

On the moral distinction between morality and moralism

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Abstract

If morality is a socially legitimate system of normative principles and rules for the positive regulation of human behavior, it is reasonable to recognize a very important difference between morality and moralism. Let's take "moralism" as a peculiar stance that leads people to falsely take their preferred system of duties as legitimate. This being so, an obvious conclusion is that moralism is peculiarly dangerous, since it promotes behavior under the pretext of doing what is right and just beyond the rules that legitimately guide liberty and justice. This paper is a piece of a work in progress. Here I will argue for the distinction between morality and moralism in two parts. In the first, I will argue for the moral epistemological view that people can have true moral beliefs, including moral beliefs regarding duties. I will sustain a realist view on the matter against nihilism. After this metaethical preliminary, I will present an (albeit incomplete) argument on the moral distinction between morality and moralism. If we take moralism as the view that every action is either fulfillment or violation of a duty, the conclusion is that there is no modal difference between duties and privileges (or permissions). One consequence, then, is absolutism, that is, the complete conflation between all moralistic duties and all other requirements to action we may consider reasonable. Following Judith Thomson, I will suggest, in change, that we should distinguish duties from "practical oughts". Other consequences are outside the scope and space of this paper, but it is pretty clear that we should prefer a stricter view on duties (coincident with the requirements of justice and positive law) and take "moralism" as a label for an equivocal and prejudicial view about our commitments and moral (whereas not only reasonable) requirements to action.

I call 'moralism' a system of normative moral principles sufficient for the positive regulation of life. In other words, moralism excludes the possibility of morally indifferent actions. According to it, every action must be characterized as either fulfillment or violation of duty. [Leonard Nelson. *System of Ethics*, 1956, p. 89.]

I

Morality and *moralism* are social and psychological phenomena. Both comprise a broad set of acts, practices, habits, beliefs and sentimental and emotional dispositions, by means of which people try to regulate and control the actions and behavior of others. Both comprise, to borrow a term from Lawrence Bloom, a *lived morality* (Bloom 1998: 233). But what is the difference between them? Well, by *morality*, I mean a socially *legitimate* system of normative principles and rules for the positive regulation of human behavior. Notwithstanding Leonard Nelson's broad definition, I'll take "moralism" as the designation of a set of practices and attitudes

rather than for as an actual system, or better yet, as the designation of a peculiar stance that leads people to falsely take their preferred system of duties as legitimate. A normative attitude can be charged as illegitimate if a reasonable claim is applied to a context where it happens to be inappropriate (Taylor 2005).¹ So, moralism turns out to be problematic when people intend to live in accordance with it. The consequence is the promotion of behavior under the pretext of doing what is right and just beyond the positive legal rules that guide liberty and justice.

John Kekes said that "moralism" is an "illegitimate inflation of reasonable claims either by exaggeration their importance or by extending them to inappropriate contexts" (Kekes 2002: 503). On another note, Tony Coady's notion of moralism involves "an inappropriate set of emotions or attitudes in making or acting upon moral judgments, or in judging others in light of moral considerations" (Coady 2008: 17). But moralists usually act with sincere dispositions. This happens because moralism is usually equivocally (even though sometimes maliciously) taken by agents as a legitimate practice. Since moralism is a widespread behavior, it is on the two sides of the coin of human interactions, on the agent and on the patient-side of the moralistic act as well. This explains why it is so effective. In fact, the moralistic attitude is a very effective way of controlling human behavior.

Some philosophers famously took moralism as an equivocal but very effective psychological phenomena. Nietzsche is the main example. His harsh critical stance to moralism nevertheless led him to adopt a kind of nihilist position concerning morality. Nietzsche's anti-realism on morality is probably a consequence of his own reactive attitude against moralism. I have sympathies with Nietzsche's critical stance against moralism, but I don't think that morality as such reduces itself to moralism.²

Both morality and moralism comprise not only practices, habits, emotional and sentimental dispositions, but also *beliefs*. Beliefs are but peculiar mental states. Philosophers

¹ Craig Taylor elaborated a sustained approach on moralism as a vice. "Moralism, to the extent that it is a vice", says Taylor, "would seem to involve some distortion of the proper activity of the moralist" (2005: 2). But, continues Taylor, "the distinction between the moralist and those guilty of moralism" cannot "always be so clearly drawn, or that there is not always something faintly suspicious in the *desire*, say, to morally judge others" (in a note, p. 2).

