Defeasible *A Priori* Warrants: Evidence, Diversity of Opinion, and Strength

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Abstract: Self-evident warrants are self-backed and thus knowable *a priori*. Warrants licencing inferring a moral conclusion from a morally relevant premise are paradigm examples. Such warrants are defeasible, for example where there is a conflict of duties. Evidence for them involves moral intuition. Moral realism argues for the objectivity of such intuition and of defeasible *a priori* warrants. Warrant strength depends on how many rebuttals may be brought against a warrant and their plausibility.

1. Backing-introducing questions and self-evidence

John promised to give Jane all the files concerning the case. Therefore John is morally obligated to give Jane the files. What is the warrant of this argument? Simplifying, we may state it this way:

> From: x promised to give y to z
> To infer *ceteris paribus*: x is morally obligated to give y to z

Using Toulmin's terminology, how is this warrant backed (1958, p. 103)? Why does this argument have authority or currency? (1958, p. 103)? Does this question seem otiose? One might wonder why from a substance x's having properties $P_1 \ldots, P_{n}$, we may infer that x has Q. Seeing the connection might require observable evidence which thereby backs the warrant. But need we find a body of evidence to back the warrant from having made a promise to having the moral obligation to keep it? Ross puts the point quite memorably: "To me it seems as *self-evident* as anything could be, that to make a promise ... is to create a moral claim on us in someone else" (Ross, 21 n, italics added). If the warrant is self-evident, then we do not need a separate body of backing evidence. We recognize the reliability of the warrant *a priori*. The warrant, however, is defeasible. The argument

> James promised to return to John his (i.e. John's) rifle. So
> James is morally obligated to return to John his rifle.

instances the same warrant. But suppose John shows clear signs of mental instability. His behavior strongly suggests that he can harm himself or others if James gives him his rifle. Is James still obligated to keep his promise? The inference, although self-evident, presupposes that all things are equal and, in this case, they are not.

We have argued for recognizing a class of defeasible *a priori* warrants in (Freeman, 2013a, pp. 35-39). Moral arguments from a non-moral but morally relevant premise to a normative

conclusion are paradigms. We are using "moral" broadly here to include intrinsic, deontic, and aretaic value. Two questions immediately arise. Are moral warrants the only defeasible *a priori* warrants? Not every statement knowable *a priori* is knowable immediately or self-evidently. Is the reliability of some defeasible *a priori* warrants also not recognizable immediately or self-evidently? We answer these questions in the next two sections.

2. Are there defeasible *a priori* warrants which do not correspond to rules of moral supervenience?

I believe we can identify at least three types of *a priori* warrants which are not moral warrants, those backed by the rule "Treat like cases like," those backed by the prime principle of confirmation, and those illustrating inference to best explanation. The rule covers a whole class of warrants. The rule more accurately should read "Treat relevantly like cases like." This rule backs the warrants in what Govier in (1987), (1999) and (2012) calls and Wisdom in (1991) calls case-by-case reasoning. Consider some vague concept. There is a range of indefiniteness where common usage does not determine whether or not the concept applies, at least not in all cases. However, there may be paradigm examples of the concept. Comparing the paradigms with a questionable element may let one decide whether the concept should apply to that element. Is an animal that does not fly still a bird? The answer may be settled by examining one or more creatures that all will agree are birds. What points of similarity does the questionable creature share with the paradigms? The comparison may be more or less naive. Kornblith in (1993) points out that some concepts are more central than others in determining whether an object properly falls into a given class. For example, two animals may be like in color of fur. By contrast, two animals may be like in mode of reproduction or nutrition, which are more essential attributes. Two animals with the same color but with different modes of nutrition or reproduction might be classed differently, while two animals of different color but the same modes of nutrition and reproduction may be classed alike. The attributes must be relevant. As scientific knowledge grows and deepens, our understanding of the class defining properties or central attributes of a given class, in particular of a given natural kind, may deepen, allowing us to define the class according to its more central, dare we say "essential," attributes which may give us a more precise understanding of the class. Our use of scare quotes around "essential" may be unnecessary. Kornblith in (1993) quotes the psychologist Douglas Medin: "People act as if things (e.g., objects) have essences or underlying natures that make them the things they are" (Quoted in Kornblith, 70). This is psychological essentialism, which "may describe an innate feature of our conceptual structure" (Kornblith, p. 71). The notion of an essence then may not be just figurative.

Our recognition that concepts are essential need not be *a priori*. Some natural kinds may be characterized by observable properties. Where scientific knowledge is involved, recognizing the essential properties may apply scientific theory. What is backed *a priori* is the warrant

From: P_1p & ... & $P_n.p$ & Q_p & P_1e & ... & P_ne
To infer *ceteris paribus:* Qe

where 'p' denotes the paradigm and 'e' the element. We are not here arguing that because one or more paradigms all sharing the same properties are in a given class that a further object sharing these properties is also a member of the class, as we would in reasoning by inductive analogy.

Rather we are arguing from the likeness from the element to the paradigm that the element has some further property of the paradigm, which may be class membership. As Govier points out in (1987, 57), from the paradigm we have made a decision about the meaning of the class term. The paradigm then is indisputably a member of the class. Comparison of the object in the range of indefiniteness with the paradigm showed that it also has the defining properties. Treating like cases like, we count this object also in the class. The principle constitutes the *a priori* backing. Clearly likeness need not be likeness of morally relevant properties. We may have legally relevant likeness, physically relevant likeness, personally relevant likeness. If a paradigm displays a certain disposition, we may argue that a further element has that disposition from the premises that the two share properties relevant to attributing that disposition. Further whether a term properly applies in a given case is not simply a matter of how that term was applied in the past. For example, new scientific discoveries may case doubt on how a term may be applied. In light of modern physics, are there any objects which are truly solid? Past use of "solid" does not decide the question.

