

THE MORAL FACTS:
AN EMPIRICAL INVESTIGATION

By

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To all the people (and cats) who have given me their support and encouragement.

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The aim of this work is to examine what existing empirical studies can tell us about the moral facts. Undertakings of this sort are relatively new to the discipline of philosophy. Philosophers usually rely on their own intuitions and do not consult the growing body of relevant empirical research from other disciplines. In recent years this has started to change and it is my hope that this work will further this trend.

I begin by giving my account of the moral facts; specifically that they are authority independent. Next I survey studies from the field of psychology to determine if and how they might support my account. Finally, I end by investigating a unique study, one conducted by philosophers. Its authors claim that their results suggest that the moral facts are authority dependent. I examine those results and demonstrate that they could also be interpreted as supporting my account.

CHAPTER 1 PROLOGUE

Philosophers, especially those working in the realm of moral philosophy, are often accused of issuing proclamations from their armchairs in the ivory tower. One implication, among many, is that philosophers are trying to describe the way the world is without ever setting foot in it. Philosophers rightly counter that empirical data can rarely¹ answer any question in metaphysics, epistemology, normative theory and so on. Take physics, for example. This field has made incredible leaps forward with respect to our understanding of subatomic particles in the last century. Despite this, it is still the case that it will never be able to tell us what the ultimate nature of substance itself is. Or consider also neuroscience. Since its relatively recent appearance, research in this field has led us to the startling fact that we make decisions *before* we are consciously aware of making a decision. While this is amazing to say the least, there are limitations; for instance, it does not definitively tell us whether or not robots could ever rightly be said to think or to be conscious.

Because of these limitations, philosophers often do not concern themselves with empirical data at all.² This can be a mistake. Empirical data can be useful to a philosopher. Its use lies (primarily) not in its ability to answer philosophical questions, but in its ability to test

¹ I say 'rarely' because it is sometimes the case that empirical data can answer philosophical questions. Take for instance Locke's question about the blind person and the cube. The question concerns a person, blind from birth, having his sight restored. The question is whether such a person would recognize a cube – by sight - as the three dimensional object that it is. Centuries later, Oliver Sacks describes a case in which sight was restored to a man who had been blind from infancy. The man was unable to use visual information as a clue to depth. He described seeing a flight of stairs as zebra stripes painted on the ground. He was also unable to recognize a cube by sight because of this deficiency.

² I recognize that some philosophers do use empirical data; however, it still remains the case that they are in the minority.

existing philosophical theories.³ Consider physics again. As mentioned above, our current understanding is unable to tell us what the ultimate nature of substance is – and it never will. It does, however, disprove Democritus’ metaphysical theory of substance. The smallest particles of a blackberry, for example, are not themselves purple, fragrant or sweet. This example is simple and may seem quaint, but I propose that empirical data can help test our modern philosophical theories.

The purpose of this paper is to do just that – test a modern philosophical theory with empirical data. The theory under examination is a metaethical theory concerning the nature of the moral facts. It is not an entirely new and innovative theory. It has been around in one form or another for millennia. What is new and innovative is the proposal that we can learn about the theory by examining scientific data.

In Chapter 1 I will briefly present the theory to be tested and outline the assumptions I have made. Then I will discuss what we would expect to see in the empirical data if the theory is correct, as well as what we would expect to see if the theory is incorrect. In Chapter 2 I will examine existing empirical data which supports the theory. And finally, in Chapter 3 I will examine empirical data that has been claimed to provide strong evidence against the theory and demonstrate that it does not in fact do so.

³ This is what makes empirical data useful in the sciences as well. It is easy to overlook this. Data serves to support or disprove scientific hypothesis and theories, not to definitively answer scientific questions as to which theory is correct (although it can answer questions of the ‘what-will-happen-if-I-x’ sort).

CHAPTER 2 THE MORAL FACTS

I propose that the moral facts are authority independent. While I will discuss authority independence at length in section II, it will be helpful to now offer a brief explanation of what I mean by the term. That an act has such-and-such a status is authority independent if the act's status cannot be influenced by authorizations alone, with all other facts remaining the same. That all other facts remain the same is crucial; in some situations, it may be tempting to think that the authorization alone matters when this is actually not the case. For instance, consider that it is wrong today to drive on the left hand side of the road in America. If a law was passed by Congress requiring drivers to drive on the left hand side of the road, doing so would be right. That it would be right is not only because it would be authorized, it is also because failing to do so would result in harm to others. Therefore, that it is wrong to drive on the left hand side of the road in America today is authority independent. I will be using empirical data concerning the normative judgments people make to test this theory.

