

The Quest for the Boundaries of Morality*

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The Quest for the Boundaries of Morality[†]

Alasdair MacIntyre begins his paper, “What Morality Is Not,” with a claim that may strike many philosophers as very surprising indeed.

“The central task to which contemporary moral philosophers have addressed themselves is that of listing the distinctive characteristics of moral utterances.” MacIntyre (1957, 26)

MacIntyre is indulging in a bit of literary license here. The philosophers he has in mind were not just concerned with moral *utterances*, they were also concerned to give accounts of moral judgments, moral principles, moral norms, and moral issues, and of what is required for a set of “action guiding”¹ principles to be a moral code – a morality. With this caveat noted, MacIntyre was surely right. The philosophical literature in the late 1950s was chock-a-block with discussion of what is required for an utterance (or judgment, or principle, etc.) to count as *moral*. Much of this literature was inspired by R.M. Hare’s enormously influential book, *The Language of Morals* (1952), and his article, “Universalizability (1954-5). Moreover, the outpouring of philosophical literature in this area continued long after MacIntyre’s essay, with important articles appearing throughout the 1960’s, 70’s and 80’s.

The existence of this bountiful literature – which has largely disappeared from the philosophical curriculum over the last quarter century – raises a number of questions, including:

- 1) What were these philosophers trying to do?
- 2) Why did they want to do it? Why was it thought to be important?
- 3) How did they propose to discover the distinctive characteristics of moral judgments, principles and the rest? What sorts of evidence or argument did they rely on?
- 4) What characteristics were proposed; which were agreed on?
- 5) Why did contributions to this literature gradually diminish?
- 6) How is more recent work relevant to the project that these philosophers were pursuing?

I’ll try to answer the first five of these questions in Section 1, and the sixth in Section 2. In Section 3, I’ll explain how this philosophical literature – a bit of it – was woven into the foundation of a psychological project that also sought to characterize the “distinctive characteristics” of moral judgments, rules and transgressions, and that has had an

[†] This paper is dedicated to the memory of William Frankena, my esteemed colleague at the University of Michigan during the first decade of my career.

¹ The terms “action guide” and “action guiding” are borrowed from Frankena (1967).

important influence on contemporary empirical moral psychology. In Section 4, the Conclusion, I'll review what we've done and ask what lessons can be learned from the six decades of philosophical and psychological research we'll be reviewing.

1. The Philosophers' Project (≈1952 – ≈1990)

1.1 What were these philosophers trying to do?

To understand what these philosophers were trying to do, we must begin with a crucial distinction. Often, when we ask whether a person's judgment is moral, what we want to know is whether her moral judgment is *true* – or something in that vicinity: correct, or valid, or justified, or wise. What we are asking, to use Frankena's (1967) useful terminology, is whether the judgment is moral as opposed to *immoral*. It is hardly surprising that philosophers often want to know whether a judgment or a principle is moral (as opposed to immoral). Limning the contours of the moral (in this sense), has been a goal of philosophy since antiquity.² But it is very important to keep in mind that this was *not* the goal of the writers engaged in what I'm calling "The Philosophers' Project." Rather, borrowing again from Frankena, what they were trying to do was to distinguish moral judgments, principles, etc. from *non-moral* judgments or principles. So, for example, they wanted to know how to determine whether an action guiding rule that is widely accepted in a given culture is a moral rule or some other sort of rule – a religious rule, for example, or an aesthetic rule, or a prudential rule. Whether the rule is true, or valid, or justified, etc. was simply not their concern. Similarly, confronted with the unfamiliar, largely egoistic action guiding rules described in John Ladd's (1957) detailed study of the Navajo, they wanted to know whether this system of rules was a morality. If it was not, then, arguably, the Navajo did not have a moral code at all, and thus having a moral code is not a human universal. Closer to home, these philosophers wanted to specify how to distinguish a moral rule from a rule of etiquette. Are the tacit rules specifying appropriate behavior for people waiting on line to board a bus or to buy a coffee at Starbucks moral rules or just rules of etiquette?³ How about rules specifying appropriate clothing to wear at important events, like funerals? They also wanted some principled way of determining which legal rules are also moral rules.

1.2 Why did they want to do it? Why was it thought to be important?

The philosophers we are concerned with wanted to give an account of the conditions required for a judgment or a rule to be moral as opposed to non-moral. Why? One reason, on which there was wide agreement, was that the account would enable us to give principled answers to the sorts of questions mentioned in the previous paragraph. It

² Oddly, this project was not the primary focus of moral philosophers in the analytic tradition during the 1950s and 1960s. More on this below.

³ The example is borrowed from Stohr (2012).

would, for example, tell us whether the Navajo, as described by Ladd, had a moral code.⁴ It would also tell us whether rules about how to behave while waiting on line are moral rules, whether a specified legal rule is also a moral rule, etc. Another, more controversial reason was that the account would be a specification of the *essence of morality*. While a number of authors endorsed this view⁵, others adamantly rejected it. According to Paul Taylor, “The importance of classifying moral principles ... does not lie in the discovery of the essence of morality. (There is no such essence.)” (1978, 52)

With the explosion of research in empirical moral psychology over the last two decades, and philosophers’ growing interest in the area, many new questions have been raised which seem to require the sort of account that philosophers engaged in the Philosophers’ Project were seeking. One clear example can be found in Richard Joyce’s influential book, *The Evolution of Morality* (2006). Joyce wants to provide an account of the evolution of the “moral sense” which he characterizes as “a faculty for making moral judgments.”(44) But we can’t undertake an inquiry into the evolution of the moral sense, Joyce maintains, without an account of what moral judgments are.

Any attempt to understand how our ability to make moral judgments evolved will not get far if we lack a secure understanding of what a moral judgment is. (To neglect this would be like writing a book called *The Origin of Virtue* without any substantial discussion of what virtue is). (44)

He goes on to offer his own chapter-length account of “the nature of morality,” which includes a detailed attempt to answer the question, “What is a moral judgment?”⁶

Another example, that has garnered a great deal of attention, grows out of some provocative, and problematic, claims by Jonathan Haidt. About a decade ago, Haidt, who has been one of the most influential moral psychologists in recent years, accused his fellow moral psychologists of politically motivated bias. Here is a quote that nicely summarizes Haidt’s critique.