We may recognize two further patterns of non-normative argument with defeasible warrants backed *a priori*. In (Freeman, 2013b), we discussed warrants backed by the prime principle of confirmation. If the probability of an observation O is greater on H1 than on H2, then O gives greater support to H1 than to H2 (Compare Sober, p. 100). Hence, if the observation O actually occurs, we have a *prima facie* case for concluding to H1. Expressed as a warrant, we have

> From: $O \ \& \ Pr(O/H_1) > Pr(O/H_2)$
> To infer *ceteris paribus*: H_1

(Freeman, 2013b, p. 191). This warrant is clearly defeasible. There may be a further hypothesis H_3, perhaps not recognized, where $Pr(O/H_3) > Pr(O/H_1)$. Does the prime principle of confirmation back the warrant *a priori*? What is the status of the principle? Sober points out that its acceptability is a matter of debate (Sober, 100), but he takes the principle as a given. That is a vote for its *a priori* status. It does not appeal to any *a posteriori* evidence for the principle. In addition to these considerations, Collins in (1999) points out an additional plausible source of support for the principle. It seems plausible to try to derive it from the axioms of probability theory. But that is a mathematical and thus *a priori* theory. We submit then the warrant based on the prime principle of confirmation is defeasible *a priori*.

Consider the pattern of reasoning to best explanation:

> From: 1. Event E has occurred.
> 2. If H_1 were the case, E would be the case.
> 3. H_1 is the best available explanation for E.
> To infer *ceteris paribus*: H_1

This warrant is obviously defeasible. H_1 may be the best *available* explanation but H_1 still may not be true. An alternative, incompatible, and heretofore unrecognized hypothesis may give a better explanation. To give a complete argument that this scheme is *a priori* requires explaining what "best available explanation" means, which is beyond the scope of this paper. But intuitive motivation is straightforward. What evidence would one seek to back the inference from (1), (2), (3) to the conclusion? Can one not see that if H_1 explains an event E and is the best available explanation for E that there is a presumption for H_1 until or unless some better explanation comes along?

We rest our case that there are defeasible warrants backed *a priori*. Most of these warrants licence inferences to normative conclusions. We shall be concerned exclusively with such warrants, specifically warrants licencing conclusions of goodness, rightness, or related concepts, in the remainder of this paper. We turn now to the second of the two questions asked at the end of section 1. Is self-evidence the only evidence for these warrants backed *a priori*?

3. Can some defeasible *a priori* warrants be backed other than by self-evidence?

This question is straightforward and applies even to conclusive *a priori* warrants. Not every logically true proposition is self-evident or a matter of logical intuition. To recognize their necessity, we may need to deduce then from those whose self-evidence is more obvious or by means of more obvious inference rules (e.g., conditional proof). Some defeasible *a priori* warrants are also backed by further evidence or considerations. Recall that warrants are general, being formulated with free variables (and perhaps schematic letters). Hence there corresponds to a warrant a universally quantified conditional. As Rescher indicates in (1977, 14), we may prefix a universal statement with an object language *ceteris paribus* operator '@'. Hence to the warrant

> From: Px
> To infer *ceteris paribus*: Qx

corresponds "@(x)(Px ⊃ Qx)." An argument for the corresponding general statement of the warrant is, in effect, an argument for the warrant. Hence, if a warrant is not backed by intuitive self-evidence, one who accepts the warrant may attempt to back it by arguing for its corresponding universal statement.

One may immediately ask "If the warrant is defeasible, how does one argue for the universally quantified statement qualified by the '@' operator. Rescher has made suggestive comments in (1976, p. 61), but this topic is beyond the scope of this paper. Suffice it to say that at least one of the premises of an argument will have an '@' universal statement which itself is either self-evident or supported by a further argument with at least one '@' universal premise, until we reach the basic premises. If the argument is to be successful, at least one of these basic premises must be intuitively self-evident. Hence while a moral warrant which is self-evident is backed immediately by moral intuition, a warrant whose corresponding universal generalization is the conclusion of an argument is mediately backed by intuition.

For moral warrants, appeal to higher level moral principles provides a further type of backing. To distinguish higher level principles from first order principles contrast

1. All things being equal, an act of escaping from prison is wrong.
   with
2. A state's being tyrannical or its rulers being tyrants is the only justification for acting against the state.

While a first level principle asserts a judgment about a particular class of actions, a higher-level principle asserts a judgment about a class or classes of actions. Actions against a state or rebellion or revolt against a state are not specific acts but include a whole class of actions. Rebelling against a state may take a number of forms. The higher-level moral principle concerns actions in any of these classes. Higher level moral principles, like basic level principles, are also

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cognized by moral intuition. Sidgwick as reported by Cohen in (1986, pp. 80-81) has distinguished dogmatic from philosophical intuition. Dogmatic intuition concerns general rules while philosophical intuition concerns fundamental principles, the foundations of a system of ethics and perhaps more generally a system of values. For example, it may express a philosophy of right as opposed to characterizing a specific type of action as right. One immediately thinks of Aristotle's principle of the mean, Kant's categorical imperative, and Mill's principle of utilitarianism.

