



**ETHICAL DECISION MAKING AND INTUITION**  
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**INTRODUCTION**

A moral dilemma can be understood as a situation in which a person has incompatible moral obligations. In these dilemmas, we are morally obligated to perform action A and to perform action B, but can only perform A or B. John Rawls proposed a method of resolving moral dilemmas called reflective equilibrium (RE). RE prescribes resolving such dilemmas by performing the action that exhibits the highest degree of coherence between our moral beliefs and our response to the dilemma. Ideally, our response is the result of ethical deliberation between what we intuitively feel is right and common moral principles. The most prominent objection to RE involves the use of moral intuitions in the deliberative process. The objection argues RE provides a systematic justification for performing A or B on the basis of intuitions about what ought to happen. As such, while RE does enable us to resolve moral dilemmas, defenders of this objection contend that it does so arbitrarily and without any principled justification.

This paper seeks to examine these charges against RE through real world examples of moral dilemmas that occur during electrical power grid failures, such as those that recently swept across Texas. I will use these examples to argue that the intuition argument does not apply to RE. Section I will begin by considering a fictional power grid scenario in which a blackout occurs and a moral dilemma arises. It will be used throughout the paper to frame how RE can be used to resolve moral dilemmas. The dilemma will present two incompatible choices, A and B, and consider an ethical justification for each choice. Section II will examine RE and the intuition argument. It begins by taking a look at the process of RE. Then we will be able to fully explain the intuition objection and why it poses a concern for RE as is. Section III will examine two different modified versions of RE — narrow reflective equilibrium (NRE) and wide reflective equilibrium (WRE) — which both attempt, in different ways, to overcome the intuition objection. I will argue that WRE avoids the objection, while NRE does not.

**SECTION I**

There are a number of variables involved in the generation and transmission of electrical power. While there are many safeguards in place, sometimes circumstances conspire in ways for which we are unprepared. Most recently, we have seen how severe weather can cause catastrophic damage to power grids. During the cold front that swept through Texas, the power grid was strained due to an increase in people heating their homes (Montgomery, 2021). At the worst point of the storm several of the components necessary for power transmission froze. In 2003, a tree branch in Ohio was blown into an overheated powerline. A glitch in the software used in the equipment that monitors powerlines led to the event going undetected. As

neighboring lines attempted to compensate, they began to overheat as well. The result was a widespread blackout that affected states from Michigan to New York as well as parts of Canada (Minkel, 2008).

Complex, real world scenarios such as widespread power outages have the potential to lead to moral dilemmas. These are situations where power companies must make decisions such as where to restore power first or whose power ought to be turned off in order to relieve overstrained power grids. Any given power company will have commitments of various sorts — e.g., procedural commitments, commitments of policy, moral commitments, etc. The dilemmas that arise in such contexts do so against the backdrop of these commitments. These are cases in which the power company is forced to decide between one of two mutually incompatible courses of action, but the power company's larger set of commitments obligates them to perform both actions. We will use scenarios of this sort to consider whether RE provides an adequate methodology for resolving moral dilemmas. The scenario I propose is fictional, but remains highly plausible despite being simplified. Before we can consider any particular dilemma, we must make some contextual stipulations — in particular, with respect to the commitments of our fictional power company.

Among the commitments that any power company faces are those that help determine what steps need to be taken in the event of a widespread outage. For the purposes of this paper, I have devised a set of regulations referred to as the power company policies (PCP), which are based on FIRST Energy's storm restoration process (FIRST Energy Corp, 2019). In the event of widespread outages there is a predetermined order for power restoration:

**Power Company Policies (PCP):**

1. Restore power to essential functions for the generations and transmission of power. This includes power plants, transmission lines, and substations.
2. Restore power to emergency services.
3. Restore power to distribution lines.
4. Restore power to the largest affected area.
5. Restore power to individual buildings.

While PCP proposes a plan for handling outages, it must be prefaced by the understanding that every outage is different. Therefore, PCP should be understood as a commitment that provides the power company with a set of guidelines, not concrete regulations that are universally effective.

