

Accounting for the Data: Intuitions in Moral Theory Selection

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Abstract Reflective equilibrium is often credited with extending the idea of accounting for the data from its familiar home in the sciences to the realm of moral philosophy. But careful consideration of the main concepts of this idea—the data to be accounted for and the kind of accounting it is appropriate to expect of a moral theory—leads to a revised understanding of the “accounting for the data” perspective as it applies to the discipline of moral theory selection. This revised understanding is in tension with reflective equilibrium and actually provides more support for the alternative method of moral theory selection that has been termed ‘practical equilibrium’.

Keywords Reflective equilibrium · Practical equilibrium · Intuitions · Data

1 Two Methods of Moral Theory Selection

Reflective equilibrium is the most widely discussed, and probably the most widely accepted, method of moral theory selection. In a recent article (Eggleston 2010), I proposed a variant of reflective equilibrium that I termed ‘practical equilibrium’ and I claimed that two lines of argument traditionally regarded as supporting reflective equilibrium actually provide more support for practical equilibrium. Here I claim that a third line of argument that defenders of reflective equilibrium have traditionally relied upon—one of their most well-known arguments—also actually provides more support for practical equilibrium. I begin, however, with a brief review of my previous account of practical equilibrium and the arguments I presented in support of it.

To begin with, practical equilibrium “shares with reflective equilibrium the general thesis that there is some way in which a moral theory must, in order to be acceptable, answer to one’s moral intuitions” (p. 549).¹ Reflective equilibrium elaborates this general thesis in a particular way, by requiring that the moral theory entail moral judgments that match one’s intuitions—or, at least, not entail moral judgments that conflict with one’s intuitions. For example, one might

¹Parenthetical references containing only page numbers refer to Eggleston 2010.

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have the intuition that the judicial punishment of the innocent is always wrong. But it is clearly possible for cases to arise in which, according to act utilitarianism, the judicial punishment of the innocent would be permissible or even required. This would count as a difficulty, for act utilitarianism, in satisfying the justificatory standard of reflective equilibrium (p. 557).

As mentioned above, practical equilibrium shares the general thesis that a moral theory must answer to, or harmonize with, one's intuitions. But it elaborates this general thesis in a different way, by appealing to the idea of a moral theory *approving* of one's intuitions. In my previous article I glossed this idea with the phrase "approve of them ... as intuitions *that it is morally good for [one] to have*" (p. 554, emphasis added), but here it might be helpful to take a few steps back and approach this idea more gradually, by way of some smaller steps. To understand this idea, begin with the familiar idea of a moral theory approving of an action. As an illustration of this idea, observe that act utilitarianism might approve of a particular instance of an agent keeping a promise. Now, from this familiar idea of a moral theory approving of an action, it is a short step to the idea of a moral theory approving of some character trait. For example, act utilitarianism arguably approves of the character trait of being disposed to keep promises. This is not refuted, it is important to note, by the fact that act utilitarianism holds that there are some promises that it is wrong to keep (and the keeping of which, therefore, it does not approve of). For act utilitarianism can plausibly be regarded as approving of a certain character trait if that character trait tends to promote well-being overall, even if not in every case—just as we would say that act utilitarianism would approve of a cure for cystic fibrosis, on the grounds that it would tend to promote well-being overall, even though it might not promote well-being in every case (for example, it might lengthen the life of a person who goes on, in the remainder of his life, to do more harm than good).

Now, from the idea of a moral theory approving of some character trait, it is a short step to the idea of a moral theory approving of some intuition: act utilitarianism can plausibly be regarded as approving of some intuition if that intuition tends to promote well-being overall, even if it does not promote well-being in every case. This idea can be clarified by going back to character traits and making explicit a feature of character traits that is usually left unspoken, but that is nonetheless integral. When we speak of a moral theory approving of a character trait, we are speaking of a moral theory approving of people's *having* the character trait, not something else, such as people's *not having* it, or *wishing they did have* it, or *writing journal articles about* it, and so on. The same is true for intuitions: the idea of a moral theory approving of an intuition is really the idea of that moral theory approving of people's *having* that intuition—its being present and operative in people's psychology.

The previous two paragraphs unpack my earlier notion of a moral theory approving of an intuition. In my earlier article I continued with the example of punishing the innocent and the intuition that punishing the innocent is always wrong, and I pointed out that even if act utilitarianism does not entail this intuition, it may well approve of it, in the sense explained above. My reasoning appealed to the contrast between two hypothetical scenarios that differ in terms of people's having this intuition or not. In one imagined scenario, this intuition is prevalent, and there is a low incidence of the punishment of the innocent, and there is a general sense of security against the occurrence of that. In the other imagined scenario, the intuition that punishing the innocent is sometimes permissible is prevalent, and there is pervasive fear and anxiety. On this basis, I argued (pp. 558–559), act utilitarianism might approve of the intuition that punishing the innocent is always wrong, even though it does not entail it.