How then does philosophical intuition work? Sidgwick holds that although we have intuitions of general principles, resting simply with the body of these moral rules "is often found unsatisfactory as a system" (Sidgwick, p. 102). Even when carefully formulated to be consistent and complete in answering all practical moral questions, "the resulting code seems an accidental aggregate of precepts, which stands in need of some rational synthesis" (Sidgwick, p. 102). The philosophical question of what makes right acts right (and similarly for the other values) remains unanswered. Philosophical intuitionism sees a small number of principles "more absolutely and undeniably true an evident, from which these current rules [i.e., the body of general principles] might be deduced" (Sidgick, p. 102). How does one get from the philosophically intuited higher-level principles to special general principles? Sidgwick has not addressed this question, but examining two paradigms of the operation of philosophical intuition is illuminating. Consider Kant's categorical imperative: "I ought never to act except in such a way *that I can also will that my maxim should be a universal law*" (Paton, 1948, p. 70, italics in original). Kant immediately presents an example of a non-universally generalizable maxim. Is it permissible to make a false promise to avoid significant negative consequences to oneself? Suppose that it is permissible, at least in some circumstances. Let us see if we can cast this example in a Toulminian framework. The maxim corresponds to

> From: I am promising to do A and I have no intention of doing A and my promising to do A lets me avoid negative consequences to myself
> To infer: My promising to do A is morally permissible

Clearly, there is nothing special about *me* which would allow me to restrict this maxim just to my case. For proper generality then I should state the warrant this way:

> From: x promised to do A and x has no intention of doing A and x's promising to do A lets x avoid negative consequences to x
> To infer: x's promising to do A is morally permissible

Kant asks whether one can will that everyone makes false promises when convenient, i.e. can one will that everyone act according to the above maxim? He argues that one clearly cannot. In fact, universalizing the maxim would annul the practice of promise making and thus be self-stultifying.

> Could I really say to myself that every one may make a false promise if he finds himself in a difficulty from which he can extricate himself in no other way? I then become aware at once that I can indeed will to lie, but I can by no means will a universal law of lying; for by such a law there could properly be no promises at all, since it would be futile to profess a will for future action to others who would not

believe my profession or who, if they did so over-hastily, would pay me back in like coin. (Paton, p. 403. The reference refers to the marginal pagination in Paton)

The universalization of a maxim incompatible with the categorical imperative here leads to a contradiction. But promise breaking is just one of the myriad types of actions whose maxim is self-stultifying. The individual maxims enjoining from performing such actions are all systematized by the categorical imperative. But the implication backs the warrant corresponding to the maxim.

Mill's moral and political philosophy also includes higher-level principles. His *Utilitarianism* presents the "greatest happiness principle as the foundation of morals: "Actions are right in proportion as they tend to promote happiness, wrong as they tend to promote the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, privation of pleasure" (Mill 1957, p. 10). Mill devotes significant effort to explain what he sees happiness and unhappiness involving, and dispelling misconceptions. These are not our issues here. Rather, how may the greatest happiness principle back warrants (or support their corresponding universal generalizations) given an unanalyzed but common sense understanding of happiness? Consider

From: x is a person distinct from a person y
To infer *ceteris paribus*: x has a duty not to damage y's property
To infer *ceteris paribus*: y's damaging x's property is wrong

For Ross (Ross, p. 21), this warrant expresses a duty of non-maleficence recognized by moral intuition. But what of Mill's higher level happiness principle? Arguably one's damaging someone else's property decreases the overall amount of happiness. Recognizing this connection is sufficient to see that the happiness principle backs the basic level warrant. It is a *prima facie* convergent source of backing for the warrant. But why is the happiness principle a proper source of backing? Does it not offer an explanation of why the duty of non-maleficience is a duty? Does it not, as Sidgwick indicates about principles recognized by philosophic intuition, find for [the morality of common sense] a philosophic basis which [common sense] does not itself offer: to get one or more principles more absolutely true and evident?" (Sidgwick, p. 102)

This two level view of backing has further implications for the strength of backing. If a higher level principle agrees with a first level principle corresponding to a warrant, in the sense that what the first level principle sanctions, the higher level principle sanctions, the backing for the warrant and our confidence in its reliability is increased. Likewise, the agreement of first level principles with a higher-level principle reinforces our confidence in the higher level principle. Further, we may be less then confident about some of our first level principles. But should these principles agree with higher-level principles in which we are confident to some degree, our confidence in the first level principle is increased. However, first-level and higher-level princples need not agree. In such cases, we may adjust both our higher level and first level principles. As Rawls puts it, we can go back and forth, sometimes revising principles and at other times reconsidering our judgments "and conforming them to principles" (Rails, p. 20). In the end, we shall have principles which match our considered judgments duly pruned and adjusted"–reflective equilibrium" (Rawls, p. 20). Rawls points out that the end may not be the ultimate end. "Particular cases ... may lead us to revise our judgments (Rawls, p. 21)." Reflective equilibrium is "reached after a person has weighed various proposed conceptions and ... has either revised his judgments to accord with one of them or held fast to his original convictions

(and their corresponding conception) (Rawls, p. 48)." If moral warrants may be backed by moral intuition and also by higher level principles, they may be backed by both, in particular if the backing has been refined by reflective equilibrium.

As we have seen, higher-level principles may be the product of philosophical intuition. Hence either perceptual or philosophical intuition or both are involved backing moral warrants. But are intuitions objective? Can one person's intuitions conflict with another's at least in some instances and can this disagreement be resolved by appeal to evidence and reason? If *a priori* defeasible warrants are backed by intuitions, does their backing give them any objective status? Does it constitute any objective evidence for their "authority and currency"? If not, does it make any sense to say that an argument instancing one warrant has a stronger objective connection between its premise and conclusion than another with same premise and conclusion instancing a different warrant? The next section addresses this question directly.