[S]tudents of morality are often biased by their own moral commitments... One problem is that the psychological study of morality, like psychology itself, has been dominated by politically liberal researchers (which includes us). The lack of moral and political diversity among researchers has led to an inappropriate narrowing of the moral domain to issues of harm/care and fairness/reciprocity/ justice.... Morality in most cultures (and for social conservatives in Western cultures), is in

⁴ Many of these philosophers would have agreed with Frankena who maintained that having an account is the *only* way to settle this question. “One cannot say that the Navaho have a morality until after one has formed some conception of morality and found that the Navajo have such an institution (Frankena 1963, 17).

⁵ See, for example, Wallace and Walker (1970, 1) and MacIntyre (1957, 26).

⁶ Joyce’s account is one of the few philosophically sophisticated analyses to appear since the turn of the century. For some critical thoughts about that analysis, see Stich (2008). Southwood (2011) offers another philosophically sophisticated analysis.

fact much broader, including issues of in-group/loyalty, authority/respect, and purity/sanctity....

This article is about how morality might be partially innate.... We begin by arguing for a broader conception of morality and suggesting that most of the discussion of innateness to date has not been about morality per se; it has been about whether the psychology of *harm* and *fairness* is innate. (Haidt & Joseph, 2007, 367)

To make their case for a broader conception of morality, Haidt and Joseph offer a brief overview of norms that prevail in other cultures. These norms include “rules about clothing, gender roles, food, and forms of address” and a host of other matters as well [371]. They emphasize that people in these cultures care deeply about whether or not others follow these rules. But this is a puzzling way to defend their accusation. For surely Haidt and Joseph don’t think that the “politically liberal researchers” responsible for the “inappropriate narrowing” of the moral domain are *unaware* that rules governing these matters are widespread in other cultures. They don’t think that these liberal researchers don’t read the newspaper or that they are anthropological ignoramuses. The issue in dispute is not whether rules like these exist or whether people care deeply about them. What is in dispute is whether these rules are *moral* rules. To resolve that dispute, we need an account of what it is for a rule to be a moral rule.

In recent years, the philosophical literature has been awash in claims about the semantics of moral judgments (Boyd, 1988; Horgan & Timmons, 1992; Schroeder, 2008), the function of moral judgments (Roskies, 2003; Prinz, 2015), the evolutionary history of moral judgments (Joyce, 2006; Kitcher, 2011) and the psychological mechanisms underlying moral judgments (Nichols, 2004a; Prinz, 2007). In order to evaluate these claims, we need to know which normative judgments they apply to – which ones are *moral* judgments. And that is exactly what the Philosophers’ Project is trying to provide.

1.3 How did they propose to discover the distinctive characteristics of moral judgments?

Most of the philosophers who participated in the debate over the definition of morality during the last half of the 20th century agreed that an analysis of ordinary linguistic usage had an important role to play in discovering and defending an appropriate definition. If a proposed definition classified as *moral* a judgment that we would not ordinarily describe as a moral judgment – or if it classified as *non-moral* a judgment that we would ordinarily describe as moral – that was a consideration that counted against the definition. For Hare and some of the other leading figures in the debate, these sorts of linguistic considerations were the only source of evidence relevant to evaluating a definition, since the goal of the exercise was to capture the concept of moral judgment underlying ordinary usage. However, other central figures in the debate urged that this sort of descriptive conceptual analysis is one of two quite different goals that a philosopher might have when attempting to defend a definition of morality. The other goal is

conceptual revision – characterizing a new concept of morality that will be better suited to playing a role in philosophical theory construction. William Frankena drew the distinction between these two projects very clearly and argued that conceptual revision is both legitimate and important.

[O]ur question and our answer to it may take two forms. For when we ask what morality is or what is to be regarded as built into the concept of morality, we may be asking what our ordinary concept of it is or entails, what we actually mean by ‘moral’ and ‘morality’ in their relevant uses, or what the prevailing rules are for the use of these terms. ... However, when one asks what morality is or how it is to be conceived, one may be interested, not so much in our actual concept or linguistic rules, as in proposing a way of conceiving it or a set of rules for talking about it, not so much in what our concept and uses are, as in what they should be. If the questions are taken in the first way, the discussion will be a descriptive-elucidatory one, and the arguments pro and con will have a corresponding character; if they are taken in the second sense, the inquiry will be normative, and the arguments will have a different character, though, of course, one may still take the fact that we actually think and talk in a certain way as an argument for continuing to do so.

Now, most recent philosophers who have dealt with our topic have been shy about making proposals of a normative sort.... Though some of them do at least favor one way of speaking against another, they tend to try to rest wholly on the basis of actual use and its rules. Indeed, they have tended to think that philosophers as such should not venture to propose revisions of our moral concepts, since to do so is to make a normative or value judgment, ... and the business of philosophy is or should be (a normative judgment!) ‘analysis’ or ‘logic’.... But if one may or must be normative at all, then in principle there is no reason why one may not be revisionary, especially if one finds difficulties and puzzles in our ordinary manners of thought and expression. In what follows, at any rate, I shall take it to be appropriate for a philosopher to ask whether something should be built into our concept of morality, even if it is not. I shall take our problem to be primarily a normative rather than a descriptive-elucidatory one. (Frankena, 1967; 149-50)

In an earlier paper, Frankena offers a memorable summary of this approach: “Defining terms like ‘moral judgment’ may be part of an attempt to understand, re-think, and possibly even to revise the whole institution which we call morality, just as defining ‘scientific judgment’ may be part of an attempt to do this for science.” (1958, 45) As Frankena notes, he is not alone in viewing the project of defining ‘moral’ and ‘morality’ as primarily revisionary and normative. von Wright (1963, 4-5) had adopted a similar view, and in later years Cooper (1970, 93), Rawls (1971, §23) and Paul Taylor (1978) did so as well.

