions themselves. By definition, intuitions are direct insights into truth which are not dependent on reason or any other justification. Like first principles, intuitions cannot be questioned or derived; they simply are. It makes no sense to subject the validity of intuitions as a whole to the secondary objects derived from intuitions, but it does make sense to use primary intuitions and their derivatives, e.g., cause no pain, reason, etc., to discern which insights are truly intuitions.

Though intuitions play a crucial role in informing individuals of the obligations of morality, thus justifying general principles, they are merely insights into, and not creators of, an objective reality.\textsuperscript{37} The challenge then is to formulate a theory that respects individual preferences, informed by intuitions,


\textsuperscript{37} Pope John Paul II, \textit{supra} note 23, at 92.
without becoming overly dependent on those preferences. If moral principles are to mean anything, they must occasionally possess veto power over individual preferences. Society must sometimes, though very cautiously and rarely, override an individual's stated interests to advance his actual interests or to protect another's fundamental rights.

Intuitionism's dependence on intuitions for acceptance, but not the ultimate existence, of moral principles means that a society's collective preferences are impotent to change moral truths. A helpful analogy is the familiar cartoon character that runs off a cliff and seemingly continues running until he suddenly stops in midair and ponders his situation. Upon realizing what he has done, the character plummets to the ground. In reality, the character's realization has no more to do with his falling than an individual's appreciation of moral intuitions causes the principles of justice. The force of gravity and the principles of justice both exist independent of the cartoon's realization or the individual's intuitions; the latter merely allow the actors to understand the laws governing their actions.

Just as the theories of nuclear physics did not become any more real upon their discovery, a relatively recent event, nor are they any less real or binding in countries with high rates of illiteracy or undeveloped science programs, moral concepts exist at least partly independent of man. As the tree falling in an isolated forest makes a noise even if no one hears it, moral principles are similarly independent of man; only the effects, e.g., vibrating eardrums and intuitions, and not the phenomena themselves, require people. Thus, man's intuitions serve as partial reflections of objective moral imperatives and play a crucial role in allowing him to discern these principles, but have no causal role.

Man's intuitions testify to the existence and power of objective moral concepts, but their coincidence with moral truths does not suggest a causal relationship. Intuitionism does not devolve into relativism, which claims to allow man to create truth, but rather uses intuitions to construct general principles that serve as man's approximations of truth. Thus, reason, combined with moral intuitions, provides more than logical consistency or mere calculation, i.e., rises above the emaciated nominalist conception adopted by Ockham, and helps man understand part of reality. Though man is apt to misuse reason, it is a powerful tool when properly applied; together, reason and intuitions allow man the opportunity to achieve moral wisdom. Man's fundamental intuitions, e.g., reason, lead him to trust particular authorities or general principles over his subsequent intuitions until the intuitions being overridden are too many in number or too great in significance to be ignored. This feedback process allows man to use intuitions, despite his inability to discern them fully, to gain a better understanding of moral truths.
Intuitionism's moral principles are binding on all rational beings; therefore, the moral law is both objective and prescriptive. The objective aspect is necessary if an individual is to assess the commandments of any authority, rather than leaving the individual at the mercy of an arbitrary authority. Furthermore, the universality of the law allows an individual to judge actions in other time periods, e.g., slavery, and in other cultures, e.g., female circumcision. The prescriptive nature means that to recognize the moral law, not necessarily an obvious exercise, is to be motivated by it, though not necessarily to act upon it. Weak will, competing appetites, etc. may prevent the moral law from being actualized. Other entities with the same objective and prescriptive nature include inductive inference, laws of logic, scientific explanation, etc.

Two objections are commonly raised against an objective view of morality. The first is that morality, like rationality, is not brought to human experience, but rather learned. Pavlov, Skinner, and other noted academics have illustrated the incidence of conditioned behavior in a variety of species. Just as primates may learn to communicate via hand signals, perhaps humans also learn the rules of logic and morality. For example, a baby learns that crying attracts attention and results in feeding; thus, he internalizes the logic behind causal relationships. Rationality and morality may be contingent on human experience. Proponents of such criticisms do not usually provide a credible alternative to current rules of logic or morality as frameworks for society, but insist that the fact of historical contingency is the only true universal.