4. Diversity of opinion over defeasible *a priori* warrants, the challenge of relativism, and the objectivist response

That there is a wide diversity of opinion across cultures over moral norms and codes, and thus also moral warrants, is common knowledge, and has also been widely documented by cultural anthropologists. Ruth Benedict points out that certain behaviors and the persons who behave in these ways are regarded as abnormal in some cultures, but are perfectly acceptable in others where these persons can function successfully. For example, homophobia prevails in some cultures while in others homosexuals may be treated with honor. Cooperation may be a cornerstone of social interaction in one society, but may be regarded as contemptible in another. Benedict concludes, "The vast majority of individuals in any group are shaped to the fashion of that culture. ... The small proportion of the number of deviants in any culture is not a function of the sure instinct with which society has built itself upon the fundamental sanities, but of the universal fact that, happily, the majority of mankind quite readily take any shape that is presented to them" (Benedict, 1934). Benedict draws this conclusion: "Normality is culturally defined. ... Every society, beginning with some slight inclination in one direction or another, carries its preference farther and farther, integrating itself more and more completely upon its chosen basis, and discarding those types of behavior that are uncongenial" (Benedict, 1934). There is no objective apprehension of any moral value upon which a society's beliefs are based. (Benedict, 1934). In morals, a practice comes first, which is then recognized as normal, and then as right. Practice precedes norms. Moral relativism is also endorsed by some philosophers. Mackie in (1977) says, "Disagreement about moral codes seems to reflect people's adherence to and participation in different ways of life. The causal connection seems to be mainly that way round: it is that people approve of monogamy because they participate in a monogamous way of life rather than that they participate in a monogamous way of life because they approve of monogamy" (Mackie, reprinted in Shafer-Landau 2018, p. 183).

Is moral relativism the only viable position, given the facts the relativists present? Is the claim correct that moral codes have developed from behaviors which have been socially accepted absent any epistemic discerning of their rightness? Some philosophers have taken up the challenge of moral relativism. Rachels counters that the inference from the premise that different cultures have different moral codes to the conclusion that there is no objective truth in morality is fallacious (Rachels, p. 372). The premise concerns beliefs humans entertain. The conclusion concerns whether what they believe has any objective truth value. It is like arguing

that while most people reject the Flat Earth Hypothesis while some accept it, we cannot speak of the truth or falsity of the Flat Earth Hypothesis. Disagreement may rather mean that one side is mistaken, not that there is no truth to the matter. Further, as Rachels points out, one may give a *reductio ad absurdum* argument against moral relativism. Assume the relativist claim holds. Then if a society practices genocide, or female genital mutilation, or abduction and murder of members of the society who dissent from some majority view, the society is not open to moral criticism on these grounds. Claims that something is right or wrong are descriptive statements, true or false according to empirically ascertainable public opinion. A society which eliminates the subjugation of women has shown no moral progress. Where is the transcultural standpoint allowing us to judge that a change in a society's social practices constitutes moral reform? Rachels has made his point. If cultural relativism has these consequences, it is not acceptable. However, relativists have an easy rejoinder to this argument. Bite the bullet! The argument only refutes relativism if we agree that the consequences are objectively intrinsically bad. As relativists we refuse to concede that point. It judges other cultures by the standards of our own, which are just *our* standards, which are no more objective than the standards of a society tolerating the behavior you call bad. Your argument begs the question.

But does it? What is needed is an argument for the objectivity of some value judgments. Constructing such an argument is straightforward.

(Premise) Living in society has necessary conditions, specifically it is necessary for those living in the society to constrain their behavior within certain limits. Therefore
(Conclusion) Rules requiring behavior to respect these limits are objectively right.

The premise seems simply a matter of common sense. To live together in society requires a level of cooperation and trust to any significant degree. If the members of that society are free to kill each other, steal from each other, or tell blatant lies to each other, how could such a society achieve the technological, artistic, or political accomplishments which are the fruits of human cooperation? At best, it would be a society lacking many human goods. We can put the premise more broadly: Human life has certain existential requirements. Hence states of affairs which foster satisfying these requirements are objectively good, and actions that contribute to or advance satisfying these requirements are objectively right. Rachels states this point quite succinctly: "There are some moral rules that all societies have in common, because those rules are necessary for society to exist" (Rachels, p. 376, italics omitted). If a rule is existentially necessary, then an action that accords with rule is objectively right.

We may develop a similar understanding of what makes a good state of affairs objectively good. In (1988), Boyd defends moral realism. Moral statements are either true or false, at least approximately, independently of any prevailing moral opinion. He asks us to consider scientific realism, "the doctrine that the methods of science are capable of providing (partial or approximate) knowledge of unobservable ("theoretical") entities ... in addition to knowledge about the behavior of observable phenomena" (Boyd, p. 188). This realistic stance not only gives scientists a rationale for refining measurement and detection procedures for theoretical entities in light of developments in scientific theory (Boyd, p. 188), but fosters defining scientific terms– including redefining currently used terms, for example for natural kinds–in terms of underlying theoretical entities and their behavior. Such definitions are not limited to those which give necessary and sufficient conditions. Ordinary language philosophers have called attention to property-cluster definitions where a term is defined by a collection of properties "such that the

possession of an adequate number of the properties is sufficient for falling within the extension of the term" (Boyd, 196). Boyd identifies one type of property-cluster, which he calls a 'homeostatic property cluster,' as having special importance. Here not only do the properties "co-occur in an important number of cases," (Boyd, p. 197), this co-occurrence is not an accident or simply a statistical fact. There is either a law-like connection (albeit not universal) between the presence of some properties in the cluster or an underlying mechanism underlying the co-presence of the properties (Boyd, p. 197). For this reason, Boyd describes them as homeostatic, although this may be a metaphorical use of the term (Boyd, p. 197). Where most of the properties in the cluster are satisfied by the members of a class *c*, a kind term *t* may be applied to that class and "All or part of the homeostatic cluster *F* together with some or all of the mechanisms which underlie it provides the natural definition of *t*" (Boyd, p. 197).