Large organizations that serve the public often commit themselves to moral principles. These principles are often expressed through mission and value statements. In our scenario, the fictional power company will hold an explicit commitment to a Rawlsian conception of justice. In *Justice as Fairness*, John Rawls proposes that we should understand distributive justice in terms of equity, rather than strict equality. Consider the example of welfare. We don't guarantee that everyone will receive the same amount of government welfare, because it is based on need. This idea is what distinguishes equity from strict equality. The difference principle (DP) is one of two principles Rawls believes would be chosen to govern a just society.

**The Difference Principle (DP):** Social and economic inequalities ... are to be to the greatest benefit of the least-advantaged members of society (Rawls, 2001).

While other principles in Rawls' view guarantee individual equality in regards to rights and the ability to hold political office, the DP is specifically implemented to ensure the just distribution of scarce resources. In everyday life we have become accustomed to having power at the flick of a switch, but during a blackout electricity becomes a highly scarce resource.

With our power company's commitment to the PCP and DP in place, we can now present our target scenario and corresponding moral dilemma.

**The dilemma:** During a winter storm the computer monitoring equipment at two substations is damaged. Substation A is a distribution substation that serves a small residential area and a hospital. Substation B is a step down transmission substation that provides power to several residential and commercial zones through a series of distribution stations. The power company must devote its resources to monitoring at least one of the two substations, A or B, but there is only enough spare equipment to monitor one substation.

In this case, the dilemma is whether we ought to use the monitoring equipment to restore power to substation A or B, knowing we will not be able to restore power to the other substation until the storm abates. The company's commitment to the PCP dictates that we restore power to the larger group of people affected by the outage. Restoring their power will decrease the overall likelihood of accidents occurring, and since substation B is a transmission station, it is necessary for returning the overall power grid to normal function. However, at the same time the power company knows accidents inevitably increase during widespread outages. With its commitment to the DP, the power company is simultaneously committed to seeing that those who are injured during the outage — i.e., those most in need — have access to facilities capable of helping them.

## SECTION II

We have established that the substation example represents a moral dilemma. We are obligated to restore power to substation A and we are obligated to restore power to substation B, but we cannot restore power to both. The PCP and DP represent two possible justifications for picking to restore power to substation B or substation A respectively. The introduction of moral justifications complicates the original questions. We are no longer just asking which of the two substations we are obligated to restore power to, we are also making a normative claim about which justification better represents our moral beliefs. This section will evaluate RE as a prospective method to resolve moral dilemmas.

RE offers a methodological way to reach a definitive resolution in cases like the one above. It is a deliberative process in which we work towards a coherent moral theory that is compatible with our previously considered moral commitments. Consider a scenario where a moral principle demands we fulfill our promises. You promised to give a friend a ride to the airport, but your car has broken down. We might propose a new view of this principle where we are obligated to fulfill our promises, unless external factors prevent us from doing so. Then we have to determine whether this proposed change is consistent with our moral beliefs. Now consider the substation example. We are obligated to restore power to substations A and B. The missing piece of the puzzle is whether we are permitted to restore power to substation A and not B or vice versa. The permissible action is the one which can propose a coherent moral theory that

upholds the entire scope of our moral beliefs as they relate to the decision. This includes previously considered moral and non-moral commitments, the proposed moral principles we are considering, and any additional commitments that arise as a consequence of our decision.

In order to resolve the dilemma, RE prescribes we determine which action is the permissible one. Depending on what other commitments the power company holds, restoring power to substation A or B can be justified. For instance, a power company that holds an additional commitment to maximize efficiency may be more inclined to decide the permissible action would be to restore power to substation B. Alternatively, a company without this additional commitment (which served to override the DP) may decide restoring power to substation A is the permissible action.

A common critique of reflective equilibrium is that it relies too much on our moral intuitions to make decisions. In essence, we are treating our moral intuitions as knowledge without justifying them. Daniels clarifies the objection as two distinct complaints:

This objection really rests on two distinct complaints: (1) that reflective equilibrium merely systematizes some relatively determinate set of moral judgments; and (2) that the considered moral judgments are not a proper foundation for an ethical theory. (Daniels, 1979)

The first complaint states that RE provides a pathway for moral intuitions to unjustifiably gain a privileged epistemic status. In RE we are attempting to reach a state of equilibrium between the set of our considered moral judgements ({CMJ}) and the set of moral principles ({MP}) we are proposing. The intuition objection argues that {MP} often consists of moral intuitions disguised as justified moral principles. This can happen through logical fallacies, such as circular logic, or when we consider a principle to be self-evident. When we go through the process of RE we add the contents {MP} to {CMJ}. Suppose the next time we face a moral dilemma we propose new moral principles, {MP'}. After working through RE we determine {MP'} is coherent with {CMJ}. Now RE has provided a justification for {MP'} to be added to {CMJ} as well. At this point, {CMJ} are thought of as justified moral principles, despite the fact that they all can be traced back to the initial fallacy. In essence, we have provided a systematic method for granting moral intuitions privileged epistemic status.

