

### W. D. Ross' Katalog von prima facie Pflichten<sup>1</sup>

- 1) Pflichten, die aus vorhergehenden Handlungen meinerseits resultieren:
  - a) Pflichten, die sich aus einem gegebenen (bzw. impliziten) Versprechen ergeben: **Pflichten der Treue** (*duties of fidelity*).
  - b) Pflichten, die sich aus einer moralisch falschen Handlung ergeben: **Pflichten der Wiedergutmachung** (*duties of reparation*).
- 2) Pflichten, die aus vorhergehenden Handlungen anderer Personen resultieren: **Pflichten der Dankbarkeit** (*duties of gratitude*).
- 3) Pflichten, die sich aus der Möglichkeit ergeben, daß die Verteilung von Freude (*pleasure*) oder Glück nicht gemäß dem Verdienst der betroffenen Personen ist. Es besteht die Pflicht, solche Verteilungen zu unterbinden: **Pflichten der Gerechtigkeit** (*duties of justice*).
- 4) Pflichten, die sich daraus ergeben, daß es andere Wesen gibt, deren Bedingungen hinsichtlich Tugend, Einsicht oder Freude wir verbessern können: **Pflichten der Wohltätigkeit** (*duties of beneficence*).
- 5) Pflichten, die sich daraus ergeben, daß wir unsere eigenen Bedingungen hinsichtlich Tugend oder Einsicht verbessern können: **Pflichten eigenen Vervollkommnung** (*duties of self-improvement*).
- 6) Die **Pflicht, anderen nicht zu schaden** (*duty of non-maleficence*).

There is nothing arbitrary about these *prima facie* duties. Each rests on a definite circumstance which cannot seriously be held to be without moral significance. Of *prima facie* duties I suggest, without claiming completeness or finality for it, the following division.

(1) Some duties rest on previous acts of my own. These duties seem to include two kinds, (a) those resting on a promise or what may fairly be called an implicit promise, such as the implicit undertaking not to tell lies which seems to be implied in the act of entering into conversation (at any rate by civilized men), or of writing books that purport to be history and not fiction. These may be called the duties of fidelity. (b) Those resting on a previous wrongful act. These may be called the duties of reparation. (2) Some rest on previous acts of other men, i. e. services done by them to me. These may be loosely described as the duties of gratitude. (3) Some rest on the fact or possibility of a distribution of pleasure or happiness (or of the means thereto) which is not in accordance with the merit of the persons concerned; in such cases there arises a duty to upset or prevent such a distribution. These are the duties of justice. (4) Some rest 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. These are the duties of beneficence. (5) Some rest on the fact that we can improve our own condition in respect of virtue or of intelligence. These are the duties of self-improvement. (6) I think that we should distinguish from (4) the duties that may be summed up under the title of 'not injuring others'. No doubt to injure others is incidentally to fail to do them good; but it seems to me clear that non-maleficence is apprehended as a duty distinct from that of beneficence, and as a duty of a more stringent character. It will be noticed that this alone among the types of duty has been stated in a negative way. An attempt might no doubt be made to state this duty, like the others, in a positive way. It might be said that it is really the duty to prevent ourselves from acting either from an inclination to harm others or from an inclination to seek our own pleasure, in doing which we should incidentally harm them. But on reflection it seems clear that the primary duty here is the duty not to harm others, this being a duty whether or not we have an inclination that if followed would lead to our harming them; and that when we have such an inclination the primary duty not to harm others gives rise to a consequential duty to resist the inclination. The recognition of this duty of non-maleficence is the first step on the way to the recognition of the duty of beneficence; and that accounts for the prominence of the commands 'thou shalt not kill', 'thou shalt not commit adultery', 'thou shalt not steal', 'thou shalt not bear false witness', in so early a code as the Decalogue. But even when we have come to recognize the duty of beneficence, it appears to me that the duty of non-maleficence is recognized as a distinct one, and as *prima facie* more binding. We should not in general consider it justifiable to kill one person in order to keep another alive, or to steal from one in order to give alms to another. (20–22/d256–58)

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<sup>1</sup> W. D. Ross, *The Right and the Good*, Oxford 1930, Reprint: Indianapolis 1988. Auszüge des zweiten Kapitels aus *The Right and the Good* sind übersetzt in *Texte zur Ethik*, hrsg. von Dieter Birnbacher und Norbert Hoerster, München 1976, S. 253–68.