² Bernard Williams is one that famously presented the moralistic attitude as a characteristic piece of morality as a *peculiar institution* (Williams [1985] 2006). But what Williams calls "moralism" is connected with his opposition to any approaches on "external" reasons for action (Williams 1981: 101-113). Williams view turns all external "moral" reasons approaches moralistic (perhaps only an internal reason approach could not be moralistic). This is not the view I will sustain below. But his approach anyway on "oughts" and "moral obligation" (Williams 1981: 114-123) in the same volume is elucidative. In a same line we found the account developed by Williams in this posthumous paper "Realism and moralism in political theories" in which he worked against the views he also called "moralistic" in the context of political theory (he called *political moralism* the view that morality is normatively prior to the normative domain of politics). On Williams particular view on moralism see also Craig Taylor's (2012: 59ss; 2005).

of mind are still trying to clear up the distinction between states of beliefs and other states—such as knowledge and the emotional states—, mental occurrences—such as visual and other sensory perceptions—and emotional and experiential feelings in general. Beliefs cannot be reduced to any of those mental occurrences. Hume famously said that beliefs are complex (or composite) perceptions (he said that beliefs are ideas related to present impressions). This led Hume to reject the view that there could be something like "moral beliefs", for he argued that present impressions are only "external", related to matters of fact instead of emotions. But beliefs involve not only perceptions and ideas, but also mental and behavioral dispositions.

It is certainly meaningful to say that "Hypatia believed that the Earth was round" even when she was in bed or not thinking about it at all. Likewise, if we say that "Locke truly believed in God's real existence", we are not describing any of Locke's phenomenal experiences. Beliefs are not mere perceptions, although they require perceptions in order to be actual.³ And if beliefs are not reducible to external perceptions, it is not, at least *prima facie*, implausible to accept that, besides Humean "natural" beliefs, we may also have "moral" beliefs; that is to say, we might have beliefs concerning *matters of fact*, but in addition to that, we may also have (true and false) beliefs concerning *moral* matters.

Nonetheless, if I am right, we can have moral beliefs besides *moralistic* ones. Since legitimate beliefs are true beliefs, moral beliefs are true *moral* beliefs; moralistic beliefs nevertheless cannot be true beliefs. They are beliefs that express mere opinions, not any moral knowledge. They are *false* moral beliefs, perhaps systematically false (Mackie 1980). My view then is a kind of moral realism that incorporates a metaphysical anti-realist position, but only to moralism. It is a criticism of moralism as well, but the fact that moralism can be wrong (because false) is different from the fact that it is unwise and imprudent (for this deserves further evidence and argumentation).

Furthermore, I'm using 'moralistic' in one of its common usages, like when someone says to someone else "You are being moralistic about this matter!" (said, suppose, to a rudely opinionated person towards homosexuality). Here, the statement conveys the belief that the other person is wrong about some normative facts on the issue of homosexuality. In other words, there are rights and wrongs about the morality of homosexuality and the other person is not appropriately considering the issue. In this guise, my target is "not morality but certain distortion of morality, distortions that deserve the name 'moralism'", as Tony Cody says in

³ This characteristic of beliefs makes "extended mind" theories very attractive (Chalmers & Clark 1998).

another context (Coady 2008: 14). But, in a same context, using John Kekes's analogy (2002), my view is that moralism is opposite to morality in the analogue sense that scientism is opposite (and usually prejudicial) to science.

So my view is a realist one.⁴ It is different not only from Nietzsche's anti-realism but also from the expressivist non-cognitivist view on morality. Expressivists think that moral beliefs simply do not exist. Some expressivists accept that we usually express beliefs in assertoric speech, but they also think that these assertoric statements cannot express a *moral* belief in a very strict sense of 'belief' (Blackburn 1993). Hume probably advocated the same opinion, so he avoided to use the expression 'moral belief' preferring to treat moral assertions as "moral pronouncements", stressing that, by means of those pronouncements, one does not express any discovering about matters of fact. But here I will assume that Hume's moral pronouncements can express literal moral beliefs. And even if Blackburn's answer to the so-called Frege-Geach problem against the traditional expressivist denial on the pretended meaningfulness of moral assertions were a good answer (I'm not convinced of that), the fact is that we do make utterances with at least *pretended* moral propositional contents, intending to express at least pretended *literal* moral beliefs.⁵ So, we do believe that we have moral beliefs, and we usually try to communicate them to other persons as well. And when we do that, we use different statements from the typical prescriptive statements, like commands and advices. Suppose Peter said something like "Hitler was a mad man", or Helen said that her friend "John is wrong in lying to his boss that he was ill for the sake of staying at home and not going to work today". Both Peter and Helen have moral beliefs, viz., the belief that Hitler was a mad man and the belief that John acted wrongly in staying at home and deceiving his boss about his intentions. Anyway, both statements are made in the assertoric mode—and this is a linguistic fact that deserves explanation. Well, one good explanation seems to be just that the