What does all this have to do with showing that despite the cultural diversity of moral opinions, some moral judgments are objectively true or at least approximately true and that moral realism is a viable position against the claims of moral relativism? The concept of a homeostatic property cluster motivates the concept of homeostatic consequentialism. Boyd identifies certain goods, those which satisfy important human needs, either physical or psychological and social. Surely calling them goods is a totally straightforward position. One can easily adapt Ross's words about promises: "To me it seems as self-evident as anything could be" that to satisfy an important human need is to *be* a human good; certainly a *prima facie* good." Clearly also among the important human needs are the existential needs of preserving human life, either of the individual or of the species. Frequently these good are homeostatically clustered and further conditions may enhance the homeostasis. Further, "Moral goodness is defined by this cluster of goods and the homeostatic mechanisms which unify them" (Boyd, p. 203). Hence, the homeostatic nature of good gives us a theory: "Actions, policies, character traits, etc. are morally good to the extent to which they tend to foster the realization of these goods or to develop and sustain the homeostatic mechanisms upon which their unity depends" (Boyd, p. 203).

Given this understanding of moral goodness, Boyd proceeds to defend his view that affirming moral goodness as a real property and moral judgments as objective is plausible. He compares moral knowledge to scientific knowledge. His argument for moral realism may then be parallel to an argument for scientific realism. Empirical science is based on observation–perceptual observation. Likewise moral knowledge is based on observation, but including much more than perceptual observation. In addition it includes self-observation, introspection, "trained judgment and the operation of sympathy" (Boyd, p. 206). The mention of sympathy connects Boyd's view with the moral sense theory in moral philosophy. He stresses the importance of sympathy for moral objectivity. It is the "capacity to imagine [oneself] in the situation of others" (Boyd, p. 215). But imagining the situation of others can be more or less accurate to their situation. Hence sympathy has a cognitive dimension. It also has a motivational role, "to make moral facts motivationally relevant" (Boyd, p. 216). What may we make of a person who viewed a horrific situation, yet was moved in no way of any sort? Boyd holds that this person not only has a motivational deficiency but a cognitive deficiency as well. The person cannot assess moral facts correctly. Boyd is confident that "the full resources of naturalistic epistemology" would complete the argument that reacting to a situation with sympathy is both motivational and cognitive. If that claim is plausible, we have a further reason for the objectivity of moral judgments.

As in science, observations are theory dependent. Boyd argues that this dependence, however, does not necessarily render the observations theory relative, not true to the way things are without qualification but only relative to the theories on which they depend, and exclude their being part of a case for moral realism. Likewise, that observations in science are theory-dependent does not render them theory relative. This view does not imply anti-realism. Rather, observations will be "sufficiently reliable for the defense of moral realism just in case we are able to portray the theories upon which they are their interpretation depends as relevantly approximately true" (Boyd, p. 207). The criterion for making this assessment concerns our background moral beliefs. Have they been close enough to the truth to "form the basis for subsequent improvement of moral knowledge in the light of further experience and further historical developments" (Boyd, p. 207)? Given new evidence, have our existing beliefs about human needs, capacities, and goods been reliable enough to allow the growth of moral knowledge even if this growth involved a process of revision for moral beliefs through reflective equilibrium? Does such progress seem observable? Does the abolition of slavery and the fruits of the still unfinished struggle for racial justice constitute evidence of moral improvement? Should the relativist claim they do not, he or she is apparently denying observable moral facts. Boyd continues that beside moral observations, our moral intuition also possesses a degree of reliability. Like scientific intuitions, they are "a species of trained judgment" (Boyd, p. 207). "Moral intuitions, like physical intuitions, play a limited but legitimate role in empirical inquiry *precisely because* they are linked to theory *and* to observation in a generally reliable process of reflective equilibrium" (Boyd, p. 208, italics in original).

Boyd's point here is extremely crucial for the overall project of this paper. In the next section we shall discuss the comparative strength of moral warrants and the question of when a warrant is strong enough to transfer the acceptability of the premises in a moral argument to the conclusion. Recall Cohen's characterization of intuition in (1986, p. 73) as concerning what may be inferred from what. If a warrant licencing us to infer from a morally relevant premise to a moral conclusion is backed by moral intuition together with specific moral observations and moral theory, there should be a presumption of at least reliability for that warrant. If there were no objective moral considerations, what sense would it make to compare the strength of warrants and thus of the arguments which instance them? At base, would not a moral warrant then express nothing more than a subjective opinion and the concept of its strength constitute objectively nothing more then an illusion? By contrast, if corresponding to a warrant is a general moral statement for which one has objective evidence making the statement acceptable, then the question of the objective strength of the warrant makes sense.