Kant rejects the notion that humans are biologically or socially programmed and merely act in accordance with the moral law rather than being motivated by and aware of it. In response to the sociobiologist who claims that natural selection preserves genes for limited altruism, e.g., an adult zebra will sacrifice itself to a predator so that the young survive, Kant claims that humans are capable of universal altruism extending beyond one's immediate genetic group. Morality must enter one's causality for acting in a particular way, denoting awareness, in the same way that laws of theoretical reasoning, i.e., induction and deduction, must enter an individual's deliberation process rather than being mere human habits. Kant rejects the naturalist account of programmed humans since accepting such a theory depends on the very laws of theoretical inference it denies. Freedom is necessary for reason to function, e.g., to conclude whether humans are programmed or autonomous, else man's thoughts would be the result of an external factor. Intuitionism agrees with Kant's claim that man has an

38. I am indebted to Dr. Ralph Walker, of Magdalen College, for discussing with me many of the concepts which follow both through lectures and personal conversations.

innate moral capacity, i.e., intuitions, but also allows man to develop this capacity through experience.

A second criticism argues that while Kant may show why rationality, and perhaps morality, is non-empirical, he does not show it to be a priori to the human experience. McDowell suggests that the existence of values attached to objects testifies to nothing more than their tendency to produce a reaction in humans. Values are thus dependent on humans for their existence; for example, the color blue only exists insofar as humans perceive it and would cease to exist if no humans existed.\textsuperscript{40} He argues that even if rationality is the inevitable content-neutral process of thought, it is entirely dependent on humans. In contrast, Kant maintains that laws of theoretical inference and morality and other objective laws are not mere human habits, but rather exist independently. He claims that the universality of morality means it cannot come from self-love or sympathy, i.e., human reactions, since feelings are particular, but morality is general. Indeed, he goes so far as to say even God’s exclamations that various aspects of creation are good can be but descriptive, not causal, statements.\textsuperscript{41} Kant therefore maintains the laws of morality and logic exist independent of God, else God would be free to act arbitrarily and man would have no criteria by which to assess revelation.

Though Kant talks of the consequences of the objective nature of morality and logic, e.g., establishing criteria by which to assess God’s revelation and man’s experience, he is not claiming that they prove objectivity. Kant realizes that any consequentialist argument eventually collapses into some first principle and instead argues from a descriptive view. He accepts the objective nature of both morality and rationality without offering consequentialist arguments. For example, he rejects adopting the laws of logic as being “truth-preserving,” traveling between Truth A and B, and induction as “truth-maximizing,” going from truths in the past to those in the future. Kant accepts the laws of logic and induction as categorical imperatives, i.e., independently valid. While the alternative consequentialist argument leads to the questions of why the goal of truth is worth pursuing and how strict the obligation to reasoning must be, Kant asserts that there is a prior obligation to be logical and use reason before one’s commitment to truth. Thus, even if most actual inductions are wrong, the process of induction is still a rational, and therefore valid, method. For example, an Oxford fresher may induce that it will rain on the 200th day after it has rained 199 prior days, but the 200th day may be clear. Kant argues such mistaken, but justifiable, inductions are the proper way to reason. He therefore maintains rationality is an objective law, but is not necessarily a statement about fact.

Kant argues the moral law is similar to the laws of inferences, accepted as rules and not merely contingent premises, in that it must be accepted a priori of

\textsuperscript{40} John McDowell, \textit{Values and Secondary Qualities, in Morality and Objectivity} 111-14 (Ted Honderich ed., 1985).
\textsuperscript{41} Genesis 1:1-31.
one’s experience and also exists independent of rational beings. Thus, it is possible to be mistaken about the content, but not the nature, of moral law. Inter-societal differences are often less than what they appear and can be merely attempts to apply what is right in different circumstances.