Right away you may notice that the theory concerns the moral facts and the data concerns moral (and other sorts of normative) judgments that people make. I am not claiming that the moral judgments people make determine the moral facts. I am proposing that, in general, people are sensitive to the moral facts and make judgments in light of this awareness. So, by examining their judgments, we can learn about the moral facts. To help clarify my claim, and perhaps motivate it, let me offer an analogy. Suppose we wanted to learn about geometric shapes. For instance, suppose we wanted to learn what a circle is. We could start by considering what shapes people believe are circles since people are, in certain circumstances, reliable detectors of shapes. This would not give us the exacting definitions of the geometer; it would not give us a precise definition such as 'a closed, planer figure such that all points along its boundary are equidistant

from one point within the figure'. Rather, it would give us an inexact, basic understanding – a starting place.

Despite the limitations of this strategy, it is still worth pursuing. First, the other strategies usually employed by philosophers, such as using moral intuitions and traditional metaethical arguments, often end in a stalemate. Because of this, it is worth exploring and trying other strategies. Second, determining what is right and what is wrong is extremely important. Every piece of relevant evidence is, likewise, extremely important.

Basic vs. Derivative Moral Facts

Now would be a good time to distinguish basic and derivative moral facts. A moral fact is basic in so far as it is not derivative. A moral fact, M, is derivative in so far as:

1. Some set of facts, S, obtains
2. S includes at least one moral fact
3. None of the moral facts in S are identical to M
4. M follows from S
5. If the moral fact(s) were not included in S, M would not follow from S.¹

For example, consider the moral fact that it is wrong to make certain gestures, under ordinary circumstances, such as raising one's middle finger without raising the other fingers on that hand as well (a.k.a. flipping the bird). There is nothing in the physical act that is wrong. There is nothing intrinsically different about the middle finger (as opposed to the other fingers of

¹ This is important in order to avoid a moral fact following from non-moral facts alone. I have the following sort of case in mind:

- (a) Elwood claims that maximizing happiness is right
- (b) Everything Elwood claims is true
- (c) Harvey is good and not evil

It would follow from this set that maximizing happiness is right and it would follow from the non-moral facts alone. The derivative moral fact must follow from the moral fact(s) alone or the moral fact(s) and the non-moral facts.

the hand) such that it is wrong to raise it alone and not wrong to raise any of the other fingers alone. That it is wrong follows from a set of two facts. The first is that the raising of the middle finger by itself communicates an insult. The second is the moral fact that it is wrong to insult someone. That it is wrong to wrong to ‘flip the bird’ follows from these two facts.

Now consider the moral fact that it is wrong to cause someone unnecessary harm. There is no set of facts, as defined above, such that this fact follows from it. Imagine someone asking why it is wrong to cause unjustified harm to another. There simply is no explanation; if you can’t understand why this is wrong; there is nothing much anyone can say to make you understand.² We might offer examples of causing unnecessary harm in hopes that this will help you to understand, but this is not the same as offering the kind of explanation we are interested in.³

Authority Dependence & Independence

An Intuitive Understanding

I would like to start by offering a definition of authority⁴ dependence and independence, and then I will offer some examples to help clarify this definition.

Authority Dependent: The moral facts are authority dependent if the basic moral facts include some reference to an authority (or authorities) such that variations in their authorizations⁵ are sufficient to change the moral facts.

² I offer this only as a possible example.

³ Imagine someone who couldn’t comprehend that objects of different sizes reach the ground at the same time when dropped from the same height and the same time (neglecting air resistance for now). You could drop two objects of different sizes (both large enough not to be affected much by air resistance) at the same time from the same height and let him see that they arrive at the ground simultaneously. He may be led to believe it is true in this manner, but this is not the same as explaining why it is true.

⁴ Common examples of authorities include political figures (such as kings), religious figures (such as priests) and even deities (such as the Christian God). Groups that are authorities may be formal groups (such as Congress) or informal groups (such as a particular society or culture). The authorizations and prohibitions of acts by authorities may be explicit (e.g. laws, religious doctrines) or implicit (e.g. social norms, mores). A person’s own conscience, however, does not qualify as an authority. Authorities are external to the person, or at least are believed to be so by the person.

Authority Independent: A basic moral fact is authority independent if either it does not include some reference to an authority (or authorities) at all or if it does include a reference to an authority (or authorities) variations in their authorizations are not sufficient to change the basic moral fact.