⁴ A brief note on "realism". There are two different sorts of "realisms": the *pragmatist* realism and the *metaphysical*. The pragmatist is the realism that Brian Leiter characterizes as *Classical Realism*, and it is compatible with an anti-realist position in metaethics (Leiter 2001: 245). The metaphysical realist is a general, broad, view that supports the thesis that moral beliefs sometimes are true, sometimes false. Here I advocate an empirically guided metaphysical realism. On some empirically guided metaphysical realist approaches on morality see the Cornell realists, notably Richard Boyd (1988) and Nicholas Sturgeon (1985; 2006: 91-121). I include also David Copp (1995), but there are others. See Sayre-McCord (1988) for a general description of the map of metaethics.

⁵ Blackburn's reply is that the adoption of propositional form and style in moral discourse is a pragmatic (deflationist) device that meets our necessity of sharing and discussing our dissenting attitudes (Blackburn 1993: 185). If Blackburn is right, then people do involve themselves honestly in discussing their moral attitudes by means of assertoric speech, but without knowing that this is only a pragmatic deflationist maneuver—certainly, only philosophers and maybe linguists could be aware that they are doing this. I think this is queer, besides against common sense (see Nichols 2004, for a criticism of what we should call the "conceptual internalist" assumption that underlines expressivist theories).

assertoric speech has the function of transmitting or communicating Peter's and Helen's respectively moral "opinions" concerning Hitler's character and John's action. But Peter's and Helen's *opinions* about Hitler's character and John's action are nothing but their moral *beliefs* concerning them. One could suggest, following an expressivist lesson, that their opinions are actually nothing but their *attitudes* concerning Hitler's character and John's action. But beliefs are (or involve in a sense) also attitudes (for attitudes are states, and it is plausible that to believe is a state that at least involves cognitive attitudes—concerning certain propositions, evidences, experiences and theories, besides other's beliefs). The expressivist could amend saying that the attitude is that of reproaching (perhaps, in the first case, of condemning). But those practical attitudes are plainly compatible with the "cognitive" view, for it is just because they think that Hitler *is* a mad man, and that John *did* wrong in deceiving his boss, that to condemn Hitler and to reproach John are morally (in a broad sense) appropriated.⁶

Moral beliefs are expressed by moral statements that intend or at least pretend to be true and not false. If it were true that moral statements ever pretend and never express true moral beliefs, then there would be no moral facts besides the fact that people think there are. If Mackie is right, moral propositions have the very strange peculiarity of being false by a posteriori necessity—they would be like the belief in the real existence of unicorns, a belief that following Kripke is a paradigmatic example of an *a-posteriori* belief necessary false (Kripke 1972). Mackie assumed that moral propositions are things that can be true or false, but that we do not have any good evidence or reason to believe that no one of them are in fact true. This is Mackie's cognitivist anti-realism: there are no facts in the grounds of morals, albeit people actually do think and behave as if there were. Hence, for Mackie, none of these moral propositions represent moral facts.⁷

In fact, a learned ethical moralist can see himself as a kind of nihilist without inconsistency. Moved by a kind of scientific spirit, he can eventually advocate a plain "realistic" approach on ethics, accepting that all moral beliefs do not express moral facts, that they only pretend to express them, but that they are nonetheless necessary to life and politics. Realizing this, she can embrace a moralistic stance without compromise and shame. It's without surprise that we have in international and even domestic political theory several

⁶ David Copp suggested a name for this view, that is *expressivist-realism* (Copp 2001). I think my theory fits with the expressivist-realist approach.

⁷ Mackie is side by side in this nexus with Nietzsche's statement on Daybreak (§ 103) when he says: "I deny morality as I deny alchemy". Nihilists actually denies both morality and moralism, for since all moral beliefs are false he cannot see any difference between them.