This example illustrates how it might be argued that act utilitarianism approves of the intuition that punishing the innocent is always wrong, even while being inconsistent with it. According to the method of practical equilibrium, this shows that the question of punishing the innocent needn't be the embarrassment to act utilitarianism that reflective equilibrium says it

is. For in the view of practical equilibrium, approving of an intuition is a way for a moral theory to harmonize with intuition (just as entailing that intuition is—here practical equilibrium agrees with reflective equilibrium). Thus, practical equilibrium is a variant of reflective equilibrium that operates with a broader, or more inclusive, conception of what it means for a moral theory to harmonize with intuition.

To argue in support of practical equilibrium, I appealed to two sets of considerations traditionally regarded as supporting reflective equilibrium—one having to do with our interest in finding a moral theory that we can live with in society with other people (pp. 573–575) and one having to do with our interest in finding a moral theory that endorses our conception of what sort of moral agents we ought to be (pp. 575–579). I argued that in each case, the underlying ideas traditionally associated with reflective equilibrium actually provide more support for practical equilibrium. In this article, I argue that a third pillar of support that proponents of reflective equilibrium have traditionally relied upon—one of their most well-known arguments—also actually provides more support for practical equilibrium.

2 Four Questions About Practical Equilibrium

I will describe that argument and attempt to co-opt it away from reflective equilibrium and in the service of practical equilibrium in Sections 3 and 4. In this section, however, I want to address some questions that might naturally arise at this point, about the general content of practical equilibrium as a method of moral theory selection.

2.1 Is Practical Equilibrium Really Significantly Different from Reflective Equilibrium?

One question that might naturally arise at this point is whether practical equilibrium is really significantly different from reflective equilibrium, as that view is normally understood. Indeed it might be thought that it is not. Consider, for example, how defenders of act utilitarianism respond to reflective-equilibrium-based criticisms of their theory, such as the criticism that act utilitarianism is inconsistent with the intuition that punishing the innocent is always wrong. It is not at all unusual for defenders of act utilitarianism to respond to such criticisms in precisely the way described above: to explain that although act utilitarianism is inconsistent with this intuition, it can plausibly claim to harmonize with this intuition in the sense of approving of it, or endorsing it, as an intuition that it is morally good for people to have. More generally, it is not at all unusual for defenders of act utilitarianism to try to win over deontological critics, or to try to blunt their criticisms, by pointing out that although act utilitarianism is inconsistent with many deontological intuitions, it can plausibly claim to harmonize with such intuitions in the sense of approving of them as intuitions that is it morally good for people to have. Therefore, this line of thought concludes, the conception of theory harmonizing with intuition that practical equilibrium attempts to vindicate is essentially already included in reflective equilibrium rather than being a meaningful addition to it.

It is quite true that it is not at all unusual for defenders of act utilitarianism to respond to reflective-equilibrium-based criticisms of their theory in the way that practical equilibrium attempts to vindicate. Indeed, in my previous article I acknowledged that such defenses of act utilitarianism are to be found not only in the works of recent writers such as T. L. S. Sprigge and R. M. Hare, but also in the works of earlier writers such as Henry Sidgwick and William Godwin (p. 577). But the fact that such defenses are standard responses to reflective-equilibrium-based criticisms does not mean that practical equilibrium is not really significantly different from reflective equilibrium. The crucial fact is how such defenses are received, when offered as

responses to reflective-equilibrium-based criticisms. Instead of being regarded as truly engaging with the concerns of reflective equilibrium, such defenses are regarded as missing the point of reflective equilibrium (Hooker 2000, pp. 142–146 and p. 156; and Frey 2000, p. 173). Critics say, in effect, “We know your theory has lots of nice things to say about these intuitions, but the fact remains that your theory is inconsistent with them. This is what counts when it comes to the need for a theory to answer to intuition.” This rebuke presupposes a particular conception of what it means for a theory to answer to intuition; this conception is a core component of reflective equilibrium as it is normally understood. In contrast, practical equilibrium—by operating with a broader, or more inclusive, conception of what it means for a theory to answer to intuition—maintains that other things can also count when it comes to the need for a theory to answer to intuition. In effect, practical equilibrium begins from the observation on which the objection is based (the observation about the way that defenders of theories often respond to reflective-equilibrium-based criticisms) and criticizes reflective equilibrium for failing to recognize that such defenses—although not engaging with reflective equilibrium per se—are nonetheless tapping into a valid notion of what it means for a theory to answer to intuition.

It should be acknowledged that there is another grain of truth in the objection (beyond the observation on which it is based): it is quite true that practical equilibrium, rather than being radically at odds with reflective equilibrium, is similar to reflective equilibrium in some important ways. In my previous article I contemplated that practical equilibrium’s “broadened conception of harmony between theory and intuition could ... be absorbed into a revised conception of reflective equilibrium, obviating the need to conceptualize practical equilibrium as a variant of reflective equilibrium” (p. 580). But it would remain true that practical equilibrium is significantly different from reflective equilibrium, because the revised conception of reflective equilibrium imagined in the quotation just given would be a significant revision of reflective equilibrium. Defenders of reflective equilibrium (as it is currently understood) will hold that the revision should be resisted, because it will corrupt reflective equilibrium with an implausibly broad notion of what it means for a theory to answer to intuition. This article can be seen as arguing that the revision should be welcomed, because reflective equilibrium’s (current) conception of what it means for a theory to answer to intuition is too narrow.