5. Rebuttals and the comparative strength of defeasible *a priori* warrants

Defeasible warrants may be defeated or rebutted. For example, the warrant

> From: Px
> To infer *ceteris paribus* Qx

May not be reliable if some further property x is conjoined to the premise. Consider

> From: x's taking x's neighbor's boat without permission
> To infer *ceteris paribus:* x's action was wrong

Our moral intuition vouches for the reliability of this warrant. But suppose x is acting in an emergency situation–someone is drowning, x is the only other person around, and x's taking the boat lets x save that person. Now consider

> From: x is taking x's neighbor's boat without permission allowed x to save a drowning person's life
> To infer *ceteris paribus* x's action was morally wrong

Many will disagree that this is a reliable warrant. The added condition rebuts the inference to wrongness.

At the level of basic principles, moral intuition may recognize the *prima facie* reliability of the inference or the effectiveness of the rebuttal to defeat the inference. Likewise, a higher-level principle may back the warrant. Furthermore, since reflective equilibrium may require the mutual adjustment of basic and higher-level principles, the adjusting conditions may be viewed as rebuttals to the unmodified warrant. As Cohen points out in (1970), the number of rebuttals for moral warrants varies. For some classes of actions, there may be few rebutting conditions, while for others there may be more. There are few exceptions to the wrongness of betraying one's country while there may be a number of situations where breaking a promise is justifiable. As with empirical or legal warrants, the strength of moral warrants varies inversely with the number of rebuttals that may be brought against them. This is a first approximation. We must now spell out how we may identify the potential rebuttals for a given moral warrant and which rebuttals actually defeat it. Let us recall that warrants are general. Assuming the only warrants we need to consider for discussion in this paper are licences to go from one first order property to another, warrants will display the form

> From: $Px_1 \ldots x_n$
> To infer *ceteris paribus* $Qx1 \ldots xn$

So far, we have been using "moral warrant" generically to include warrants licencing inferences to statements of intrinsic, deontic, or aretaic value. We may identify classes of these values. We may classify deontic warrants according to Ross's classes or *prima facie* duties, although he did not regard his enumeration as complete. In (Freeman, 2005, 245), we identified ten: beneficence, non-maleficence, reparation, equity, reprocity, impartiality, self-improvement, self-respect, explicit fidelity (keeping promises), and implicit fidelity (not telling lies). With each of these *prima facie* duties, we may associate a class of warrants licencing our inferring some attribute of moral obligation from some morally relevant attribute. Consider beneficence. Ross defines a duty of beneficence as resting "on the mere fact that there are other beings in the world whose condition we can make better in respect of virtue, or of intelligence, or of pleasure" (Ross, p. 21). For example,

> From: x's contributing a sum of money y to educational institution z will help insure educational opportunities for all members of a given class of students.
> To infer *ceteris paribus:* x has a duty to contribute y to z

We can imagine a plethora of situations that might rebut such a duty of beneficence. x might not owe that sum y to z by virtue of a valid contract with w, where w and z are distinct, or by virtue

of an explicit promise made to another institution, or by virtue of z's racist policies in admissions, or for a host of other reasons. A duty of beneficence is not a duty to perform some specific act. Rather it is a duty to perform an act of a certain sort. By contrast, consider reparation, a duty "resting on a previous wrongful act" (Ross, p. 21).

> From: Company x's careless work did \$y in damages to z's house
> To infer *ceteris paribus* x owes z at least \$y

It is not at all obvious what condition would relieve Company x of its duty to make good on the \$y. Clearly, we should also be able to imagine rebuttals associated with Ross's other *prima facie* duties.

The point is this: Suppose the premise of a warrant attributes some morally relevant property to an action. (Of course, it may attribute a relation to a plurality of actions.) By identifying the class to which the warrant of this argument belongs, we have a list of potential rebuttals which may possibly defeat the warrant. From the simple assertion of the attribute, we do not know whether any of these rebuttals hold. The more rebuttals that may hold, the more grounds on which to defeat the warrant, and thus the weaker the case ascribing the attribute makes for the normative conclusion. (As we shall see shortly, this condition is an approximation and needs to be qualified in terms of plausibility considerations.)

> As we have seen, the argument
> > From: James returned John's gun as promised.
> > To infer *ceteris paribus*: James acted rightly toward John.

will certainly be rebutted if John shows signs of mental instability. But suppose we had information from a reputable source (it could be our own observation) that John's behavior and demeanor showed no signs of emotional distress. That is, we are justified in accepting that John was under no emotional distress when James returned the rifle to him. The rebuttal is countered. Adding this information to the premise strengthens the argument. The warrant for the extended argument

> From: x returned y's gun as promised and y displayed no signs of mental instability
> To infer *ceteris paribus*: x acted rightly in returning y's gun

is stronger than the warrant of the original argument just because there is one fewer way to rebut the warrant. The fewer the rebuttals available to defeat the warrant, the stronger the warrant will be. In general, then, to a given a deontic warrant, we may conjoin to the premise of the warrant one or more predicates expressing counter rebuttals to recognized rebuttals for the argument. The resulting expanded warrant is stronger than the original warrant for the argument just because it cannot be defeated by the countered rebuttals.

> Schematically where "$\sim R_1 x, ..., \sim R_n x$" express the properties that rebuttals $R_1, ..., R_n$ do not hold,
> > From: $Px \mathbin{\&} \sim R_1 x \mathbin{\&} ... \mathbin{\&} \sim R_n x$

To infer *ceteris paribus* Qx

is a stronger warrant than just

From: Px
To infer *ceteris paribus* Qx

The warrant licencing inferring Qx from the premise of the expanded warrant has *survived* these rebuttals.