1.4 What characteristics were proposed; which were agreed on?

Since some of the philosophers engaged in the debate over the definition of morality adopted a “descriptive-elucidatory” approach while others viewed the project as revisionary and normative, it is hardly surprising that no consensus was reached on how ‘moral rule,’ ‘moral judgment’ and the rest should be defined. There is a long list of features that were argued to be necessary conditions. Perhaps the most widely discussed of these was Hare’s proposal that moral rules must be “universalizable”. As Hare unpacked the notion, it required that there be no names or definite descriptions in moral rules, only predicates. While the predicates could have a very restricted extension – ‘people who have four left-handed grandparents’ would be fine – the rule applies to *everyone* to whom the predicate applies, no matter where they might be or when they might live. Another widely discussed proposal, also due to Hare, was that moral judgments are “prescriptive”. What this means is that the “action-guiding force [of moral rules] derives from the fact that they entail imperatives: my acceptance of the principle ‘One ought to do X’ commits me to accepting the imperative ‘Let me do X’; and my acceptance of the imperative commits me in turn to doing X in the appropriate circumstances” (Wallace & Walker, 9). A third proposal was that if an action guiding principle is a moral principle for a person, then she must regard it as “overriding or supremely important” (Frankena, 1967, 155). Moral norms “outweigh, as grounds of reasons-for-action, all other kinds of norms. In cases of conflict between moral and nonmoral principles, the former are necessarily overriding” (Taylor, 1978, 44; for a similar proposal, see Cooper 1970, 95). A related idea is that moral judgments are “categorical.” According to Gewirth (1978, 24) “Judgments of moral obligation are categorical in that what persons ought to do sets requirements for them that they cannot rightly evade by consulting their own self-interested desires or variable opinions, ideals, or institutional practices.” Another frequently discussed necessary condition was that moral rules are behavior guiding rules whose violation is met with social sanctions, “the reproach of one’s neighbors” (Cooper 1966,73) or something more serious, like ostracism (Sprigge, 1964, 129 ff) This was sometimes paired with the idea that moral transgressions are followed by the transgressor sanctioning himself with feelings of guilt or shame or disliking himself (Wallace & Walker, 1970, 14; Sprigge, 1964, 130). Yet another proposed necessary condition was that if two people share the same factual beliefs then their moral judgments will be the same. So if people who share their factual beliefs continue to disagree, then at least one of them is not really expressing a moral judgment (Frankena, 1963, 5-6). All of these proposals were “formal” in the sense that they did not impose any constraints on the contents of moral rules or moral judgments. And this is far from a complete list of the formal conditions that were proposed; there were many more.⁷

There was no shortage of critics for these formal conditions. Wittgensteinians, who maintained that ‘moral’ was a family resemblance term, denied that there are any strictly necessary conditions for the application of the term. MacIntyre (1957), inspired by Sartre, argued that many moral judgments were neither universalizable nor (in Hare’s sense) prescriptive. Sprigge (1964) offered a quite different argument against universalizability. And so it went. I think it is fair to say that nothing on this list of proposed formal

⁷ Frankena (1963) offers a much more extensive list, along with many references.

conditions achieved anything even close to consensus during the three decades during which the Philosophers' Project was most active.

Even more controversial was the question of whether more substantive social requirements should be built into the definition of morality. For example, Frankena urged that a necessary conditions for a set of rules being a morality should be that "it includes judgments, rules, principles, ideals, etc., which [(i)] concern the relations of one individual ... to others [and (ii)] involve[s] or call[s] for a consideration of the effects of his actions on others (not necessarily all others), not from the point of view of his own interests or aesthetic enjoyments, but from their own point of view" (Frankena, 1967,156). This condition allows in a wide variety of deontological and utilitarian moralities, but "it rules out as non-moral ...such [action guiding systems] as pure egoism or prudentialism, pure aestheticism, and pure religion" (157). It does not rule out "Nazi ethics", which requires an individual to consider the effects of his actions on fellow Germans, but on some readings of Nietzsche, on which the proposed action guiding rules are purely egoistic or aesthetic, the condition entails that Nietzsche is not proposing a morality at all. Baier (1958, 199ff) proposed a similar but stronger condition on which moral rules "must be for the good of everyone alike." Earlier, Toulmin (1950) had argued that a concern for the harmony of society is part of the meaning of "moral." On these substantive principles, too, it is clear that no agreement was reached.

1.5 Why did contributions to this literature gradually diminish?

According to General Douglas MacArthur, "Old soldiers never die, they just fade away." Much the same could be said for many philosophical debates. During the last decade of the 20th century, discussion of the definition of morality gradually faded from the philosophical literature.⁸ The reason for this was certainly not that the problem of defining morality had been solved, or that agreement had been reached. Nor was it the case that the importance of the issue had declined. Quite the opposite, as we saw in §1.3. Rather, I suspect, it was because most of the main options had been pretty thoroughly explored and promising new ideas and arguments were hard to come by. Moral philosophers turned their attention to newer issues. Perhaps the waning of the positivist inspired prohibition against philosophers making "value judgements" also played a role. Whatever the reason, debates over the definition of morality no longer loomed large in leading journals. However, as philosophical discussion of the definition of morality wound down, the topic was moving to center-stage in empirical moral psychology. That will be our topic in Section 3. But before getting to that, I want to briefly discuss a more recent challenge to the Philosophers' Project.

⁸ Though they did not completely disappear from the literature. See Gert's *Stanford Encyclopedia of Philosophy* article, "The Definition of Morality," which was first published in 2002, and has undergone four "substantive content changes," in 2005, 2008, 2011 and 2016.

2. Some Recent Work Relevant to the Philosophers' Project

Those engaged in the Philosophers' Project were trying to provide an analysis of concepts like moral judgment and moral rule, and it is clear that for most of these philosophers, the analysis they sought would provide necessary and sufficient conditions.⁹ Moreover, those who took the project to be "descriptive-elucidatory" rather than normative wanted their account to capture the concept we actually use. That project did not meet with much success. As Jerry Fodor has famously noted, such projects rarely do. (Fodor, 1981, 283). However, it might be thought that the failure of the Philosophers' Project could be traced to the quest for an analysis providing necessary and sufficient conditions. The view that most concepts can be analyzed in this way has become known as the classical theory of concepts, and both empirical and philosophical work on concepts over the last four decades has made a convincing case that the classical theory of concepts is false for most ordinary concepts (Smith & Medin, 1981; Laurence & Margolis 1999). There are, however, a variety of other ways of analyzing concepts utilizing prototypes, exemplars, commonsense theories or other approaches. (Machery, 2009) So perhaps the descriptive-elucidatory project could be successfully revived by dropping the demand for necessary and sufficient conditions and adopting one of these alternative approaches to conceptual analysis.