2.2 What Is Supposed to be the Epistemic Import of Harmony Between Theory and Intuition?

A second question that might naturally arise at this point is why a particular moral theory’s approval of a certain person’s moral intuitions gives that person a reason to regard that moral theory as true or correct. In short, what is the epistemic import of a theory’s approval of a given set of intuitions?

The epistemic import of a theory’s approval of a person’s intuitions is complicated. One simple idea that I ruled out in my previous article is that if a theory approves of a person’s intuitions, then that person just ought (epistemically) to regard it as true or correct: I wrote, “not every theory that approves of [a person’s] intuitions is thereby justified [for that person], according to practical equilibrium” (p. 561). Of course, this remark rules out only the idea that a theory’s approval of a person’s intuitions gives that person a *conclusive* reason to regard it as true or correct; it does not rule out the idea that a theory’s approval of a person’s intuitions gives that person *some* reason to regard it as true or correct. However, my succeeding remarks indicated that the epistemic import of a theory’s approval of a person’s intuitions is less direct than even that weaker formulation might suggest.

The key feature of my previous exposition, for our present topic, is that when a person is evaluating a particular moral theory, she typically thinks about the arguments that can be given

for that theory, not just about its harmony with her intuitions. I first pointed out how this works in the framework of reflective equilibrium:

An agent who regards reflective equilibrium as the best way of deciding what to think about morality would be concerned not only with proposed theories' entailment of her intuitions, but also with other aspects of them, such as what arguments can be given for them, what moral ideals they stand for, what conceptions of human nature and human flourishing they espouse, what conceptions of personal and political relationships they espouse, the extent to which they possess traditional theoretical virtues such as simplicity and power, and so on. ... Reflective equilibrium ultimately involves bringing all relevant considerations to bear on the process of evaluating moral theories and deciding what to think about morality in general. (p. 560)

An additional component of reflective equilibrium is, of course, a "specification of the harmony that needs to obtain between theory and intuition" (p. 560)—a specification that requires entailment, or at least consistency. Thus, from the perspective of reflective equilibrium, harmony between theory and intuition is a necessary condition of a person's being justified in regarding a theory as true or correct. That harmony is like a "check" that must be satisfied rather than the driving consideration.

I explained that although practical equilibrium has a broader, or more inclusive, conception of harmony between theory and intuition (than reflective equilibrium's conception), it assigns the same role to that harmony (as reflective equilibrium does) in the epistemic economy of a person's being justified in regarding a theory as true or correct: "a certain degree of harmony between theory and intuition is only a necessary ... condition" (pp. 560–561). In the vein of my remarks about reflective equilibrium, I elaborated that

such harmony need not be the agent's main reason for affirming a moral theory (assuming she ends up affirming one). To return to the example of utilitarianism, she may find that theory compelling primarily because of her commitment to certain conceptions of individualism, well-being, impartiality, and maximization. Still, she would recognize the necessity of some sort of harmony between utilitarianism and her intuitions. In looking for that harmony, she may find that utilitarianism is in harmony with many of her intuitions not in virtue of entailing them (for it might not), but in virtue of approving of them. And she may, finally, regard that kind of harmony between theory and intuition as perfectly satisfactory. (p. 561)

Thus, from the perspective of practical equilibrium, the epistemic import of a theory's approval of a person's intuitions is rather indirect: such approval does not, in and of itself, typically epistemically permit (much less epistemically require) the person to regard the theory as true or correct; instead, such approval is one possible way of satisfying a necessary condition of her being justified in regarding a theory as true or correct (that necessary condition being, of course, harmony between theory and intuition).

In my previous article I anticipated an objection to practical equilibrium that relates to our current topic of the epistemic import of a theory's approval of a person's intuitions. Following up on my example of the person who finds utilitarianism compelling for certain reasons, I wrote that

It might be objected that if an agent is more committed to principles and intuitions that are inconsistent with utilitarianism than she is to those ideals that make utilitarianism compelling to some people, then that agent is perfectly entitled to reject utilitarianism and subscribe to a moral theory that entails (or is at least consistent with) her intuitions. (p. 561)

My next remarks further characterize the epistemic import of a theory's approval of a person's intuitions:

Such a decision [i.e., the agent's rejection of utilitarianism in favor of some other theory] is perfectly compatible with, and at home within, the perspective of practical equilibrium. For the point of practical equilibrium is not to say that an agent must subscribe to any moral theory that manages to approve of her intuitions, regardless of whether she finds it independently compelling. ... Rather, the point of practical equilibrium is to say that if an agent does find some moral theory independently compelling, then she need not regard some degree of inconsistency between that theory and her intuitions as preventing that theory from being in harmony with her intuitions. The requisite harmony can hold in virtue of the theory's approving of her intuitions, even if not in virtue of thoroughgoing consistency between the theory and her intuitions. (pp. 561–562; see also p. 566)

In effect, the epistemic import of a theory's approval of a person's intuitions is the following: that approval *cancel*s what might be seen as a reason requiring the person to regard the theory as false or incorrect (namely, the theory's inconsistency with those intuitions), rather than *generating* an affirmative reason for the person to regard the theory as true or correct.