Intuitionism is sympathetic to Kant’s claims for an independent objective morality, but rejects his argument that a rationalist morality is any less arbitrary than relying on divine will. Kant must, ultimately, admit that the justification of any moral law without reference to an external source is impossible; morality cannot be judged more than internally consistent without an external reference point. This lack of certainty should not be troubling, however, as humans commonly trust without requiring absolute justification. Absolute skepticism about objective laws can never be refuted, but also cannot be accepted. To think, argue, and understand oneself as a person means that one cannot take such skepticism seriously. Ultimately, all beliefs depend on self-evident, self-justifying intuitions. Humanity’s subjective experiences, i.e., individually held intuitions, converge to inform man of objective principles.

XI. OBJECTIVE TRUTH OF MORALITY

The moral law, which gives intuitions their content, is objectively true and has independent value. Though morality coincides with human nature, meaning moral principles promote human well-being, the lack of a causal relationship prevents intuitionism from being consequentialist. The dictates of the moral law are to be followed as categorical imperatives, not dependent on achieving an independent goal. Yet, the coincidence of morality and human well-being provides an alternative teleological approach to discerning moral obligations. Thus, intuitionism combines the categorical imperative’s abstraction from the particulars of a situation with the consequentialist link between morality and human well-being.

Though the moral law may be discerned through intuitions and promotes human well-being, its legitimacy is not contingent on its acceptance or its consequences. Actions have intrinsic moral properties independent of their consequences, e.g., pleasure produced.42 Suppose two men are guarding unmarked packages with identical external features and are unaware of their contents. If both packages are lost, the value of each package would be immaterial in assessing blame. The obligation for each man is to protect the package and the moral responsibility, distinct from the legal liability, is the same regardless if the package contains feathers or fifty-dollar bills. It is wrong to assess the morality of man’s actions according to the outcome of fate, i.e., consequences.

The fact that moral principles are categorical imperatives does not prevent prima facie moral duties from being overridden by other binding moral duties.

Though particular actions cannot change from being right to wrong or wrong to right, actors may bear little or no responsibility for performing wrong actions. Unlike goal-dependent duties, categorical imperatives allow an agent's motivation to affect his culpability. Take the case of terrorists who threaten to kill a man's family unless he attacks an innocent victim. Though the resulting attack is objectively evil, the person wielding the weapon bears diminished moral responsibility since he is acting under duress, rather than with true free will. Intentionality is thus one factor that may alter an actor’s personal responsibility, but not the action's inherent moral status. Thus, the application, but not intrinsic value, of moral duties may be dependent on specific circumstances.

Particular factors such as intentionality can be considered without compromising objective moral principles, i.e., causing the same action to be simultaneously right and wrong. Such reasoning is similar, though not necessarily identical, to the "double effect" argument that allows a pro-life physician to remove a fallopian tube containing a fetus in the case of an ectopic pregnancy. Removing the tube is a medical procedure, rarely performed, which incidentally leads to the abortion of the fetus, but removing the fetus alone is an intentional abortion. Though the fetus is removed in either procedure, many "double effect" proponents argue that the intentionality differs in a meaningful way.

Fulfilling the requirement of one moral principle may incidentally involve violating another, but the primary intention must not be to commit a wrong. Thus, the imperative to save life does not override the imperative not to harm innocent life; an individual is not allowed to kill or harm one man to provide spare organs for several patients. In contrast, consider the case of a homeowner who takes the life of a hostile intruder; the homeowner is right to defend his life and bears no moral responsibility for the act of killing. Though the death of an individual is the result of both the intruder and the organ transplant cases, the action in the first case is defending one's life and the incidental effect is the death of the intruder; the action in the second case is taking innocent life and the effect is the saving of several lives. Regardless of the positive consequences, evil actions are never justified.

Even though moral principles are presented as categorical imperatives, their coincidence with human well-being allows justifications usually reserved for hypothetical imperatives. Principles of justice should fit the human condition and thus result in positive consequences that can be used to convince the skeptic. Though the moral law is both non-empirical and a priori, i.e., not based on natural data and necessary as a pre-condition to evaluate experience, it is

43. George Edward Moore, Ethics 79-84 (1912).
45. Thomas Bokenkotter, Essential Catholicism: Dynamics of Faith and Belief 316-22 (1986); see also, David F. Kelly, The Emergence of Roman Catholic Medical Ethics in North America 247-58 (1979).
supported by the circumstantial evidence of facilitating human flourishing and coinciding with intuitions.