However, recent work moral psychology and experimental philosophy poses a challenge to this hopeful thought. It raises another, less tractable, problem for the descriptive-elucidatory project. Inspired by the work of cultural psychologists, experimental philosophers have been exploring the possibility that philosophical intuitions – spontaneous judgments about whether a familiar term applies to a real or hypothetical case – may vary in different demographic groups. It is widely assumed that concepts play a central role in generating philosophical intuitions (Goldman 2007). So if intuitions vary across demographic groups – and there is a growing body of evidence that they do – then philosophically important concepts may also vary in different demographic groups.

In a recent study, Levine et al. (under review) explored whether there were demographic differences in people's concept of a moral judgment. They asked American participants of different religious faiths – Mormon, Muslim, Hindu, Jewish and secular – to judge whether a long list of normative judgments were moral judgments or some other kind of judgment, and they found striking differences between these five groups. On the basis of this work, the authors suggest that there are important differences in how the adherents of different religions conceive of morality. Using very different methods, Buchtel et al. (in press) have shown that Chinese and Westerners classify different transgressions as moral, and Wright et al. (2013) have shown that there is considerable variation when American college students are asked whether an issue is a moral issue.

⁹ Frankena, for example, tells us that the question he is asking is "What are we to take as the necessary and sufficient conditions for something's being or being called moral or a morality" (Frankena, 1967, 146-7).

If, as this work suggests, different people and different groups have different concepts of morality, then the goal of the descriptive-elucidatory project is underspecified in an important way. That goal, as we've seen, is to capture "our" concept of morality, the concept of morality that "we" actually use. But who are "we" – secular people, Jews, Mormons, Muslims or Hindus? Chinese or Westerners? And however this question is answered, why is *our* concept of morality more important than the concept employed by other groups? Why is it that *our* concept provides the answer to the philosophical questions posed in 1.1 and 1.2? I have no idea how to answer these questions. Without convincing answers the descriptive-elucidatory project, when no longer committed to the classical theory of concepts, may be a fascinating exercise in cognitive anthropology, but it is hard to see why it is of any philosophical interest.

3. The Psychologists' Project (≈1970 – the present)

3.1 Turiel's Account of Moral Judgment

The psychologists' project that will be center stage in this section grows out of the work of Elliot Turiel and his colleagues. Turiel was a student of Lawrence Kohlberg whose influential work on moral reasoning and moral development was widely discussed and enormously influential in the 1970s, '80s and '90s. Following Piaget, Kohlberg held that moral reasoning emerged in stages. For young children, according to Kohlberg, morality is largely a matter of obedience and punishment. Children judge that certain behaviors are wrong because they know those behaviors are likely to be punished, and their understanding of wrongness is, near enough, exhausted by the idea of punishment: wrong behavior just is behavior that is typically punished.¹⁰ Turiel, by contrast, was convinced that moral cognition is distinct from other sorts of cognition, and that it emerges quite early in development. In order to make the case for this claim, he had to show that children could make characteristically moral judgments. And to do that Turiel needed a test that would indicate when an experimental participant – child or adult – was making a moral judgment.

It was at this point that the Philosopher's Project played a crucial role in the development of the Psychologists' Project, as Turiel turned to the philosophical literature for a characterization of moral judgments. Several of the necessary conditions that philosophers had proposed were endorsed by Turiel and incorporated into his own account of moral judgments. One of these was universalizability. "Moral prescriptions," he tells us, "are *universally applicable* in that they apply to everyone in similar circumstances" (Turiel, 1983, 36; italics in the original). So if a young participant in an experiment judges that it is wrong for a child in her own school to push someone off a swing, and if that judgment is a moral judgment, we would expect the participant to say that it is also wrong for a child in another school to push someone off a swing. A second feature discussed in

¹⁰ For an informed and insightful account of Kohlberg's work, see Lapsley (1996), chs. 3 & 4.

the philosophical literature that was adopted by Turiel was the categoricalness of moral judgments. He quotes with approval the passage from Gewirth that I quoted in §1.4:

Judgments of moral obligation are categorical in that what persons ought to do sets requirements for them that they cannot rightly evade by consulting their own self-interested desires or variable opinions, ideals, or institutional practices. (Gewirth, 1978, 24, quoted in Turiel 1983, 35)

Since institutional practices cannot alter moral obligations, we should expect that if an experimental participant has judged that it is wrong to push someone off a swing and that judgment is a moral judgment, then the participant would judge that it would be wrong in another school where there was no rule against pushing people off a swing, and it would be wrong even if the principal in her own school said that there was no rule against it. In the jargon that has developed in the literature growing out of Turiel's work, these questions are said to probe for "authority independence." The test that Turiel proposed to determine whether a judgment is a moral judgment includes one or more questions assessing whether the participant takes her judgment to be universalizable and one or more questions assessing whether she takes her judgment to be authority independent.

Both universalizability and categoricalness are "formal" – they do not impose any constraints on the content of moral rules or moral judgments. But Turiel also held that there are substantive features that all moral judgments share. They all, he maintained, deal with issues linked to harm, justice or rights. Thus if an experimental participant has made a genuinely moral judgment and is asked to explain why the behavior in question is wrong, she will typically appeal to the harm that has been done, or to injustice or the violation of someone's rights. In building substantive features into his characterization of moral judgments, Turiel is siding with Toulmin, Frankena, Baier and others who argued against a purely formal characterization of morality, though there is no indication that Turiel was aware of the debate between the formalists and their philosophical critics. Moreover, Turiel's choice of substantive features – those linked to harm, justice and rights – was quite different from those proposed by the philosophical anti-formalists, and was motivated by his account of how children acquire moral rules.

With these three putative features of moral judgments in hand, Turiel proceeded to construct an empirical test to determine whether an experimental participant's judgment about a transgression is a *moral* judgment. The test typically begins with a brief vignette describing a hypothetical transgression. Since Turiel was interested in determining whether young children made moral judgments, the transgressions almost always involve events that would be familiar to kids. The participant is then asked a series of questions aimed at determining whether she thinks the action described is wrong, whether she thinks wrongness of the action in the vignette is "authority independent," and whether the participant would universalize the judgment, making the same judgment if the transgression occurred at another place or time. These questions can be asked in a variety of ways depending on the age of the participant and the goals of the study. The participant is also asked to explain why the transgression is wrong, and responses are assessed to

determine whether the participant invokes harm, justice or rights, or whether she invokes other considerations (including custom, tradition, appeal to authority, disrupting social coordination, or the likelihood of punishment) that, Turiel maintains, are the sorts of justifications that are to be expected for “conventional” transgressions (Turiel, 1983, 67). This experimental paradigm, in which a transgression is described and participants are asked questions to determine (i) whether they think it is wrong, (ii) how they would justify that judgment, (iii) whether their judgment is authority independent, and (iv) whether they universalize the judgment is frequently referred to as the *moral/conventional task*.