At this point, it might be objected that if a person has intuitions that are inconsistent with some theory, then even if the theory approves of those intuitions, that cannot make up for the inconsistency between the theory and the person's intuitions. And, the objector might continue, practical equilibrium condones irrationality if does not regard that inconsistency as requiring the person to reject the theory. In my previous article I discussed this objection as well (pp. 568–569), though considerations of space militate against recounting the substance of that discussion here. The essence of my reply is that practical equilibrium is a theorizing not only of the thought that not all instances of inconsistency between theory and intuition are cases of disharmony between theory and intuition, but also of the related thought that not all such instances of inconsistency are cases of irrationality in a person's thinking about morality.

One might still ask why a person's intuitions are accorded any weight at all from the perspective of practical equilibrium. And when initially calibrating the extent of my dissent from reflective equilibrium, I did consider the view that when theory and intuition are not in any kind of harmony, "so much the worse for intuition" (p. 553). But I demurred from going that far. I explained my demurrals with the claim that "A moral theory that condemned our intuitions as thoroughly groundless and misguided would have no plausible claim to justification" (p. 553), but I did not give any argument for that opinion. There is, of course, a rich philosophical literature on this topic, with notable contributions from Robin Hogarth (2001), Walter Sinnott-Armstrong (2006), John Symons (2008), and Albert Musschenga (2009, 2010), among others. But it is not feasible here to indicate the kind of position on this topic that practical equilibrium presupposes and to articulate a reasoned defense of it.

2.3 Do the Propositional Contents of Moral Intuitions Matter?

A third question that might naturally arise at this point concerns the relevance, for practical equilibrium, of the propositional contents of a person's moral intuitions. Above, in Section 1, I said that the idea of a moral theory approving of an intuition is really the idea of that moral theory approving of a person's *having* that intuition. In the paragraph before the one containing that remark, I said that usefully analogous ideas included the idea of a moral theory approving of a character trait and the idea of a moral theory approving of a cure for a disease. We normally think of moral intuitions as having propositional contents, such as the proposition

that punishing the innocent is always wrong. But the examples of a character trait and of a cure for a disease—especially the latter, since it arguably has no propositional content—suggest that moral intuitions’ propositional contents might not actually be relevant to whether a moral theory approves of them. This, in turn, arguably exacerbates a familiar problem in theory choice in ethics, namely, that theory choice is underdetermined by the relevant set of intuitions.

Before turning to the underdetermination problem, let us focus on the question of whether (and, if so, how) the propositional content of a moral intuition is relevant to a theory’s approval of it. In my previous article, I made some remarks bearing on this question. In explaining the idea of act utilitarianism approving of certain intuitions, I noted that act utilitarianism will focus on their usefulness rather than on their truth. I acknowledged that the usefulness of an intuition might depend on its truth, but I immediately added that “to the extent that [an intuition’s] truth and utility coincide, it will be only in virtue of this latter property that it is good (according to utilitarianism) that it is held” (p. 558). In short, as far as act utilitarianism’s approval of an intuition is concerned, its causal upshot screens off its truth. And my discussion of a deontological theory modeled on the theory of Frances Kamm (pp. 562–567) suggested that for that kind of moral theory as well, the truth of an intuition matters only insofar as it affects that intuition’s causal upshot. So the verdict, for the relevance of truth, is a mixed one: if a given moral theory holds that a moral intuition’s truth is relevant to its approval of that intuition, it might hold the intuition’s truth to be relevant *only insofar as* it affects the intuition’s causal upshot.

The foregoing remarks pertain to how a moral intuition’s truth might be relevant to a moral theory’s approval of it. The same can be said, however, about how a moral intuition’s propositional content might be relevant to a moral theory’s approval of it: specifically, if a given moral theory holds that a moral intuition’s propositional content is relevant to its approval of that intuition, it might hold the intuition’s propositional content to be relevant *only insofar as* it affects the intuition’s causal upshot. And this, in turn, creates the possibility that moral intuitions with many different propositional contents will manage to secure the approval of a given moral theory. Above we considered my account of how act utilitarianism might well approve of an intuition against punishing the innocent that is so sweeping as to be logically inconsistent with act utilitarianism. That example is fairly straightforward. For a more subtle case, suppose a person has the intuition that same-sex marriage is wrong, but also the intuition that gay people are innocent victims of fortune, and in need of help. In addition, let us stipulate that it is actually generally beneficial that the person has this set of intuitions (perhaps because of certain background conditions that currently obtain in the society in which the person lives). Now presumably act utilitarianism (perhaps in conjunction with some empirical claims) implies that the propositional contents of those intuitions are false, but might well also (given the scenario stipulated) imply that it is morally good that the person has those intuitions.² In this case, just as in the punishing-the-innocent case, what matters to the theory’s approval of the intuitions in question is their causal upshot. In both cases, the fact that the intuitions are false (by the theory’s own lights) does not interfere with the theory’s approval of them because their consequences are, in the end, sufficiently beneficial. This illustrates the point stated above: for any given moral theory, it is possible that moral intuitions with many different propositional contents will manage to secure the approval of that theory.