Would it be right to say that the more rebuttals survived, the stronger the warrant? That would be hasty at this point. It may be plausible, even highly plausible, that a certain rebuttal might hold, while another rebuttal's holding might be far less plausible. Suppose Sam is very kind to his elderly grandmother. She has many infirmities consistent with age and needs assistance. Sam can readily render such assistance and invariably does so. *Prima facie* Sam is a paragon of beneficence. If we argue from the fact of Sam's beneficent behavior to his acting rightly towards his grandmother, we should be arguing according to the warrant:

From: x consistently assists y and y needs assistance
To infer *ceteris paribus* x is acting in a morally good way toward y

But suppose Sam's grandmother is wealthy and Sam frequently tells her that his means are modest and an inheritance could help him, although there are other persons who could also be regarded as legitimate heirs. Would we still conclude that Sam is acting in a morally good way toward his grandmother? Consider the warrant

From: x is consistently assisting y & y needs assistance & x is frequently telling y
    that x could be helped by inheriting a share of y's estate
To infer *ceteris paribus* x is acting in a morally good way toward y

The warrant conjoins a rebuttal to the initial premise. In its light, we might reconsider the conclusion of the argument. But how plausible is it that Sam is trying to manipulate his grandmother by what he is telling her? If we knew that, our moral evaluation of Sam's behavior would be different. But we do not have this information at present. Furthermore, might there be exonerating conditions which would leave Sam's behavior morally acceptable? Could Sam be trying to preserve her estate (some of it at least) from heirs who would squander her shares? Even with the rebuttal, the conclusion seems acceptable in light of the premises. We say that the warrant has resisted the rebuttal in this case.

By contrast, consider this scenario. Sam is again acting very beneficently toward his grandmother. However, he intends to slip deadly poison into the medications he helps his grandmother to take. Given the information that Sam is acting beneficently toward his grandmother but nonetheless is trying to murder her, can we accept the conclusion that Sam's action is morally good? Are there exculpating factors in this situation which would allow us to still hold that Sam's behavior is morally good because of his beneficence? One at least is arguable. Suppose the grandmother is in serious pain and is debilitated. His killing is a mercy killing. In the second argument, the warrant also survives. But do both arguments have the same strength? Is it far more plausible that we could find an exonerating condition for putting gentle pressure on the grandmother than for finding an exonerating condition for murdering her? Both

arguments resist one rebuttal. But the strength of the second is distinctly greater than the strength of the first.

As we have developed in (2018a), (2018b), and (2019) for arguments with warrants backed *a posteriori*, to compare warrants for strength, we need first to identify potential rebuttals for a given warrant and then to rank those rebuttals for plausibility, from most plausible (or none more plausible, if there are several warrants of maximal plausibility) to minimal plausibility. Let us assume for simplicity's sake that no two rebuttals have the sane plausibility. Let us also assume that in any given case the number of potential rebuttals is finite. Adultery is a violation of a promise and thus of a duty of fidelity. So is not keeping an appointment to meet someone at a given time. Consider:

> From: x committed adultery against y
> To infer *ceteris paribus* x wronged y

Under what circumstances might the breach of some duty of fidelity be repaired, the wrong made right? An apology might be effective in some cases. Perhaps a better remedy is bringing a peace offering. But what peace offering would make right the wrong done in adultery? Assume, for the sake of argument that no compensation is effective. Our warrant resists all rebuttals that could be brought against warrants backed by duties of fidelity.

> Now contrast the warrant
> > From: x failed to meet y as promised
> To infer *ceteris paribus:* x wronged y

circumstances, there may be a number of conceivable ways for x to make the situation right. Assume we can order these ways according to their plausibility for making the situation right. Suppose a really big box of chocolates is the most plausible. Suppose that x has tried this remedy but it did not work. x has still wronged y (or y considers this of x's behavior). So the warrant has resisted the first rebuttal. We may express this strength by a ratio. Where n is the number of rebuttals that can be brought against a warrant of a given type (e.g., a warrant backed by proper evidence for a duty of fairness) and m is the number of rebuttals resisted in an attempt to find rebuttals against the warrant when the rebuttals are properly ordered, we express the strength by m/n. If the chocolates by themselves will not work, the warrant has a strength of at least 1/n. Assume that giving roses is the second rebuttal on the list. By itself it is less plausible than the chocolates. But what about chocolates and roses? Will they together bring about reconciliation? Assume the evidence is negative. The warrant now has strength 2/n. But will chocolates, roses, and tickets to a Broadway show do the trick? That does it. The warrant has strength 3/n. We need to consider that before we consider some further rebuttal. Hence, given our ordering of the rebuttals according to decreasing plausibility of effectiveness, a warrant with strength m/n is weaker than a warrant with strength m+k/n, where k > 0. If a warrant resists no rebuttals, its strength is 0/n. If it resists all rebuttals, its strength is n/n = 1. If were dealing with warrants backed *a posteriori* by a body of perceptually observed evidence, Cohen would call their corresponding generalizations laws of nature. If the generalization is supported by intuition or principles in reflective equilibrium, we might say that it is a moral absolute. We might expect the generalization of the warrant from adultery to morally wrong behavior to have this strength, which will also be the strength of the warrant. However, we may prefer to say "*ceteris paribus*," since there may be

further rebuttals not recognized by us which, if they were included in our enumeration, might not be rebutted.