Another question often asked along with the four listed above is aimed at determining how serious the participant thinks the transgression is. Of course some moral transgressions are more serious than others, and some conventional transgressions are more serious than others. But since a number of philosophers have proposed that moral considerations are “overriding,” one might think that moral transgressions should always be considered more serious than conventional transgressions. Turiel and his followers reject this idea (Tisak & Turiel, 1988, 356), and report a number of studies in which participants judge that egregious conventional transgressions, like a boy wearing a dress to school, are more serious than minor moral transgressions like stealing an eraser (Turiel, 1983, 71). Thus, as Smetana notes, “the severity of the transgression is not considered to be a formal criterion for distinguishing moral and conventional rules and transgressions” (1993, 117).

Before proceeding, let me introduce a bit of jargon (mine, not Turiel’s) that will prove useful. The pattern of responses in the moral/conventional task that Turiel takes to be characteristic of a moral judgment are universalizability (U), authority independence (I) and justification by appeal to harm, justice or rights (H). I will call this the *UIH response pattern*. Turiel takes the opposite pattern – not universalizable, not authority independent and not justified by appeal to harm, justice or rights – to be characteristic of conventional normative judgments. I’ll call that the *~U~I~H response pattern*.

By using the moral/conventional task with youngsters, Turiel and his collaborators were able to show that they typically gave the UIH response pattern to vignettes describing what they thought adults would consider moral transgressions, and the *~U~I~H* response pattern to vignettes describing what they thought adults would describe as conventional transgressions. Turiel concluded that children can indeed make moral judgments at an age when Kohlberg’s theory predicted that they were only capable of conceptualizing morality in terms of punishment. More importantly, he concluded that young children have a basic grasp of the distinction between moral and conventional rules and transgressions.

3.2 A Critique of Turiel’s Account of Moral Judgment, and a Response

Against the backdrop of the philosophical literature discussed in §1, one might well think that there is something seriously wrong with all this. Philosophers spent decades debating how ‘moral judgment’, ‘moral rule’ and the rest should be defined without

reaching any widely accepted conclusion. Turiel offered no additional evidence about the ordinary usage of these terms; he contributed nothing to the “descriptive-elucidatory” project of analyzing our ordinary concept of moral judgment. Nor did he offer any normative argument aimed at showing how our ordinary concept should be revised. Rather, it seems, he simply *stipulated* that moral judgments are universalizable, authority independent and justified by appeal to harm, justice or rights, and that the UIH response pattern can be used to identify moral judgments. But if the term ‘moral judgment’ is supposed to have its ordinary meaning, then one *can’t* just stipulate how moral judgments are to be identified. If, on the other hand, Turiel proposes to use ‘moral judgment’ as a *technical term*, he is free to make whatever stipulations he wishes about how moral judgments (in the technical sense) are to be identified. However, if ‘moral judgment’ is a technical term, then one cannot infer that moral judgments (in this technical sense) have anything to do with moral judgments, as the term is usually used. So showing that children make moral judgments (in the technical sense of judgments exhibiting the UIH pattern) tells us exactly nothing about whether they make moral judgments in the ordinary sense. And, of course, the same is true of adults. Without some further argument, one cannot infer from the fact that an adult’s judgment exhibits the UIH pattern to the conclusion that the adult has made a moral judgment.¹¹

All of this, I think, is exactly right. But there is another way of construing Turiel’s project – and much of the literature that it generated – that avoids these problems.¹² In a seminal paper published 40 years ago, Hilary Putnam (1975) famously argued that in many cases, “meanings just ain’t in the head”. When the term in question is a natural kind term, like ‘water’ or ‘fish’ or ‘gold’, Putnam urged, it is the job of empirical science to determine the essential features of the natural kind, and these essential features constitute the correct definition of the kind. Other philosophers, notably Devitt (1996) and Kornblith (1998), have provided insightful accounts of how this process works. Very roughly, their story goes like this. To begin, the scientist focuses on intuitively prototypical examples of the kind in question. She then looks for properties that are shared by most of these prototypical examples. If she finds a cluster of properties that are present in most prototypical examples and absent in most things that, intuitively, are not members of the kind, she hypothesizes that that cluster of properties are the essential features of the kind.

It is a reasonable hypothesis that the ordinary term ‘moral judgment’ is a natural kind term, picking out a psychological natural kind. If so, it is the job of science – psychology in this case – to determine the essential features of the natural kind. One way to do this would be for psychologists to discover a cluster of nomologically linked properties that are shared by many (but perhaps not all) cases of what they would

¹¹ It is a striking fact that a number of philosophers engaged in the Philosophers’ Project insisted that the definition of ‘moral judgment’ must include a “material condition” that reflects “a concern for others or a consideration of social cohesiveness and the common good. (Frankena, 1963, 9). For Turiel being justified by appeal to social cohesiveness is part of the definition of a *conventional* judgment.

¹² I know of no evidence that Turiel or any of his followers would construe their project in this way. It is offered here as a friendly amendment that avoids the challenge posed in the previous paragraph.

intuitively take to be prototypical moral judgments, and that are missing in many (but perhaps not all) cases of what they would intuitively take *not* be a moral judgment.¹³

With this by way of background, let's return to Turiel. In his book length exposition of his research program, Turiel tells us that the "strategy of the research" he reviews in several chapters was to present subjects with "prototypical examples" of moral and conventional transgressions as a means of investigating whether UIH judgments¹⁴ are evoked by moral transgressions and $\sim U \sim I \sim H$ judgments are evoked by conventional transgressions (Turiel, 1983, 55). His claim that UIH judgments are moral judgments can be interpreted as a hypothesis about the essential features of moral judgments. If the hypothesis is true, we would expect that the three components of UIH judgments are nomologically linked – they typically occur together. We would also expect that many UIH judgments are intuitively classified as prototypical moral judgments, and many $\sim U \sim I \sim H$ judgments are intuitively classified as prototypical conventional judgments.