pragmatic approaches in defense of the political utility of "morality". After all, even if moral beliefs are plainly false, the plain and crude fact is that they stimulate behavior and move people to action—so a nihilist could turn herself into a less severe moral skeptic that embraces a consequentialist justification for moralistic practices. There could be reasons for such consequentialist beliefs, because, regardless of the fact that they are completely false, such beliefs could be good and useful (Mackie argued in this fashion in his book *Ethics, inventing right and wrong*). Figuring out that there is not nowadays any other secure and effective technological way to improve or "enhance" peoples' dispositions to promote peoples' welfare, this skeptic consequentialist can also realistically find herself without any other solution but to preach morality. Something very similar can and in fact occurs with some religious persons. A religious can find herself without any grounds for believing anymore in God, but he can continue to preach as long she thinks her faith is nevertheless a useful and prudent guide to her and to other's behavior. For nihilists, moralism is a kind of systematic bad faith, or maybe a kind of false consciousness; and moral skeptic can agree with that, but with the complementary belief that moral beliefs have a positive rather than a negative social role. It is not as such "bad", hence, to act by mere faith, and even with some kind of faith; even "bad faith" can by this guise eventually prove itself as socially *good*.⁸ Moreover, skeptical naturalists can think that there are evolutionary explanations for this social phenomenon.

I disagree; for there are good reasons to think that there are at least some moral beliefs that are in fact true. If this is sound (and metaethically true), then *moralism* is different from *morality*. By 'morality' (or "morals") we denote what is current, hence, actual and effective. It is difficult to take seriously the idea that all moral claims are simply false (Coop 2001: Kindle Position 1855). The nihilist view implies that there are not any justified moral standards; but, take the claim that if a moral belief is true an enforceable moral consequence follows—we can follow Hart and call this the view of the *enforceability of all obligations* (Hart 1955, 1961; Nozick 1974). If a moral sentence states a moral fact, that is, if the moral sentence is true, the moral fact can be present as a reason (perhaps not necessarily sufficient, but still at least a *pro tanto* reason) for some enforceable command (directed to another person) or for an agent's own action. It is a common view that morality implies enforceable advices or commands. How could false claims warrant those very practical consequences? Take for example the general view on reasons for actions. Reasons for action are facts that warrants decisions or actions (Raz 1975). It is plainly acceptable that there are moral actions. So, if there are reasons for

⁸ In a same fashion Mandeville ([1714] 1989) goes down to think that private vices can be in a global and final arrange an useful devise for peace, cooperation and progress within society.

moral actions, so or these reasons are facts, or either falsities could be presented as reasons for moral actions (which would be insane!). Hence, reasons for moral actions must be *facts*. But if there would not be moral facts, only "natural" or non-moral facts could be offered as reasons for moral actions. But how could it be possible that a non-moral fact warrants a moral action? (This certainly would be a plain violation of the though so misunderstood Hume's Law!). Hence, if there are actions morally warranted, and if those actions are of the kind that are susceptible of being enforced (by means of advices, commands or even acts), then the reasoning that rightly concludes that those actions should be done, or *ought* to be done, must be supported at least by some true moral beliefs. Imperatives could only be taken as valid if they are warranted by valid rules but also by truthful backings. And even if imperatives can be transformed in assertions by some linguistic maneuver (as in Blackburn's quasi-realism), they are not imperatives anymore. As imperatives, they are the sort of "things" that can only be rightfully performed if they are *reasonable*, that is, if they are well supported by normative facts, for if imperatives are directions to actions, those directions are only reasonable if they are warranted by normative facts. Well, moral beliefs express normative facts. It is simply necessary: since natural facts do not warrant moral conclusions, there must be moral facts, viz., facts with moral significance for human actions—otherwise, we would be committed to a vicious infinite regress.

I conclude then that moral beliefs can and should express true moral facts, and this includes beliefs on duties. But how could we know that a moral belief expresses a fact? This is another problem, an epistemological problem rather than metaphysical. I don't have space to develop it here, so, let me go back to the semantics of moral language, more specifically, to the semantics of duty.

II

Moral language is a messy. We use those thin notions like good and bad (and evil), right and wrong, in a very fuzzy sense. The philosophers Stephen Toulmin and Albert Jonsen said once, despite that in the theoretical level disagreements are very easy to produce, in the practical domain there is more moral consensus than disagreement (Toulmin & Jonsen 1989: 24). Toulmin and Jonsen think that this is a reason to prefer a casuistical approach in practical ethics than a more theoretical. They are right; but my suspicion is that our fuzzy moral concepts employed in moral theoretical discourse contribute also to the difficulty of

attaining agreements in the theoretical side. Some people say think that the days of linguistic philosophy are finished, and some say that it happened for the best; but, agreeing with Crisp, "it is in some ways regrettable that reflection on ethical concepts is now significantly less common than it was in the days of 'linguistic philosophy'" (Crisp 2006: 1).