Recall that we may classify deontic warrants according to our list of *prima facie* duties in (Freeman, 2005, 245) derived from Ross. Given our classification, we have warrants of beneficence, non-maleficence, reparation, equity, reciprocity or gratitude, sympathy, self-improvement, self-respect, explicit fidelity or promise keeping, and implicit fidelity or not telling lies. With each class of warrants we may associate a class of rebuttals. Given two rebuttals of the same class, the stronger is the one which resists more rebuttals. May we compare rebuttals of different classes for strength? This will be possible, if there is overlap of rebuttals for the two classes. Killing is an act of maleficence while telling lies is a breach of fidelity. But, as Cohen points out in (1970, 176), "The wrongness of killing ... may be thought more important than the wrongness of telling a lie, insofar as all circumstances that are exceptional for the former (war, self-defense, etc.) are also exceptional for the latter, while may exceptional circumstanced for the latter (arising out of politeness, kindness, etc.) are not exceptional for the former." We can compare the stringency of killing with that of telling lies because there are rebuttals which apply to either class.

We have, of course, here treated comparative strength for only one type of defeasible *a priori* warrant, those dealing with deontic value. But we may have warrants licencing inferences to statements of intrinsic or aretaic value, non-moral goodness or moral goodness or virtue. In addition, as we have indicated, we may have defeasible *a priori* warrants not licencing inferences to a moral conclusion. What does strength mean for these latter warrants and may we compare them for strength? We must leave these questions for future discussions.

One question remains. Given that the premises of an argument are acceptable, when will a defeasible *a priori* warrant be strong enough to convey that acceptability to the conclusion? As we have just shown, the strength of a warrant is determined by the first rebuttal it does not resist. Thus, if rebuttal $i+1$ cannot be countered but none of $1 \ldots i$, the strength of the warrant is i/n. How do we find this point above which the warrant is rebuttal tolerant? We cannot present a recipe for identifying this point. Rather, we present the factors which both constitute connection adequacy and may be considered in reasoning about the connection adequacy of a given argument. Two quotations are apposite:

> This sense of a particular duty in particular circumstances, preceded and informed by the fullest reflection we can bestow on the act in all its bearings, is highly fallible, but it is the only guide we have to our duty. (Ross, 1930, p. 42)

For any singular proposition S about the individual or individuals a_1, a_2, ... and a_n, accept S if and only if for some R you know that R states all the relevant evidence available about a_1, a_2, ... and a_n and [the strength of the argument "R therefore S" is greater than or equal to some k] where k has to be greater than zero but its more precise level is to be determined in accordance with the nature of the subject matter and the best available list of relevant variables for tests on generalizations about that subject matter. (Cohen, 1977, p. 319)

Consider an argument that a particular state of affairs a is intrinsically good. The premises of the argument assert properties of a upon which a's goodness supervenes. Where P_1x, ..., P_nx express these relevant properties and Gx expresses the property of intrinsic goodness, the argument looks like this:

$P_1a, ..., P_na$ Therefore Ga

From: $P_1x, ..., P_nx$
To infer *ceteris paribus:* Gx

As we shall see shortly, it will be convenient to introduce the notation "$\square_{1 \leq i \leq n}$" to express a conjunction of n conjuncts. The counterpart of Cohen's "R" here involves such a conjunction. The first conjuncts constitute the conjunction of the premises of the argument, i.e, $\square_{1 \leq i \leq n} P_ia$. Let $RV_1, ..., RV_m$ be "the best available list of relevant variables" bearing on the inference from $\square_{1 \leq i \leq n} P_ia$ to Ga. For some values of these relevant variables, the statement that the value holds of *a* constitutes no rebuttal of the move from $\square_{1 \leq i \leq n} P_ia$ to Ga. The value is not negatively relevant evidence against Ga. Other values of the variable will be negatively relevant and constitute rebuttals. Let "$RV_i^j x$ x" express the predicate that x satisfies the jth value of relevant variable RV_i. It is also possible that some, but only some of the values of Rv_i are true of *a*. It is further possible that we may order the values of RV_i which are true of *a* in order of decreasing plausibility for rebutting the argument. Hence we may lexicographically order all of the values of the relevant variables RV_i., $1 \leq$ n. Let $R_1a, R_2a..., R_ja$ be the statements expressing that *a* satisfies some value of some relevant variable, again arranged in order of decreasing plausibility.

Consider R_1a. Does R_1a rebut the argument from $\square_{1 \leq i \leq n} P_ia$ to Ga, i.e. given that R_1a holds, does Ga fail to hold even though $\square_{1 \leq i \leq n} P_ia$ holds? In other words, given our sense of intrinsic goodness informed by reflective equilibrium, does Ga fail to hold in light of $\square_{1 \leq i \leq n} P_ia$ & Ga . If yes, R_1a rebuts the argument. The warrant does not transfer the acceptability of $\square_{1 \leq i \leq n} P_ia$ to Ga. If no, consider R_1a & R_2a. Although it is less plausible that R_2a rebuts the argument given our ordering of rebuttals, the conjunction may constitute a rebuttal. Does it? If yes, the argument is rebutted and the warrant does not transfer acceptability. If no, then consider R_1a & R_2a & R_3a. Repeat this procedure until reaching a yes answer, say at the kth rebuttal in our ordering. Then k/n is the upper limit of the warrant's rebuttal intolerance. None of the more plausibly effective values of a relevant variable actually rebuts the warrant of the argument and the argument successfully transfers the acceptability of $\square_{1 \leq i \leq n} P_ia$ to Ga. We have an answer to our final question. We can not only compare arguments with defeasible *a priori* warrants for strength, but have a method for answering the question of whether the connection licenced by the warrant of the argument is adequate.

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