This means that if a moral fact about some act is authority dependent, then the act's status⁶ can be influenced by some authorization even if nothing else changes. Accordingly, if a moral fact about some act is authority independent, then that fact's obtaining cannot be influenced by an authorization alone (that is, not in conjunction with other changes).

Consider an instance of wearing white (not winter white) shoes – not as part of any uniform or for athletics or as a bride – sometime after Labor Day and before Memorial Day. At least among a certain subgroup of the population, this is wrong. (Perhaps this may seem a bit antiquated, but I assure you that this rule of fashion etiquette is alive and well.) It would be wrong if it was explicitly permitted by law. It would be wrong even if it was explicitly permitted by the Pope. It would *not* be wrong if everyone else in this 'subculture' agreed that it was OK. They would have to agree that it is really OK now, and not something like that the culture has become so degraded that it isn't worth enforcing the rule anymore. The fact that it is wrong is authority dependent; it depends on the authorizations of (at least a certain segment) of society. It is not the case wearing white shoes under the above mentioned conditions really is wrong and they are just mistaken. What makes it wrong is (only) whether or not it is authorized.

Now consider any instance of torturing an innocent person (who does not enjoy being tortured) for no other reason than the torturer's own enjoyment. For now, let us claim that this act is clearly wrong. Furthermore, that it would still be wrong even if it was permitted by law. That it would be wrong even if it was permitted by the Pope. It would be wrong even if

⁵ I will use 'authorization' to mean permission, prohibition, approval, disapproval, etc.

⁶ By 'status' I simply mean something like whether or not it is permissible to perform the act.

everyone else said it was right. Regardless of what anyone says⁷, it would still be wrong. If this is the case, then the fact that torture is morally wrong is authority independent.

Now let me offer two more examples that should be familiar to anyone who has ever read Plato's dialogue the *Euthyphro*. Consider that what God commands is right. A person who believes that this is true because God determines what is right has an authority dependent view of morality. Her view is that if God commands x , then Mx ; and, conversely, if God commands $\sim x$ then $\sim Mx$ (where x stands for some act and M stands for some moral status). For instance, x could stand for "adultery" or "honoring your parents" or "women wearing pants" and M could stand for "is right" or "is permissible".

A person who believes that what God commands is right because God knows (but does not determine) what is right and would not deceive us has an authority independent view of morality, just as long as she doesn't believe any other person or entity determines what is right either. I offer these two examples to help make the distinction between authority dependent and authority independent facts more clear.

Now let us return to the claim that I started with, that people make moral judgments in light of their knowledge of the moral facts. If this is so, then we can use their judgments to evaluate my account of moral facts. It is important to make clear that this strategy does not rely on the implausible assumption that people's judgments concerning morality are infallible. It only requires that they are sensitive to the basic moral facts and make judgments in light of this, not that they always "get it right" so to speak. As I mentioned earlier, there is already a wealth of studies concerning people's normative judgments. These studies are generally not themselves

⁷ The victim's consent to the action is a kind of authorization, and whether or not the agent does something morally wrong can turn on the victim's consent. This would make it seem as though the moral status did depend on an authorization. For our purposes, this sort of authority dependence is not of interest.

concerned with testing any account of the basic moral facts. Most of these studies come from fields other than philosophy, such as psychology and sociology, but they are nonetheless philosophically useful.

Between the Extremes

As I have presented authority independence and dependence so far, it may seem that the only two options are for the basic moral facts to be either completely authority independent or completely authority dependent. Even after reading much of the literature concerning authority dependence, you may be led to this same conclusion. Many, perhaps even most, philosophers do not acknowledge that coherent positions exist between these two extremes. But they do exist and rigor demands that we briefly examine these positions. Such positions are consistent with my earlier characterization of authority dependence. It is, however, necessary to make the following change: The moral facts *concerning* x are authority dependent if the basic moral facts include some reference to an authority (or authorities) such that variations in their authorizations⁸ are sufficient to change the moral facts *concerning* x (where x stands for a particular group of moral statuses, actions, etc.)

Partial Authority-Dependence⁹: Moral status restriction

This position holds, in general, that the moral facts which concern certain moral statuses are authority dependent, while those which concern other moral statuses are authority independent. Before examining this position further, it will be helpful to discuss types of moral statuses first.

⁸ I will use 'authorization' to mean permission, prohibition, approval, disapproval, etc.

⁹ I could just as easily have called this position "Partial Authority-Independence". The choice between the two was entirely arbitrary.