The second part of the objection follows from the first. We can trace each member of {CMJ} to a moral intuition. However, proponents of the intuition objection argue that moral intuitions are not a good foundation for an ethical theory. Our moral intuitions are not always correct and if we seek to develop a viable ethical framework, our moral principles need some sort of independent justification. Consider the substation example. You might believe that we ought to restore power to substation A. Afterwards your decision is being challenged. The company is asking why you didn't follow policy, and the customers who rely on substation B are demanding to know why you chose to restore power to substation A. You could make a moral argument as to why restoring power to substation A was the moral choice. However, if your argument consists of something along the lines of "it just felt right", the company and the customers have little to no reason to trust your judgement. On the other hand, if you can explain your moral reasoning process, they can at least follow your logic even if they disagree with it.

### **SECTION III**

In order to avoid the intuition objection, various moral theorists have developed alternative versions of RE. The two most prominent alternatives are NRE and WRE. The following section will examine each argument and how it can be used to resolve the substation dilemma. Ultimately, I will demonstrate why WRE successfully avoids the intuition objection while NRE does not.

In *The Wide and Narrow of Reflective Equilibrium*, Margaret Holmgren proposes the method of narrow reflective equilibrium (NRE). Holmgren claims NRE is a more traditional approach to moral reasoning that recognizes the epistemic value of sophisticated moral intuitionism. She explains:

The more traditional method is geared towards achieving a narrow equilibrium, or an ordered pair of (a) a set of considered moral judgements acceptable to a given person P at a given time, and (b) a set of moral principles that economically systematize (a). (Holmgren, 1989)

Holmgren notes that when we are faced with simpler questions, things that are either clearly just or unjust, we may be able to achieve NRE by deriving moral judgements from self evident principles. However, this runs straight into the intuition argument. Therefore, Holmgren prefers a more methodological approach to NRE that begins with the {CMJ}. In NRE, we begin by revising {CMJ} based on whether we may have made them erroneously or if we have low confidence in them. The next step is to compare general, widely accepted moral principles to each member of {CMJ} in order to determine if {CMJ} consists of justified moral principles. Then we can compare and contrast {CMJ} with {MP}. We choose to revise or abandon members of {CMJ} and {MP} until we arrive at a coherent moral theory which explains {CMJ} and {MP} (Holmgren, 1984).

We can apply Holmgren's view of NRE to the substation dilemma. When deciding whether to restore power to substation A or B, the challenge is to determine whether {CMJ} and {MP} form the most cohesive theory when {MP} consists of PCP or DP. For the purposes of this example, we will assume we have already eliminated the members of {CMJ} that had fallacious justifications or in which we had low confidence, and compared the entire set with widely accepted moral principles. This fulfills the first two steps of NRE. The next step is to compare {CMJ} and {MP}. Suppose that {CMJ} represents an ethical theory in which we are obligated to achieve the greatest good with the greatest efficiency. We can present a coherent ethical framework that incorporates {CMJ} and the PCP. The PCP prioritizes restoring power to substation B since it is necessary for distributing power to other substations. In addition, substation B serves a larger area. Restoring power to substation B means we can minimize the number of people affected by the outage and the time it takes to restore the entire grid to normal function. If, on the other hand, we suppose {CMJ} represents an ethical theory in which we are morally obligated to prioritize equitable distribution as opposed to strictly equal distribution, we will achieve a very different outcome. The most coherent ethical framework would consist of {CMJ} and the DP. The DP claims that whenever there is an inequality, it must benefit those most in need. We can reasonably understand the patients in the hospital as having the greatest need since they are in the most immediate danger should they lose power.