Die einzelnen prima facie Pflichten lassen sich nicht aus einem übergeordneten obersten Prinzip ableiten.

If the objection be made, that this catalogue of the main types of duty is an unsystematic one resting on no logical principle, it may be replied, first, that it makes no claim to being ultimate. It is a *prima facie* classification of the duties which reflection on our moral convictions seems actually to reveal. And if these convictions are, as I would claim that they are, of the nature of knowledge, and if I have not misstated them, the list will be a list of authentic conditional duties, correct as far as it goes though not necessarily complete. The list of *goods* put forward by the rival theory is reached by exactly the same method – the only sound one in the circumstances – viz, that of direct reflection on what we really think: Loyalty to the facts is worth more than a symmetrical architectonic or a hastily reached simplicity. If further reflection discovers a perfect logical basis for this or for a better classification, so much the better. (23)

Dennoch versucht Ross, die Liste der prima facie Pflichten zu systematisieren und subsumiert die einzelnen prima facie Pflichten unter drei Kategorien: (24–28/d259–63)

1. Die Pflicht, so viel Gutes wie möglich hervorzubringen: Pflichten der Wohltätigkeit, Selbstvervollkommnung und Gerechtigkeit
2. Besondere Pflichten, die sich beiläufig aus früheren Handlungen ergeben, nämlich dem Zufügen von Schaden und dem Empfangen von Wohltaten: Wiedergutmachungspflichten, Dankbarkeitspflichten
3. Besondere Pflichten, die sich aus Handlungen ergeben, deren Sinn es geradezu ist, solche Verpflichtungen einzugehen: Die Pflicht, Versprechen zu halten.

Es gibt keine feststehende Prioritätsordnung der einzelnen prima facie Pflichten. Welche prima facie Pflicht in einer Situation, in der mehrere prima facie Pflichten bestehen, Vorrang hat (d. h. die anderen überwiegt), muß von Situation zu Situation neu entschieden werden. Diese Entscheidung kann nur durch genaue Betrachtung der Situation und einer anschließenden Abwägung der verschiedenen prima facie Pflichten getroffen werden. Es gibt kein übergeordnetes Prinzip, das regelt, welche prima facie Pflicht Vorrang hat:

When I am in a situation, as perhaps I always am, in which more than one of these *prima facie* duties is incumbent on me, what I have to do is to study the situation as fully as I can until I form the considered opinion (it is never more) that in the circumstances one of them is more incumbent than any other; then I am bound to think that to do this *prima facie* duty is my duty *sans phrase* in the situation. (19/d255)

For the estimation of the comparative stringency of these *prima facie* obligations no general rules can, so far as I can see, be laid down. We can only say that a great deal of stringency belongs to the duties of 'perfect obligation' – the duties of keeping our promises, of repairing wrongs we have done, and of returning the equivalent of services we have received. For the rest, *ἐν τη αἰσθήσει ἢ κρίσει*.<sup>2</sup> This sense of our 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. (41f./d268)

Obwohl Ross keine Rangordnung der prima facie Pflichten aufstellt, macht er doch einige Bemerkungen zum Vorrang bestimmter prima facie Pflichten vor anderen. So hat Versprechen einzuhalten normalerweise Vorrang gegenüber der Pflicht zur Wohltätigkeit. Auch die Pflicht, anderen nicht zu schaden hat Vorrang gegenüber der Pflicht zur Wohltätigkeit:

[...] normally promise-keeping, for example, should come before benevolence, but that when and only when the good to be produced by the benevolent act is very great and the promise comparatively trivial, the act of benevolence becomes our duty. (19/d255)

But even when we have come to recognize the duty of beneficence, it appears to me that the duty of non-maleficence is recognized as a distinct one, and as *prima facie* more binding. We should not in general consider it justifiable to kill one person in order to keep another alive, or to steal from one in order to give alms to another. (22/d258)

[...] it is generally recognized that *ceteris paribus* we should pay our debts rather than give our money in charity, when we cannot do both. A benefactor is not only a man, calling for our effort on his behalf on that ground, but also our benefactor, calling for our *special* effort on *that* ground. (30/d264f.)

<sup>2</sup> 'The decision rests with perception'. Arist. *Nic. Eth.* 1109 b 23, 1126 b 4.