To make a persuasive case for that hypothesis, we would need lots of experiments, using a wide range of prototypical transgressions and many different participant populations. Over the years Turiel and his colleagues have conducted moral/conventional task experiments on many different groups of experimental participants. Findings supporting the hypothesis that the UIH response pattern is a nomological cluster, and thus that the UIH pattern captures the essence of moral judgments, have been found in participants ranging in age from toddlers to adults (Nucci & Turiel 1978; Smetana 1981; Nucci & Nucci 1982), in participants of a number of different nationalities and religions (Nucci *et al.*, 1983; Hollos *et al.*, 1986; Yau & Smetana 2003 ; for reviews, see Smetana 1993; Tisak 1995; Nucci 2001) and in children with a variety of developmental disorders, including autism (Blair 1996; Blair *et al.*, 2001; Nucci & Herman 1982; Smetana *et al.*, 1984; Smetana *et al.*, 1999). In response to this impressive body of evidence, many psychologists, and a growing number of philosophers, have accepted the moral/conventional task as a reliable way of identifying moral judgments.¹⁵

3.3 The Case Against the Hypothesis that Moral Judgments Are a Natural Kind Evoking the UIH Response

While there are many studies that can be interpreted as supporting the hypothesis that moral judgments are a natural kind evoking the UIH response, the evidence for the claim that the components of the UIH package form a nomological cluster is far from

¹³ Why "many (*but perhaps not all*)"? Because commonsense intuition can't be counted on to be a flawless detector of natural kinds. Intuition told people that fool's gold was gold, and that whales were fish. But when the relevant sciences discovered the essential features of gold and fish, it turned out that intuition was wrong about fool's gold and whales. For more on the way psychologists and other scientists might discover the essential features of a natural kind, see Stich (forthcoming), §3.

¹⁴ I'll use this as shorthand for judgments that exhibit the UIH response pattern.

¹⁵ Philosophers include Dwyer (2006); Dwyer, Huebner & Hauser (2010); Joyce (2006); Levy (2005); Nichols (2004); Prinz (2007). Psychologists are too numerous to mention.

uniform. Early studies indicating that UIH components do not always occur together focused on transgressions that do not involve harm (or justice or rights). Nissan (1987) used the moral/conventional task in a study that included children in traditional Arab villages in Israel. Among the transgressions that Nissan used were mixed sex bathing and addressing a teacher by his first name – behaviors in which no one is harmed. He found that these children considered those transgressions to be universalizable (U) and authority independent (I). So, contrary to the hypothesis that the UIH package is a nomological cluster, in this study, U and I are not linked to H. In another study, Nucci and Turiel (1993) found that orthodox Jewish children in the USA judged a number of religious rules to be authority independent (I) even though they did not involve harm (or justice or rights). So in this study, I & H are not linked, contrary to the nomological cluster hypothesis. And in what is surely the most famous and most memorable study aimed at showing that the UIH cluster comes apart, Jonathan Haidt and colleagues used transgressions like washing the toilet bowl with the national flag and masturbating with a dead chicken (Haidt et al. 1993). Though Haidt's participants agreed that none of these behaviors were harmful, his low socio-economic status participants in Brazil and in the USA nonetheless said that the behaviors were wrong and indicated that their judgment was universalizable (U) and authority independent (I) – again U and I without H. In another important study, Nichols (2002) used examples of disgusting but harmless etiquette transgressions. He found that American children judged them to be universalizable (U) and authority independent (I) – still another example of U and I without H. Moreover, in the same study, Nichols found that American college students judged these etiquette transgressions to be authority independent though *not* universalizable. So with these participants, I has have become detached from both U and H. Taken together, these studies pose a serious challenge to the claim that the elements of the UIH package form a nomological cluster.

All of the studies mentioned in the previous paragraph used transgressions that did not involve harm, but nonetheless evoked other elements of the UIH package. In a 2007 study, Kelly et al. set out to explore participants' reactions to transgressions that do involve harm. There had, of course, been many studies by Turiel and his followers in which a harmful transgression was linked to U and I. But Kelly and colleagues noted that in almost all of these studies the harmful transgressions were restricted to the sorts of behaviors that young children might encounter. This was true even of a study in which the participants included incarcerated psychopathic murderers! (Blair, 1995). So Kelly and colleagues decided to focus on transgressions that are not encountered in the schoolyard, including slavery, serious corporal punishment (whipping a sailor who was drunk on duty), and physically abusing military trainees. They found that many participants judged that these sorts of transgressions were *not* authority independent. According to these participants, it is OK to physically abuse military trainees if it is not prohibited by the authorities, but it is not OK if it is prohibited. Kelly and colleagues also found that the judgments of many participants do not generalize over time and space. Whipping a drunken sailor is not acceptable now, but was acceptable 300 years ago. Slavery is not acceptable now, but was acceptable in ancient Greece and Rome. So in this study, too, the UIH package comes unstuck. We find H without U or I.

The Kelly et al. study was motivated by the observation that previous moral/conventional task studies had not used a wide range of harmful transgressions; they were almost all of the “schoolyard” variety. Another, more recent, study which also used “grown-up” transgressions was undertaken because previous studies, though they included a number of different demographic groups, had all focused on participants in large scale, relatively modern societies (Fessler, et al, 2015). Fessler and colleagues decided to explore what would happen to the UIH package if grown-up transgressions were used in small scale societies. Using transgressions like stealing, wife battery, marketplace cheating, defamation, perjury and rape, they collected data in five small scale societies and two large scale modern societies. They found that participants in all seven societies viewed the described actions as less bad when they occurred long ago and when they occurred far away, again challenging the claim that there is a nomological link between H and U. Endorsement by an authority figure had this effect in 4 of the 7 societies, with the remaining 3 showing non-significant trends in the direction of reduced severity – another challenge to the nomological link between H and I. So we now have evidence that Turiel’s putative nomological cluster comes apart with grown-up transgressions in a number of societies, including small scale societies.