Philosophers do not agree about the scope of morality; they even agree actually about the meaning of 'morality'. Let us take by 'morality' something in the terms of Leonard Nelson's definition, that is, as the "domain of duties" (Nelson 1956: 32-3). Nelson understands morality in a restrictive scope, which led him to differentiate real morality from mere moralism; for, if morality is restrictive in scope, this implies that moralism "cannot be valid" (Nelson 1956: 89). Nelson's view is that morality should restrict itself to negative restrictions on behavior. But this is not sensible; there are claims to positive actions, and not only to omissions. Hence, if moralism represents the (though *invalid*) attempt to positively regulate social behavior, than moralism must be taken seriously as an issue of a theory of morals, at least in the "critical level" (Araújo 2007, 2011).⁹ Anyway, to say simply that morality is a system of norms for the positive regulation of human life is unfortunately not to give an instructive definition. Human life can be regulated by several and different kinds of norms; what follows if we assume that all of them are "moral" norms? In principle, nothing bad at all; but if we attach to the general idea of "normative regulation" the specification that it serves to qualify *every* action either of fulfillment or a violation of a duty, then what we have is a real practical problem, and this is Nelson's right complain (Nelson 1956: 88-9).

Nelson's restriction of morality to the theory of duties turns duty the main concept of moral theory. It's controversial, but let's assume that the concept of duty is in the core of the domain of morality. It's plausible nonetheless that there are different kinds of "duties". We have duties as citizens, duties as spouses, duties as teachers, as physicians and other professional jobs; we have also duties as friends, as fellows, etc. Some think that we have duties simply by the fact of being humans (but I don't think so). In spite of this, all duties seem to concern morality. Several thinkers claim that our duties concern obligations of justice (this is the case of Nelson, see 1956: 126).¹⁰ Well, justice is certainly in the core of the domain of morality. The other notions are either outside or in the periphery of morality. Those notions can be inside or outside the scope of morality depending on other characterizations. See for example the notion of "goodness". Certainly there are moral goodness besides several other

⁹ Marcelo Araújo remarks that Austin, the great positivist, also claimed that positive morality is subjected to "moral" evaluation, and this is what Araújo calls "critical morality".

¹⁰ This is also the case of Mill.

kinds of non-moral goodness. Several things can be good, my car can be a good car, my toaster can be a good toaster, some knife can be a good knife, and so on; but of course, those claims do not qualify those objects as "morally good" objects (see Geach [1956] 1976, Thomson 1997). But in the case of duty it is different. Certainly toasters are not the kind of thing that can accomplish any duty at all. Could we say that animals can fulfill duties? How could they do that? We can command an animal, but this does not imply that if the animal complies with my command that he or she is fulfilling any duty. The same applies to infants and people with mental disabilities. Only rational adults can bear duties, even if other beings including non-rational and non-human beings can be the beneficiaries of them. Hence, duty is not like "good" (and "goodness"), a term that can be applied meaningfully to different contexts, except moral contexts. This is best explained by the fact that duty is a moral concept without exceptions.

Duty is distinctively a moral concept and 'duty' is by the same token a distinctively moral term. 'Good', 'goodness', 'right' and 'rightness' are not specially or distinctively moral, for they can be employed meaningfully outside the moral domain. Duties as such are also distinctively social. Even if there would be duties concerning oneself (like Kant thought about the duty of not committing suicide), they would only be meaningful in social contexts (but this is not consensual). Of course, words can be used with different meanings. 'Duty' can be used not to refer duty as such, but to some requirement of prudence, or only to "rightness" in some emphatic sense.¹¹

Let's take 'duty' as a moral term by excellence and morality as eminently social. "Morality" of course can be viewed in a broad and in a narrow sense, but it can also be viewed in a very broad sense. This very broad sense of morality is the sense that includes in the field wonders and questions about issues like the search for personal happiness and for what makes one's life meaningful. But today "morality" is basically viewed as *social* morality. That is the notion behind Scanlon's idea that there is a set of things and actions that "we owe to each other" (Scanlon 2000). This is the narrow view on "morality". In this case, duty (or moral duty) is presumably the core notion of social morality, since the function of duty is, in a very broad sense, to "regulate social behavior". All duties, in effect, coincide in its range and meaning with (and only) with the requirements of positive justice.

¹¹ See Mill in *On liberty*: "What are called duties to ourselves are not social obligatory, unless circumstances render them at the same time duties to others. The term duty to oneself, when it means anything more than prudence, means self-respect or self-development, and for none of these is any one accountable to his fellow-creatures, because for none of them is it for the good of mankind that he be held accountable to them" (Mill [1859] 2003: 150).