2.4 The Underdetermination Problem

Let us now turn to the underdetermination problem. Even ignoring practical equilibrium and considering just reflective equilibrium, it is a familiar problem in ethics that the relevant set of

² I would like to thank an anonymous reviewer for this journal for suggesting this case.

intuitions might underdetermine theory choice: for any given set of intuitions, there might be several moral theories that satisfy reflective equilibrium's conception of how a moral theory must answer to, or harmonize with, the relevant set of intuitions. And this problem is arguably exacerbated, in the framework of practical equilibrium, by the fact that moral intuitions with many different propositional contents might manage to secure the approval of any given moral theory.

It cannot be denied that practical equilibrium is a less determinate method of moral theory selection than reflective equilibrium is. This fact, which we may call the reduced determinacy of practical equilibrium, follows from the fact, mentioned in Section 1, that practical equilibrium's conception of what it means for a moral theory to harmonize with intuition is broader, or more inclusive, than reflective equilibrium's (because it involves approval of intuitions as well as entailment of them). And the reduced determinacy of practical equilibrium is reinforced by the fact, just discussed (in Section 2.3), that moral intuitions with many different propositional contents might manage to secure the approval of any given moral theory.

Although the reduced determinacy of practical equilibrium is an undeniable fact, the import of this fact is debatable. As is implicit in the notion of exacerbation, this problem is a pre-existing one and does not originate with practical equilibrium: even if a person subscribes to reflective equilibrium as a method of moral theory selection, he or she cannot be assured that its guidance will lead him or her to identify a single moral theory that he or she should accept. So, although practical equilibrium may be less determinate than reflective equilibrium, this is a matter of degree rather than a contrast between a determinate method of moral theory selection and an indeterminate method of moral theory selection.

Nonetheless, it must be admitted that, other things being equal, a more-determinate method of moral theory selection is to be preferred to a less-determinate one. Indeed one might argue that determinacy matters, to some extent, even when other things are not equal: that is, one might argue that determinacy is a desideratum that should be given some non-trivial weight in any comparison of methods of moral theory selection (such as the comparison between reflective equilibrium and practical equilibrium).

In response, however, one might argue that although it is reasonable to regard determinacy as a desideratum that should be given some weight, it is at least as reasonable to be concerned with the separate question of whether reflective equilibrium or practical equilibrium has the better account of what it means for a moral theory to harmonize with intuition. If practical equilibrium has the better account, then that virtue might well offset the vice of reduced determinacy. As I mentioned in Section 1, I claimed in my previous article that two arguments traditionally regarded as supporting reflective equilibrium actually provide more support for practical equilibrium. And my objective in this article is to make the same claim about a third such argument. Moreover, there may well be other, as yet unmentioned, considerations that bear on the relative merits of reflective equilibrium and practical equilibrium. So although it matters that practical equilibrium is less determinate than reflective equilibrium, this is only one consideration among several.

3 The “Accounting for the Data” Argument for Reflective Equilibrium

3.1 The Argument

I turn now to that third argument traditionally regarded as supporting reflective equilibrium—an argument I call the “accounting for the data” argument. This argument is based on an idea that is fundamental in the philosophy and methodology of science: the dependence of theory on evidence. This idea holds that any theory must account for the data of the phenomena to which it pertains. In moral matters, we lack data of the usual kind (e.g.,

observation reports), so we have to resort to the closest substitutes we have: our moral intuitions. According to reflective equilibrium, these intuitions should play a role in moral theory selection resembling the role played by observation reports in scientific theory selection. Consequently, a moral theory that does not match our moral intuitions fails to account for the data and is, for that reason, to be regarded as deficient.

Reflective equilibrium and its precursors have often been characterized as validated by, or at least as laudably aspiring to meet, this ideal. W. D. Ross, for example, claims that “the moral convictions of thoughtful and well-educated people are the data of ethics just as sense-perceptions are the data of a natural science” (1930, p. 41). John Rawls likens moral theory selection to scientific theory selection as early his 1951 article “Outline of a Decision Procedure for Ethics” (Rawls 1951), and extends this characterization in *A Theory of Justice*. In that book Rawls writes, for example, that as far as justification is concerned, “we do better, I think, to regard a moral theory just as any other theory” (1971, p. 578).