Though principles of justice may be defended on consequentialist grounds to appease the skeptic, this should not be interpreted as a concession to his claims concerning truth. It is often necessary to advance principles on grounds other than those that caused one to accept them to find common ground with others; this does not invalidate one’s original reasons or cause one to reject one’s principles if the reasons advanced in argument are refuted. For example, the Catholic Church argues that verifiable psychological suffering, emotional trauma, and perhaps even biological disease which result from disobeying its sexual ethics are proof for the secular world that monogamous relationships are natural; however, Catholics believe in chastity and condemn adultery on religious, and not consequentialist, grounds. Christian sexual ethics are not contingent upon their coincidence with human nature, but rather on divine revelation. Though man’s experience may inform him of moral principles governing sexual activity, regardless of religious affiliation, the Church maintains an independent reason for its teachings. Similarly, intuitionism’s moral concepts are not contingent on their coincidence with human well-being; their credibility does not ultimately depend on empirical claims.

Intuitionism’s consequentialist justifications do not signify that the moral code was invented by humanity for expedience. It is not enough to show a coincidence of phenomena, e.g., human needs and moral codes, to assert a causal relation; skeptics must also show that man’s need for an ordered universe preceded the existence of moral codes if they are to assert that needs created morality, and not vice versa. The assertion that morality only exists if it is perceived by the subject is surely not how one approaches the world; man routinely believes in many things he cannot see or fully understand. Just as the existence of DNA is not dependent on whether the reader is convinced of its reality, the moral law exists independent of man’s appreciation.

XII. Conclusion

Though intuitionism’s insights into objective morality are not infallible, intuitionism provides a stronger justification for binding obligations on members of society than relativistic arguments. In addition to applying the moral force necessary to require individuals to sacrifice their self-interests in a just society, intuitionism coincides better with human experience.

First, intuitionism resolves the “open question” argument by allowing an action to coincide with its definition of good and yet still be judged to be bad. The paradox arises when certain actions satisfy the literal definition of good and are yet still seemingly bad or at least questionable. Yet, the subjectivist’s definition of good as that which one desires does not allow such questioning or
moral doubt. This dilemma is the situation described when one’s intuitions conflict with general principles. Though intuitionism does not require any human sanction to give morality its ontological reality, it claims that intuitions inform the individual of moral principles and thus give morality its subjective motivational force. In the rare case when one’s intuitions continuously conflict with a principle, actions deemed morally acceptable may turn out to be wrong or vice versa.

Second, intuitionism allows the possibility of a mistake in moral judgement. In contrast, subjectivism’s resolution of moral dilemmas based on feelings allows no room for errors. Intuitionism admits and even predicts that all individuals will have flawed intuitions. Man’s inability to discern fully his intuitions, or even consistently differentiate them from competing appetites, makes it possible and even likely that he will be mistaken over moral judgements. A basic tenet of intuitionism is that the individual cannot trust his every intuition; only basic intuitions, authorities derived from intuitions, intuitions commonly accepted by all people over all time, and conclusions derived from these fundamentals using reason can be trusted.

Third, intuitionism allows a difference of opinion. Subjectivists seem to be arguing over feelings that should be personal and thus cannot be correct or mistaken. The same argument that threatens subjectivism provides support for intuitionism. Rather than invalidating objective morality, disagreement serves the role of helping society discern truth; man’s knowledge of moral principles evolves with time and experience. Arguments over the morality of a particular act may involve individuals motivated by differing intuitions or conflicting appetites. The intuitions that emerge from such disagreements intact are that much more credible; as consensus is built, society has a more precise knowledge of which intuitions and principles to respect.

Intuitionism provides an objective justification for political morality that incorporates individual beliefs. Though this paper does not detail a higher authority underlying intuitions, it does show how subjective insights can provide information about an objective morality. The intuitionist strategy is to appeal to convictions previously held by the reader, intuitions he believes to be universally true, and then to construct principles of justice. The reader’s intuitions provide the criteria by which principles of justice are justified.

47. George Edward Moore, Principa Ethica 15-17 (1951).