Moralism is then the attitude of extending duties beyond positive justice. Tony Coady considered that there are different sorts of "moralisms": moralism of scope, of unbalanced focus, of interference, the abstractionist, the absolutist, and deluded power moralist (2005: 17). Since I have a focus on the metaphysics of morals, my attention will be on the problem of scope of deontic notions associated to the notion of duty. "To overmoralize" on duty will mean here then the attitude of turning all deontic possible attitudes reducible to the deontic notion of duty. Let's see.

Let's take again Nelson's critical view that, by a moralistic guise, every action is either a fulfillment or a violation of duty. This view express an absolutist view of moralism; and this is plausibly the common sense moralistic view. Let's call this simply MORALISM. What this implies? Take α as a symbol of some action. The moralistic view then is the view that either α is a fulfillment of duty or it is a violation of it. Taking S as a subject; then either the assertion that "S has a duty to α " or the assertion that "S is forbidden to α " is true. Note that by this guise "permissibility" simply means "duty". For if S has a duty to α , then S has permission to α and is forbidden to not- α . But in this case, if S is permitted to α he is necessarily under a duty to α ; for if S is permitted to α he cannot be forbidden to α (since 'forbidden' simply means 'not-permitted to'). The only remaining possibility is that he is under a duty to α (otherwise he would be forbidden).

Note that MORALISM conveys us with an insane deontic logic. Duty implies permissibility; but in all deontic systems permissibility does not and cannot imply duty; if permissibility would imply duty, duty and permissibility would be deontically tantamount.¹² But duty and permissibility are not and cannot be equivalent modal notions. The statement that "S has a duty to α " is not equivalent to "S has a permission to α ", for the permissibility to α does not imply any duty.

One consequence of MORALISM is that in extending duties outside their proper domain the modal idea of permission simply becomes meaningless. This is of great consequences for the discussion on "moral permissibility". An action is morally permissible in one sense if it is an action required by some duty. This is true because duty implies permissibility. But we can speak of permissible actions in other two distinct senses. An action can be permissible even if it is not required by duty. Common sense view see this action as "morally" permissible; but in a non-moralistic guise it is *simply* permissible. Forbidden

¹² It seems to be a remarkable characteristic of modern consequentialists moral theories the emphasis on the impossibility of moral permissions.

actions cannot be required by duty; but permissible actions can be required either by duty, or by other "broad" moral requirements (besides supererogatory actions; but permissibility includes actions required, in a broad sense "morally", not exactly by duty—they are actions that deserve our praise for the fact of their agents have done them with no personal interests but for the best reasons, sometimes even at personal cost). Note, nevertheless, that no one has a duty to perform neither supererogatory actions, nor permissible but commendable actions; and, this is important: no one deserves reproach or censure, blame or indignation, in the case of omissions.

This opens up a case for the notion of "moral ought". 'Ought' is not as such a moral notion.¹³ Like 'good', 'goodness', 'right' and 'rightness', 'wrong' and 'wrongness', 'ought' can be employed outside moral domains. Nevertheless, it is certainly meaningful to say that a person "morally ought" to do something.¹⁴

What is then the relation between our duties and what we *ought* to do? It seems acceptable to say that if S has a duty to do α , then S *morally* ought to do α . It is possible by an arrangement of circumstances that S, although he in fact has a duty to α , actually does not ought to do α . I'm not sure if in this case we should say that S *morally* ought not to do α besides the fact that he has a duty to do α .¹⁵ I prefer simply to say that in this case S ought not to do α besides the fact that he actually has a duty to do α (that she has a *moral* pro tanto reason to do α but, all things considered, this is not what she actually ought to do).¹⁶

It's not easy to present examples, for all examples are subject to controversial discussions (specially by philosophers). Take anyway the duty of not lying. Suppose that Smith has a duty not to lie. Smith is a witness of a crime, and, in a trial, the judge asks to

¹³ See Skorupski 1999: Chapter VII (The Definition of Morality). Since we obviously can use the word 'ought' in spite of 'duty', some definitions of *duty* can appear as circular. This can be solved if we interpret, like Skorupski interpretation of Mill's view on the concept of "duty", the 'ought' in the *definiendum* is moral (in my words, 'duty' is the moral term) and the 'ought' in the *definiens* is not. This was what Mill tried to say that duty as a "thing that may be exacted", or, in stipulated circumstances, "ought" to be exacted in a way. "General utility" in Mill's theory, as remarked by Skorupski, "stands outside morality, as the practical source of rational practical oughts" (139). Even if I am not sure if all "rational practical oughts" are grounded in "general utility" (I think we are still in need of a good theory about what grounds, if one or more principles, practical reasonable human decisions), Mill's distinction between duty and oughts is broadly correct and persuasive.