The language of “data” to be accounted for, in the view of reflective equilibrium, recurs even more frequently in works published in the ensuing decade. Peter Singer writes that “The reflective equilibrium conception of moral philosophy ... lead[s] us to think of our particular moral judgments as data against which moral theories are to be tested” (1974, p. 517; also see 1998, p. vi), and R. G. Frey writes that “the crucial idea underlying the test [is] that ... some subset of the moral convictions of the ‘plain man’ is the data of normative ethics” (1977, p. 97). Nicholas Rescher writes that our intuitions “are the data ... which the theoretician must weave into a smooth fabric” and that “The process is closely analogous with the systematization of the ‘data’ of various levels in natural science” (1979, p. 155). Norman Daniels refers to a moral intuition as a “datum” to be accounted for (1980, p. 31), and William H. Shaw, finally, characterizes our “shared moral convictions” as “data” (1980, p. 134; cf. 1999, p. 104).

3.2 Revisable and Backed by Reasons

Influential accounts of reflective equilibrium contain some remarks that might be thought to constitute repudiations of the idea of moral intuitions as data. For example, Rawls writes that intuitions “do not have the status sometimes accorded to judgments of perception in theories of knowledge” (1975, p. 8). But Rawls’s point in this passage is that the method of reflective equilibrium allows for the revision of one’s initial intuitions, in order for the method to avoid being objectionably conservative and in order for the method to be one of rational progress in one’s thinking about morality rather than just the enshrinement of one’s present intuitions. And as Daniels argues, the revisability of one’s intuitions is compatible with the argument for reflective equilibrium that appeals to the model of “fit[ting] laws to data” (1980, p. 30). Indeed the revisability of intuitions is included in the conception of reflective equilibrium that Rawls articulates when he claims that reflective equilibrium is essentially the extension, into ethics, of the scientific idea of the dependence of theory on evidence. For example, above I quoted Rawls as writing “we do better, I think, to regard a moral theory just as any other theory.” As it happens, that remark is part of the longer remark “we do better, I think, to regard a moral theory just as any other theory, making due allowances for its Socratic aspects” (1971, p. 578). These “Socratic aspects” are explained in Rawls’s claim that “Moral philosophy is Socratic: we may want to change our present considered judgments once their regulative principles are brought to light” (1971, p. 49). This, of course, is essentially just another way of referring to the revisability of intuitions. So, with his “just another theory” remark, Rawls is saying that even though reflective equilibrium involves the revisability of intuitions, it still deserves to be regarded as the extension, into ethics, of the scientific idea of requiring that a theory account for the data.

Like Rawls, Daniels might be seen as repudiating the idea of moral intuitions as data. For example, he writes that “the assumed analogy between considered moral judgments and observation reports is itself inappropriate” (1979, p. 270; also see p. 271 and p. 282). Here Daniels’s point is about the giving of reasons: “we are often impatient with the person who refuses to provide moral reasons or theory to support his immediate moral judgments, much more so than we are with the person who backs up “It is red” with nothing more than “It sure looks red.”” (1979, p. 271). This is a significant point, in that it effectively sets an additional qualification on what counts as an intuition that must be accounted for: intuitions not backed by reasons may be discounted or discarded. But this point does not complicate the claim that reflective equilibrium is the extension, into ethics, of the scientific idea of the dependence of theory on evidence. In fact, this qualification from Daniels is functionally similar to Rawls’s earlier stipulation about the revisability of intuitions: it is a claim about how the “data” to be accounted for by a moral theory are to be determined and delimited, rather than an attenuation of how the data, thus specified, constrain theory. So this qualification from Daniels, like the one from Rawls, leaves intact the understanding of reflective equilibrium as the extension, into ethics, of the scientific idea of requiring that a theory account for the data.

4 The Force of This Argument in Support of Practical Equilibrium

The “accounting for the data” argument is one of the main pillars of support for reflective equilibrium. I wish to argue, though, that when the principal components of this argument are carefully considered, it actually provides more support for practical equilibrium. My argument is organized around the two main concepts in the phrase ‘accounting for the data’. I will argue that if we carefully consider both what the *data* to be accounted for are and what it means for a moral theory to *account* for whatever data it accounts for, we are led to reinterpretations of these concepts that point us in the direction of practical equilibrium as a better fit with these concepts than reflective equilibrium is.

4.1 The Data

First, consider what the data actually are. When it comes to our moral intuitions, we might think that our data comprise certain moral facts. We might think, for example, that our data include the fact that punishing the innocent is wrong. But this view overstates what our data actually are. In the case at hand, the relevant datum is not that punishing the innocent is wrong, but that we regard punishing the innocent as wrong. To be sure, this intuition could be correct, but that would still need to be established, not taken as a datum to be accounted for. This understanding of the data of moral intuitions obviously parallels the standard understanding of what the data are in science, as illustrated by simple examples. If I report seeing a crescent-shaped moon one night, the datum for the astronomer is not the truth of my report (i.e., that the moon is, in fact, crescent-shaped); rather, the datum is that an observer in such-and-such circumstances (the date of my observation, my location, my visual capacities, etc.) regards the moon as crescent-shaped. Similarly, I submit, when intuitions are used in moral theory selection, the data properly understood are not the truth of the intuitions (i.e., that certain acts have particular moral properties), but only that certain individuals regard certain acts as having particular moral properties.