Clearly, NRE is capable of achieving a determinate resolution to the dilemma. However, we are left with the question of whether it successfully avoids the intuition argument. In order to

determine whether it does or does not, we need to start at the base case, where {CMJ} is empty. We can refer to this as {CMJ<sub>0</sub>}. We also will have initial proposed moral principles, {MP<sub>0</sub>}. Since {CMJ<sub>0</sub>} is empty we cannot compare it with general moral principles. So we can either fill {CMJ<sub>0</sub>} with every general moral principle (which defeats any practical use of NRE) or pick certain general moral principles to add to {CMJ<sub>0</sub>}. However, this begs the question of how we pick the principles that are to be added to {CMJ<sub>0</sub>}. Appealing to NRE would be an exercise in circular logic. We can attempt to determine an alternative, independent means of justification, but this is not in line with NRE. At its core, NRE is a sophisticated form of moral intuitionism. In fact, this is how Holmgren describes the method. In order to move past the base case we must either intuitively pick which general moral principles to add to {CMJ<sub>0</sub>} or explain why the members of {MP<sub>0</sub>} are self evident (since there is nothing to compare them too). In either case, we run into the complaints listed in the intuition objection.

In contrast to Holmgren, Daniels proposes WRE in order to avoid the intuition argument. He explains:

Wide reflective equilibrium is an attempt to produce coherence in an ordered triple of sets of beliefs held by a particular person, namely, (a) a set of considered moral judgements, (b) a set of moral principles, and (c) a set of relevant background theories. (Daniels, 1979)

There are two main differences between NRE and WRE. First, Daniels proposes using an ordered triple instead of an ordered pair in the deliberative process. In addition to {CMJ} and {MP}, Daniels proposes a set of non-moral, relevant background theories, {RBT}, in order to help determine whether the theories in {CMJ} and {MP} can be independently justified. Second, Daniels claims an independence constraint should be placed on {CMJ} and {RBT}. This is done so that we are independently justifying {MP} and not cultivating a simple coherence relationship between {CMJ} and {MP}. The independence constraint is used to ensure that the members of {RBT} are not just the non-moral derivations of the members of {CMJ} (Daniels, 1979). For example, if {CMJ} contains a principle that states we are obligated not to lie, then we cannot have a practical reason why we should avoid lying in {RBT}. Even though the background theory defined by {RBT} has some explanation, it is ultimately derived from the principle in {CMJ} that states we ought not lie. In effect, we would only be comparing {CMJ} with {MP} and arrive at NRE.

Daniels intended for WRE to be used as a method of deliberation to justify accepting broad moral theories such as concepts of justice and personhood. I am proposing a few modifications to the process of WRE to make it more suitable for questions of applied ethics, as in the power grid scenario. While we will still be attempting to achieve equilibrium between {CMJ}, {MP}, and {RBT}, the primary focus will be on determining whether {CMJ} best coheres {MP} or {RBT}. We can contrast this with standard WRE, where the focus is on whether {RBT} best coheres with {CMJ} or {MP}. Since we shifted the focus of the deliberation from {RBT} to {CMJ}, the independence constraint must change as well. I propose we add an additional clause to the independence constraint in which the members of {MP}, the DP, must be justified without appealing to {CMJ}. Fully stated, the independence constraint demands that the members of {RBT} cannot be the non-moral derivatives of the members of {CMJ} *and* that the members of {MP} may not be justified through the members of {CMJ}.

WRE can achieve a definitive result to the substation dilemma the same way NRE can. Depending on the contents of {CMJ}, it will best cohere with {MP}, the DP, or with {RBT}, the PCP. The relevant question is whether WRE can determine a definitive result while avoiding the intuition objection. Again, we will start with the base case in which {CMJ<sub>0</sub>} is an empty set. We also know {MP} consists solely of the DP and {RBT} consists of the PCP. This is where WRE and NRE diverge. In NRE we were unable to determine which general moral principles can be added to {CMJ<sub>0</sub>}. However, with the addition of the independence constraint in WRE, we can do this quite easily. We can begin by sorting through widely accepted, general moral principles. Suppose we arrive at moral principle P. If and only if P is not used to justify the DP and is not a moralized version of the PCP, we create {CMJ}, where {CMJ} is equivalent to {CMJ<sub>0</sub>, P}. Therefore, the addition of the independence constraint allows us to avoid the first complaint of the intuition objection. We are not simply systematizing our moral intuition of what should be in {CMJ} because they must meet certain predetermined conditions.