¹⁴ Even if Elizabeth Anscombe is right in saying that "morally ought" is a fishy term inflated by mere pretended meaning, and that the expression is a residue of some old conception of morality that does not have social valence anymore. See Anscombe's *Modern moral philosophy* (1958). For a criticism on Anscombe's view, see Crisp (2004, 2006).

¹⁵ Richard Kraut in *Doing without morality* proposes that "when we say that someone has a duty to X, meaning that it is a moral duty, then we will be taken to mean that there is a reason in favor of his doing X, namely the very fact that X is his moral duty" (Kraut 2006, 167).

¹⁶ I'd like to stress here a difference with the famous Ross account on prima facie duties (Ross [2030] 2002).

Smith to tell what he knows about the incident. Smith fears that if he tells the truth, he or somebody of his family can be in danger, for the murderer is free. Thinking about what to do, Smith decides not to tell the truth. Suppose that Smith was right; the murderer almost certainly would harm somebody of his family if he tells the truth. This is a case where we could say that S (Smith in the case) has a duty to do α (viz., to tell the truth about the incident, for he is a witness), but in fact S ought not to do α (that is, that Smith ought to lie and act against his duty). Would we say that in this case Smith *morally* ought to lie? Why? Would we say that Smith had two conflictive duties, a duty to tell the truth and a duty not to tell? In which sense Smith has a duty not to tell the truth? Yet, he doesn't have this duty! Nevertheless, to act contrary to his duty is what Smith ought to do.¹⁷ But although it is correct to say that Smith ought not to tell the truth considered all the circumstances, to say that Smith had a "moral obligation" or a moral duty to lie in this context is beyond the truth; this would be an example of what I'm calling moralism. After all, if Smith decided to tell the truth he would certainly be accomplishing his duty.¹⁸

Another way of showing the difference between an action that we ought to do because it is required by duty and a permitted action that we ought to do by several good reasons (perhaps "moral" in a broad sense) is paying attention to the different reactive attitudes displayed in the case of non-fulfillment of a required action (Strawson [1962] 1974; see also Copp 1997, and Prinz 2007). See indignation. Indignation is a vicarious reactive attitude we normally display in face of the belief of others rights' violations (and also a reaction we

¹⁷ This difference between "duty" and "ought" was splendidly presented by Judith Jarvis Thomson in the first Chapters of her marvelous book *The realm of rights* (1990). My view here is simply an extended use of her precise notions.

¹⁸ Kant was partially right about this, though this example was weird, confused and obviously wrong. I would have more to say against Kant's view on the matter, but he was right in saying that if it is true that someone has a privilege, or more than this, a duty (like the case of Smith above), if he fulfils this duty, no one could blame him, even if this contradicts the general opinion. Kant's example was of a situation where one actually does not have any duty to tell the truth (that was Benjamin Constant main objection against him, and Constant was plainly right). But Smith's case above is a paradigmatic example of a duty to tell the truth. So, even if Smith acts well (or in a prudent sense, right).

display against others in face of their violation of our own rights).¹⁹ Suppose a same case again, but let's substitute Smith for John. John has also a duty to tell the truth, since he is a trial, but suppose now that he doesn't have any good reasons for doing otherwise. John then lies. One can feel indignation by John's behavior, specially if John's lie contributed to cause an injustice. But suppose now Peter, which, like Smith, had good personal reasons not to tell the truth. In Peter's case, we probably also excuse him for lying, and our reactive attitude of indignation would be markedly different, or diminished or, in some cases, even suppressed (depending on the stringency of his reasons). But suppose he eventually does not lie. Yet what Peter did was exactly what was required by law, that is, he told the truth. Peter could have lied of course, and in this case we would have approved him (for he also, like Smith, had good reasons to lie). But, contrariwise to Smith's case, in John's case we would have gone too far if we had felt angry and indignant with him because he didn't do what we thought he should have done (what we think we would and *should* do in his place). *Disappointment* is perhaps