The lesson that I am inclined to draw from the studies discussed in the last three paragraphs is that the UIH pattern is not a nomological cluster, and thus that the elements of that cluster are not the essential features of a natural kind. If that’s right, then they can’t be used to construct an empirically supported definition of morality. One way in which this conclusion might be challenged is to critique the methods or analyses of the studies cited. This has been done by a number of authors, and lively debates have ensued. My own view is that the critics have not been very successful. But I am hardly an impartial observer, so I’d encourage you to make your own assessment.¹⁶

3.4 Another Natural Kind Account of Moral Judgment

Another reaction to the studies reviewed in the previous section would be to offer an empirically informed alternative to the UIH cluster – a different account of the essential features of moral judgments. That’s the strategy adopted by Kumar (2015). The first step in Kumar’s proposed revision is to urge that the third element in Turiel’s cluster, the requirement that moral judgments be justified by appeal to harm (or justice or rights) should be abandoned. His argument for this move seems to turn on intuition, or on how things “seem”:

[F]olk theories about how moral claims are justified do not seem to be part of the concept of morality.... [I]t would seem that many people gain a facility with moral

¹⁶ For a critique of Nissan (1987), see Turiel et al. (1988). For a critique of Kelly et al. (2007), see Sousa et al. (2009); for a response see Stich et al. (2009). Kumar (2015) offers a rather different critique of Kelly et al. (2007). For a critique of Fessler et al. (2015), see Piazza & Sousa (2016); for a response, see Fessler et al. (2016).

concepts before they have any theory about what grounds them. Justificatory grounds, whatever role they may play in marking important boundaries in moral philosophy, are not internal to the ordinary concept of morality (Kumar, 2015, §3).

I confess that I do not have intuitions on such rarefied matters as what is internal to the ordinary concept of morality. But there is no need to dispute these claims since, as Kumar makes clear, he is offering an alternative to Turiel's hypothesis about the essential features of moral judgment, and he is free to include, or exclude, whatever features he wishes. The crucial question is whether the set of features he proposes actually do form a nomological cluster. Dropping the requirement that moral judgments must be justified by harm is certainly a strategically wise move for Kumar, for it enables him to ignore some of the best known and most persuasive critiques of Turiel. The fact that Haidt's low SES participants judge that transgressions not involving harm are authority independent and universalizable is not a problem for Kumar, since his theory – which he calls "MCT" – does not predict that U and I will be nomologically linked to harm.

The second step in Kumar's revision is to add a feature that does not occur in Turiel's account. Over the last decade, there has been growing interest in the question of whether ordinary folk are moral objectivists or moral relativists. To explore the issue, a number of investigators have presented participants with moral claims, like

Consciously discriminating against someone on the basis of race is morally wrong
along with factual claims like

Homo sapiens evolved from more primitive primate species
and conventional claims like

Wearing pajamas and bath robe to a seminar meeting is wrong behavior.

After determining that a participant agrees with the statement, the participant is told about someone who disagrees, and asked to choose among the following options:

- (1) The other person is surely mistaken.
- (2) It is possible that neither you nor the other person is mistaken.
- (3) It could be that you are mistaken, and the other person is correct.

If the participant selects (1) or (3), it is taken to be evidence that the participant is an objectivist about the claim. Selecting (2) is taken to be evidence that the participant is a relativist.¹⁷ In the earliest studies (Nichols, 2004b; Goodwin and Darley, 2008), participants' responses in what the investigators took to be prototypical moral cases were

¹⁷ This is a somewhat simplified version of the method employed in Goodwin and Darley (2008). Other investigators have used similar methods.

usually similar to their responses in the scientific cases – they thought that one of the disputants must be wrong. Based on these findings, Kumar hypothesizes that objectivity is a feature of the nomological cluster that defines the concept MORAL.

A third step in Kumar’s revision is to upgrade seriousness to an essential feature of moral judgments. To justify the move, he says that “research suggests that morality is unlike convention in that morality is serious” (Kumar, 2015, §2) and cites several studies in the Turiel tradition in which a seriousness question was included in a moral/conventional task experiment. His review of the moral/conventional task literature also leads him to endorse the claims that universality (being “general”) and authority independence are features of moral judgments. The upshot of all this is summarized in the following passage.

We are now in a position to say what defines MORAL. A moral wrong, for instance, is a wrong that is

- (1) serious
- (2) general
- (3) authority-independent
- (4) objective

.... [T]he four features that define MORAL are stable and mutually reinforcing. Moral judgment, like other natural kinds, is a homeostatic property cluster.... The human cognitive system is organized in such a way that the four features have a nomological tendency to cluster together. (Kumar, 2015, §4)

For three quite different reasons, I find Kumar’s hypothesis unconvincing. First, the literature on folk moral objectivism is much more contested than Kumar suggests. Since the Nichols (2004b) and Goodwin and Darley (2008) papers were published, there have been a number of studies suggesting that the folk are not moral objectivists (Sarkissian et al., 2011), or that they are objectivists on some moral issues and not on others (Goodwin & Darley, 2012), and that participants’ responses in experiments like these are influenced by a wide range of factors including the age of the participant, how the person who disagrees is described, how controversial the issue is, and whether the moral claim in question is about a bad action or a good one. (Wright et al. 2013; Beebe, 2014 & forthcoming; Beebe & Sackris, forthcoming).

The second reason is that the format of the studies cited in the previous paragraph offers no evidence that objectivity forms a nomological cluster with other items on Kumar’s list. In these studies participants are presented with a sentence like “Consciously discriminating against someone on the basis of race is morally wrong” and asked questions designed to determine whether they are objectivists about those statements. Participants are *not* asked anything about seriousness, generalizability or authority independence. So Kumar is simply *speculating* that if they had been asked participants would judge that the

transgression described is serious, generalizable, and authority independent.¹⁸ Of course, Kumar's speculation *might* be true. But at this point there is no evidence at all that it is. To make a serious case that Kumar's four features form a nomological cluster we would need studies that test participants on all four features, and at this writing there no such studies.