Methods of moral theory selection ought to respect this point. But reflective equilibrium, by requiring moral theories to match our intuitions, effectively designates the truth of our intuitions as the data to be accounted for, and thereby misses this point. Thus, when it purports

to require moral theories to account for the data, it requires them to account for things that are not actually among the data. In contrast, what practical equilibrium requires moral theories to account for are just the things identified above as the real data in this context: certain agents' having certain moral intuitions (not the truth of those intuitions themselves). So, to the extent that a method of moral theory selection can be based on extending into ethics the scientific idea of accounting for the data, careful attention to the idea of the data to be accounted for offers support for practical equilibrium as an improvement over reflective equilibrium.

Before leaving the concept of what the data to be accounted for are, I would like to indicate how the position just articulated derives from, but then departs from, a view famously articulated by Gilbert Harman. One of Harman's most-cited claims is that "The fact that you made a particular moral observation when you did does not seem to be evidence about moral facts, only evidence about you and your moral sensibility" (1977, p. 7). The position articulated earlier in this section, about the concept of the data to be accounted for, has obviously affinities with this claim, and indeed derives from it. But in other ways, the position articulated earlier in this section departs from Harman's view. Two of these differences warrant particular mention. First, Harman is concerned with explaining people's intuitions, but I am not. I do not claim, for example, that pointing out that a moral theory endorses the having of a particular intuition helps to explain the having of that intuition.³ (Instead, I wish to claim that pointing out that a moral theory endorses the having of a particular intuition helps to show that the theory in question *accounts for* that intuition in a *non-explanatory*, but still *morally significant*, way. I elaborate on this immediately below, in Section 4.2.) Second, Harman makes the claim quoted above in the service of a meta-ethical agenda whose centerpiece is a subtle form of relativism. But the position articulated earlier in this section, about the concept of the data to be accounted for, is not in the service of any meta-ethical agenda, relativist or otherwise. In particular, the position articulated earlier in this section—that the truth of our intuitions is not among the data to be accounted for—is not meant to imply that our intuitions cannot be true, or can be true only relativistically. On the contrary, as in my previous article (p. 550, n. 1), here I remain neutral on meta-ethical questions. My argument here takes a page out of Harman's playbook, but we are playing different games.

4.2 Accounting

Now at this point it might appear that I am arguing that what the notion of accounting for the data means in the case of a moral theory is not that the theory explains the truth of the intuitions that we have, but that the theory explains the fact that we have those intuitions. For this interpretation of accounting for the data would accommodate the interpretation of what the data actually are that I have just argued for. But as I mentioned above, I maintain that we need to carefully consider not just the concept of the data to be accounted for, but also the concept of *accounting* for those data. I submit that if we carefully consider this concept in the context of moral theories, we are led to interpret it in terms of practical equilibrium's distinctive idea of a moral theory *approving* of an agent's having certain intuitions, rather than in terms of the more traditional idea (which reflective equilibrium insists on) of a moral theory *entailing* that those intuitions are true.

Before presenting my argument for this claim, I would like to comment on another part of Harman's view that one might naturally expect me to include in my argument. Harman maintains that once the data to be accounted for are understood in terms of people's having certain moral intuitions instead of those moral intuitions' being true, it follows that the data are

³ I am indebted to an anonymous reviewer for this journal for raising this possibility.

empirical facts rather than moral facts, and they are best accounted for by a scientific theory, such as a theory of moral psychology or a theory of moral sociology, rather than a moral theory (i.e., a theory of normative ethics). I have no quarrel with this view—and indeed I happen to think it is true—on the usual meaning of ‘account for’. But for me the following question then arises: given that we are operating with the above-presented concept of the data to be accounted for (derived from Harman), and given that a moral theory will then characteristically not be up to the job of accounting for the data in the usual sense of ‘account for’ (as further argued by Harman), might there be some *other* sense of ‘account for’ that is distinctive to, and appropriate for, the realm of moral theories? In other words, given the above-presented concept of the data, is there some sense of ‘account for’ that makes the “accounting for the data” perspective applicable to the activity of *moral* theory selection?

It would be fallacious to just assume that there is a sense of ‘account for’ that will fulfill the just-expressed hope without conceptual absurdity. I submit, however, that some reflection reveals a sense of ‘account for’ that fulfills that hope quite plausibly. My argument builds on the interpretation of the data to be accounted for that I offered in Section 4.1: the idea that the data to be accounted for are facts about one’s moral intuitions, not the truth of those intuitions themselves. (For example, a datum might be my having the intuition that punishing the innocent is wrong—it would not be the wrongness of punishing the innocent.) Now, I suggest that in order to think about how a moral theory might account for such data, we need to think about the nature of the claims that moral theories characteristically comprise. Moral theories characteristically comprise evaluative claims, for the evaluation of actual or possible evaluands such as acts, rules, states of affairs, institutions, motives, dispositions, and character traits. Given that moral theories characteristically offer evaluations (rather than, say, explanations), how might they account for the data identified above—certain agents’ having certain moral intuitions? If we are to construe the concept of accounting for the data broadly enough to accommodate evaluative theories as well as explanatory ones, then we cannot construe that concept in the narrow, explanatory way. But if we abstract from this familiar idea a bit, one further idea that presents itself is that a theory accounts for some data when it takes a positive stance toward them, with the nature of the stance being determined by the nature of the theory. An explanatory theory takes a positive stance toward some data when it explains them rather than denying them or leaving them unexplained. Correspondingly, an evaluative theory takes a positive stance toward some data when it approves of them rather than disapproving of them or being neutral toward them. Thus, we might say that moral theories account for the data identified above—certain agents’ having certain moral intuitions—by approving of them. That is, they account for them in the way that practical equilibrium suggests (as an addition to what reflective equilibrium suggests): by approving of the intuitions in question as ones that it is morally good for those agents to have. Thus, careful attention to this aspect of the idea of accounting for the data—the “accounting” component of it—provides further support for practical equilibrium as an improvement over reflective equilibrium.