¹⁹ Jesse Prinz called indignation an emotion secondarily derived from anger, but calibrated to injustice (Prinz 2009: 69). So, indignation is not only a vicarious attitude, as Strawson thought (Strawson 1962: page). In face of an injustice committed against us we don't feel resentment, but angry and indignation, maybe besides resentment. Prinz also distinguishes between anger and indignation. Indignation is, as it was said above, a reactive moral emotion calibrated by injustice. Since Prinz take justice as meaning "fairness, equity and proportion", he concludes that there are rights that are not claims for justice, and the moral reactive emotion related to their violations he calls only anger, or better *righteous* anger (70). It is nevertheless plainly true that people can feel angry without any conscious claims about rights. Prinz describe an example described by Baier (1967), of a son that is angry with his parents because they used the money saved for paying his educational costs in their extravagant vacation. The son realizes that he cannot claim the money, and then says to his father "You don't have any obligation to pay my debts, but I'm angry at you for your choice". My point is that if the son rightly concluded that he didn't have any rights to claim, his angry is wrongly "calibrated". This would be an example of what I call the phenomenon of moralism. What the son is actually trying to make is to use a psychological artifice to cause reactive emotions in his parents (perhaps unconsciously), but it would be in fact normatively inappropriate if the parents actually did not have any duty to pay his education. But perhaps the correct analysis of the situation is different. Of course the son had rights to the money. In this case he has reasons to feel angry, for the father had a duty to pay his educational debts. What's happened anyway is that the son accepted the parents decision, maybe, because they had good reasons (without a moral permission for sure) to use the money in their vacations, or maybe because they have a power to change their son's rights. In any case, certainly the parents have to apologize. The son can understand the situation, but the reactive emotion is ineffable.

the common and correct vicarious attitude in this respect.²⁰

Maybe my examples are too parochial. Perhaps we should illustrate the same point by a hottest example, the problem of "dirty hands". The problem with dirty hand examples is that there are not any general rules that can support the idea of a "moral warrant" to those political practices for every casuistic situation. All tentative generalization on the problem, trying to stipulate a general rule by means of which a politician or an official can be said to have acted by good reasons besides the "dirty" one are unsuccessful. But it is plainly possible to devise a general situation where a politician or an official has a duty to disclose information to public and this is not occasionally what she ought to do. My suspicion is nevertheless that this does not apply to the situations frequently cited in the literature, specially those of war. In wars, an authority is usually not under any duty to tell all the truth to the public. Hence, it is plausible that in periods of war authorities are licensed not to publicize information that in times of peace they are under a duty to disclose. Someone could say that to lie is different than not to tell the truth. Maybe; but the circumstances can turn it in the same. It is possible that in times of war authorities could have a privilege (usually a legal privilege) to tell lies to the general public for the sake of military aims. Anyway, the problem of "dirty hands" is more complex than the problem of the existence or not of a political duty to disclose information to citizens even in those exceptional situations.

²⁰ Perhaps we could say that there are *moral* disappointments besides *indignation*, that is a reactive attitude that is *always* moral. Copp also suggested the possibility of a "morally neutral reaction" besides those hot reactions like angry and indignation (Copp 1997: 452). I'm not sure about this, but my suspicion is that the added "moral" qualification is superfluous in both cases. If for example I ask for some help but my request is not accomplished, if I really don't have any claim-right to the help, it's not appropriate to feel myself indignant, but only disappointed. People feel angry in those case indeed; but this is just what I'm trying to remark about the issue of moralism. Prinz nevertheless mentions as an example a situation we may feel indignation where someone does not reciprocate a favor (saying "thank you", at least) (see Prinz 2009: 69). He is certainly right that we may feel indignation in those cases, but this does not imply that our reactions were "well calibrated". Perhaps people think that all persons have a duty to reciprocate favors being polite by answering "thank you". Perhaps we have a moral duty of gratitude that is discharged precisely this way. But sometimes indignation is excessive and is a sign of moralism. Nevertheless, since disappointment is not of course the right reactive emotion in those situations, Prinz can be right that this implies that people have a moral duty to manifest gratefulness. Anyway, all disappointments are reactive attitudes concerning actions we think are required from others. Those actions have in a broad sense a marked moral importance. Disappointment, moreover, is (like indignation) usually vicarious. We can feel disappointment towards ourselves (with some kind of detachment), but frustration or upset is maybe the usual reaction. But what makes here the difference between disappointment and indignation is that in the first case we are not dealing with actions strictly required by duty. Perhaps there is an intermediate case; I'm thinking in those situations of duties required by laws whose infringements represent not a *mala in se*, but only *mala prohibita*. In cases of *mala prohibita* the reactive attitude is usually of a kind of "disappointment". This emotional difference is compatible with what psychologists call the "conventional-moral distinction" (Blair 1995). Nevertheless even in those cases people can feel indignation when they realize that the accomplishment required with those civil laws is also required by a civil duty all of us have to respect the law (that is, a duty correlated with a common claim-right that all citizens obey the laws).

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