Finally, Kumar has misinterpreted the role that seriousness plays in the Turiel tradition.¹⁹ As noted in 3.1, Turiel and his followers do not take seriousness to be "a formal criterion for distinguishing moral and conventional rules and transgressions." This was clearly a wise move on their part. For while there are a number of studies in which participants judge that the schoolyard moral transgressions used are more serious than the conventional, there are also studies in which conventional transgressions are judged to be more serious than moral transgressions. Moreover, when one reflects on the vast range of possible non-schoolyard transgressions, the claim that moral transgressions are more serious than conventional transgressions is singularly implausible. Though no one has done the experiment, I would be willing to bet that most people would judge that showing up naked at your grandmother's funeral is more serious than stealing an eraser! Kumar tells us that his "moral/conventional pattern is not supposed to be exceptionless," and that his MCT only claims that "the features usually cluster together" (Kumar, 2015, §5). But it is hard to come up with a sensible interpretation of what "usually" could mean here. If the claim is that most *actual* moral transgressions are more serious than most *actual* conventional transgressions, then we have no evidence that would support the claim, and we never will, since most transgressions of both sorts have never been recorded. If the claim is that most *possible* moral transgressions are more serious than most *possible* conventional transgressions, then Kumar will have to explain how we are to go about comparing these two infinite sets of transgressions. Perhaps there is some more plausible interpretation of Kumar's claim. But I have no idea what it is.

The bottom line, I think, is that Kumar's MCT is no more successful than Turiel's theory in providing a defensible account of a nomological cluster of properties that can be used in an empirically supported definition of moral judgment.

4. Summing Up and Looking Beyond: A Future Without "Morality"

Most of the philosophers who contributed to the Philosopher's Project were convinced that there is a correct or well-motivated way of dividing normative judgments into those that are *moral* and those that are *non-moral*. But, as we saw in §1, those philosophers who took their project to be "descriptive-elucidatory" – aimed at providing an analysis of the concept of moral judgment that we actually use – did not meet with much success. Though some of the necessary conditions that were proposed were widely accepted, no set of necessary and sufficient conditions convinced more than a handful of

¹⁸ Isn't that speculation supported by the findings in the Turiel tradition? No, it's not. Turiel and his followers describe a behavior, but they never ask participants whether they think that behavior is "morally wrong".

¹⁹ In earlier papers, including Kelly et al. (2007), I have made the same mistake!

contributors to the literature. Those who took their project to be normative were, if anything, less successful. Most of the normative analyses were, at best, very sketchy. And more often than not they were not endorsed by anyone but the author.

In §2 we noted that the failure of both the descriptive-elucidatory and the normative projects might be blamed on a commitment to the classical theory of concepts, and that things might go better if that commitment was abandoned in favor of some other account of concepts. But there are other challenges facing those pursuing descriptive-elucidatory project. There is some evidence that people in different religious or cultural groups, and even perhaps people who share their religion and culture, have notably *different* concepts of moral judgment. It is, I believe, too early to draw any confident conclusions from the evidence available; much more work is needed. But if it is true that there are religious, cultural and individual differences in people's concept of moral judgment, then the descriptive-elucidatory project is both poorly specified and poorly motivated. The goal of that project is to analyze the concept of moral judgment that *we* actually use. But if there are significant interpersonal and intergroup differences, we need to be told who "we" refers to. We also need to be told why *our* concept – however "our" is unpacked – is of any special philosophical importance. Why, for example, should *our* concept be the one to use in deciding whether the Navajo have a moral code? Philosophers are very clever people. So perhaps this challenge can be met. But at this point, I know of no serious attempts.

In §3 we explored the idea that "moral judgment" might be a natural kind term with a definition that can be discovered by psychologists. Turiel's project fits comfortably into this picture. But a growing body of evidence suggests that Turiel's UIH cluster shatters in a variety of ways and thus that it is not a nomological cluster at all. Here too, much more work is needed. For as John Doris has eloquently reminded us, in any given experiment in psychology, there is a *lot* that can go wrong. So it is wise to wait until there are many experiments all pointing in the same direction (Doris, 2015, 44-49). Kumar's alternative natural kind account of moral judgment is, I think, less promising than Turiel's. It requires that objectivity judgments form a nomological cluster with seriousness, universality and authority independence judgments, and at this writing there is no evidence at all for that claim. But though I'm critical of Kumar's theory, I think his strategy is a good one. If we are to find a well-motivated way of defining "moral judgment" and related terms, our best hope is to locate a nomological cluster of properties exhibited by many intuitively prototypical moral judgments but not by most intuitively prototypical non-moral normative judgments. Finding such a cluster would be an important discovery for both moral philosophy and moral psychology.

There is, of course, no guarantee that the quest for a nomological cluster account of "moral judgment" will succeed. For it may turn out that there simply is no natural kind to be found in this vicinity, or that there are numerous natural kinds, none of which can sustain a compelling argument that it specifies the essential features of moral judgments. What would be the consequences if *that* is how things unfold? To make things easier, let's also assume that neither the descriptive-elucidatory nor the normative project is

successful, and that these three projects are the only options available for those who seek a well-motivated way of defining “moral judgment.”

Perhaps the most obvious implication of the failure of these projects is that debates that turn on whether specific normative judgments are really moral judgments will turn out to be irresolvable because they are based on a mistaken assumption. Consider, for example, Jonathan Haidt’s accusation that the preponderance of politically liberal researchers has led to “an inappropriate narrowing of the moral domain.” As we saw in §1.2, Haidt’s accusation turns on his insistence that norms governing such matters as clothing, gender roles, food, and forms of address are *moral* norms, and whether judgments about such matters are *moral* judgments. Haidt insists they are. Turiel insists they aren’t. If our assumptions are correct, then there is simply no fact to the matter. Much the same is true for those who would debate whether the Navajo, as described by Ladd, have a moral code at all.

Let’s turn, now, to those many philosophers who debate the semantics of moral judgments, the function of moral judgments, the evolutionary history of moral judgments, and the psychological mechanisms underlying moral judgments. How would their projects be impacted if our assumptions are correct. Here the consequences are less dire. To be sure, if the parties to these debates focus on different examples, and if one side insists that the examples used by the other side are not really *moral* judgments at all, then the debate is irresolvable, since once again there is no fact to the matter. But this is not how most debates on these topics unfold. Rather, in most cases at least, the philosophers involved agree that the examples of moral judgments advanced by their opponents really are moral judgments. So what they are debating is the semantics, or the function, or the evolutionary history or the psychological mechanisms of judgments *like those*. And progress can be made without specifying the boundaries of that class. However, if it turns out, and I’m betting it will, that there are actually a number of different natural kinds included in that vaguely specified class, then future philosophers and psychologists may simply drop the term “moral judgment” and focus instead on judgments of these separate natural kinds. If that’s the way things unfold, both philosophers and psychologists may be destined for a future without “morality.”

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