Returning to the substation dilemma a final time, we can demonstrate that WRE is capable of avoiding the intuition argument. When we examined the dilemma through NRE, we were able to determine a definitive result by picking theories to be members of {CMJ} based on how well they cohere with the DP or the PCP. This is the paradigmatic case of the intuition objection. If we attempt to do the same thing in WRE, we quickly run into the independence constraint. Consider trying to pass a principle into {CMJ} that claims we are obligated to achieve the greatest good with the greatest efficiency. This does not seem to conflict with the DP, since the DP is justified on ideas of fairness entailing equity rather than strict equality. However, it seems very similar to the PCP. The PCP is a set of policies that attempts to restore power to the entire grid in the most efficient way. This would not pass the independence constraint since the PCP is the non-moral derivative {CMJ}.

Alternatively, suppose {CMJ} represents an ethical theory in which we are morally obligated to prioritize equitable distribution as opposed to strictly equal distribution. This does not conflict with the PCP, but is very similar to the DP. While the DP claims we have a moral obligation to prioritize helping those most in need, Rawls draws upon theories of equity over strict equality to justify it. Therefore, this would not pass the independence constraint as {CMJ} and the DP would have the same ethical justification.

Since neither of these specific principles make it through the independence constraint, we can examine more general principles. Universalization is a principle that commonly occurs in deontological ethics. It claims that we ought to only perform actions which we could universally endorse being performed by all other rational agents in similar circumstances. Since we know {MP} is the DP and {RBT} is the PCP we can check if universalization passes the independence constraint. Universalization is justified by an appeal to individual equality. In essence, it is justified by the belief that we should not treat others in a way we would not wish to be treated. Since this is not the same justification as the DP, it passes the first part of the independence constraint. The universalization principle also avoids the second portion of the independence constraint. The PCP provides guidelines for the order in which power can be efficiently restored. A non-moral version of the universalizability principle would likely be a sociological theory about why society as a whole flourishes when people are treated equally. Since the universalization principle passes both sections of the independence constraint, we can justifiably add it to {CMJ}.

Those who are still unconvinced of the viability of WRE may try to bolster the second complaint. Moral intuitions are not a proper foundation for ethical frameworks, and WRE still enables moral intuitions to be systematized, albeit on the condition of independent justification. However, this does not pose a problem to WRE. The main problem with the intuition objection in NRE was that we had no way to determine what should go into {CMJ}, except for intuition. This replaced a system of ethical reasoning with our intuition alone. The problem was not that moral intuitions were involved in the process at all, but that moral intuitions were not being independently justified. The independence constraint places limits on which intuitions can become members of {CMJ} and forces us to enter into a deliberative process so that we can actually claim the P is a *considered* moral judgement.

## CONCLUSION

When faced with moral dilemmas, we are forced into a position where we must decide between multiple incompatible moral obligations. RE is a principled method of deliberation in which we can attempt to come to a resolution by proposing a theory that can coherently explain our moral beliefs prior to the dilemma, the proposed moral principle, and any moral obligations that arise as a byproduct. However, RE faces challenges in the form of an argument regarding the use of moral intuitions in ethical decision making. The objection consists of two claims that together paint a picture of RE as an untenable method of creating ethical frameworks on the basis of systematized, moral intuitions.

NRE and WRE are two modified methods of RE which attempt to avoid this argument. Both NRE and WRE still allow for moral intuitions to play some role in the deliberative process, but seek to minimize its impact. Ultimately, NRE is unsuccessful in avoiding the intuition objection. At its core, it is still an intuitionist method, albeit a highly sophisticated one. WRE is able to avoid the intuition argument by adding two extra features. The first is {RBT}, the set of non-moral background theories. It plays an integral role in the second feature, the independence constraint. Together, these added features allow us to systematically determine when are justified in adding moral judgements to {CMJ}. In doing so, WRE allows the claim that moral intuitions pose no inherent problem in ethical deliberations. Our moral intuitions play an important role in the deliberative process and are quite useful, as long as they are used in tandem with ethical deliberations, rather than replacing them.



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