In closing this section I would like to address an issue that naturally arises in light of my reliance on Harman in this section and in the preceding one. Harman claims that the alleged truth of a moral theory has no role in explaining moral intuitions. So why should we think that any of these theories are true? Is it any help to be told that a particular moral theory endorses the having of a particular moral intuition?⁴

We can address this issue by returning to our earlier discussion (in Section 2.2) of what practical equilibrium holds to be the epistemic import of a theory’s approval of, or endorsement of, a person’s intuitions. Practical equilibrium does not hold that if a theory takes such a

⁴ I am grateful to an anonymous reviewer for this journal for raising these questions.

positive stance toward a person's intuitions, then that generates an affirmative reason for the person to regard the theory as true or correct. Rather, the idea is that, at least typically, the person has other reasons for regarding the theory as true or correct, and the person is inquiring into whether there is enough harmony between it and her intuitions for her to be justified in regarding it as true or correct. Practical equilibrium holds that reflective equilibrium ignores a way that this harmony can be achieved. And so practical equilibrium holds that—to recall the last question of the preceding paragraph—it is indeed some help to be told that a particular moral theory endorses the having of a particular moral intuition. The way it helps, according to practical equilibrium, is to inform a person who has that intuition of some element of harmony between the theory and her intuitions—an element of harmony not acknowledged by reflective equilibrium. And the way this helps, in turn (and depending on further factors), is to enable the person to be justified in subscribing to a theory that, according to reflective equilibrium, she could not have been justified in subscribing to. In sum, it is potentially a great help to be told that a particular moral theory endorses the having of a particular moral intuition, because that information can enlarge the set of theories that a person can (depending on further factors) be justified in subscribing to.

4.3 Accounting for the Data

In this section I have presented a progression of ideas concerning the notion of accounting for the data. First, I have suggested that the data to be accounted for are properly regarded as the fact of certain agents' having certain moral intuitions, rather than the truth of those intuitions themselves. Second, I have suggested that the kind of accounting it is appropriate to expect of a moral theory is an evaluation, such as approval, rather than anything descriptive, such as an explanation. Taken together, these interpretations lead to the idea that insofar as the idea of accounting for the data can be extended from its natural home in the realm of scientific theories into the somewhat different territory of moral theories, we should adjust our understanding of what it means for a moral theory to account for the data. Specifically, rather than requiring a moral theory to entail the truth of our intuitions, we should require a moral theory to approve of them, as intuitions that it is morally good for us to have. And this, of course, is precisely what practical equilibrium proposes that we include in our conception of how a moral theory might be required to harmonize with intuition. Thus, the considerations in this section suggest that insofar as reflective equilibrium might seem to be supported by the idea of accounting for the data, that idea actually provides more support for practical equilibrium.

5 Conclusion

Practical equilibrium is a method of moral theory selection that shares reflective equilibrium's general thesis that a person can be justified in affirming a moral theory only if it answers to, or is in harmony with, his or her intuitions. But practical equilibrium departs from reflective equilibrium by operating with a broader, or more inclusive, conception of the notion of harmony between theory and intuition. In reflective equilibrium, this notion is construed in terms of a theory's entailment of—or, at least, *consistency* with—the contents of a person's intuitions, but in practical equilibrium, it is expanded to include a theory's *endorsement* of a person's intuitions as morally desirable aspects of his or her psychology. Traditionally, reflective equilibrium has been regarded as deriving support from the idea that a theory should account for the data of the phenomena to which it pertains. In this article, I have argued that if we carefully consider the principal components of this argument—what the *data* to be

accounted for are and what it means for a moral theory to *account* for whatever data it accounts for—then we are led to a reinterpretation of the “accounting for the data” argument that actually provides more support for practical equilibrium.

To be sure, further questions might be raised about the relative degrees of support that the “accounting for the data” perspective provides to reflective equilibrium and practical equilibrium. Additional questions might probe the significance that the “accounting for the data” perspective has in the context of comparing the merits of alternative methods of moral theory selection. Such inquiries, however, cannot be pursued here. The role of intuitions in moral theory selection remains a large and complex topic warranting continued investigation.

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