The categorization I present is not meant to be exhaustive, only helpful. Some moral statuses are all-or-nothing and others are scalar. Of those that are all-or-nothing, most can be applied only to actions. These include statuses such as prohibited and obligatory. All of the moral statuses that are scalar, or at least can be, may be applied to either actions or agents. These include statuses such as virtuous and vicious.

Now let us explore what it would be for some moral statuses to be authority dependent and others to be authority independent. Suppose that the all-or-nothing moral statuses of actions are authority independent and that the scalar moral statuses are authority dependent. It is necessary for the sake of thoroughness to examine this possibility, although it is difficult to find a plausible example. For example, it would be authority independent that theft and infanticide are both prohibited. It could still be the case that which one is worse (if one is worse) is dependent on the agent's culture (or any other authority). Perhaps in 21st century American infanticide is worse, while in ancient Egypt theft was worse. It may be that scalar statuses are wholly authority independent, or it could be that they are authority dependent within limits. For instance, it may be that no authorization could make stealing a pen from the bank worse than infanticide; however, whether infanticide is worse than rape may depend on authorizations.

The claim that scalar moral statuses could be authority independent is not the same as to claim that one action is considered worse than another or one has harsher penalties (although these both may be true); it is to say that one action is actually worse. This is also different than claiming that we shouldn't hold people from other cultures and times (as) accountable for their actions because of their lack of knowledge, etc.

There are other possibilities, but this should be sufficient to motivate the claim that (at least some) Partially Authority-Dependent: Moral Status Restriction views are coherent.

Partial Authority-Dependence: Action restriction

This position holds, in general, that the basic moral facts that concern some actions are authority dependent, while those that concern other actions are authority independent. To illustrate this position, let me offer a possible way of categorizing actions. (This is not a positive claim that they ought to be categorized in this way, it is only meant to serve as an illustration.) One way of categorizing actions is by dividing them between those that involve natural virtues or vices and those that that involve artificial virtues or vices.¹⁰ Below are some examples of each category.

Natural virtues/vices: laziness, prudence, benevolence

Artificial virtues/vices: justice, modesty, good manners

It could be the case that the basic moral facts which involve natural virtues are authority independent and those that involve artificial virtues are authority dependent. For example, the fact that being prideful (as in hubris) is wrong might be authority independent, while the fact that being immodest is wrong might be authority dependent. This is not to say that whether an act counts as being immodest depends on authorizations (e.g. some think that immodest for boys to wear baggy pants that show their boxers). It is also not to say that the moral status of immodesty is unclear, so we must use authorizations as guidelines or indicators of what is actually right and wrong (e.g. Mary always does the right thing and she says immodesty is wrong). The claim is that whether or not an instance of immodesty is actually wrong depends on some sort of authorization.

¹⁰ This distinction is inspired by Hume's. By natural virtues I mean to pick out those that do not depend on social rules and could be found in individuals who do not belong to any society; by artificial virtues I mean to pick out those that do depend on social rules and are required for successful impersonal social interaction.

This is certainly not the only way that one could classify actions that have moral weight, but it should suffice to show that (at least some) Partially Authority-Dependent: Action-restricted views are coherent.

Experimental Design

The question is now what sort of empirical evidence would support the claim that the moral facts are completely authority independent. First let me describe the general design that the experiments should have. The data set (the number of participants) must be significantly sizable. It is also important to ensure that the subjects are generally competent with moral terms. Finally, it would need to be the case that subjects answer questions sincerely. By this I mean that they are not trying to please the experimenter, garner favor, etc.

The experiment, in brief, would be to present the subject with sets of scenarios. The first scenario in each set would feature the prohibition of a certain action by an authority¹¹ and the protagonist then performing that action. The subject would be asked whether it was right or wrong for the protagonist to perform that action and why. The second scenario of the set would then be presented. It would differ from the first scenario only in that the action would be explicitly permitted by the authority. Again the subject would be asked whether it was right or wrong for the protagonist to perform that action and why. While presenting the scenarios, it needs to be the case that it is absolutely clear to the subject that *only* the authorization has changed. Everything else about the action remained the same. We need to ensure that they are responding to the change in authorization and not to other differences in the facts of the case.

Some of the scenarios would involve actions that are generally taken to have moral weight. I am thinking of uncontroversial cases, such as unprovoked, unnecessary harms. For example,

¹¹ I am using the singular for simplicity's sake. Each scenario could make reference to either a single authority or multiple authorities.

walking up to a stranger and hitting him for no reason or insulting a passerby without cause. Other scenarios would involve actions that are violations of conventional rules. For example, these violations might include eating spaghetti with one's fingers or a boy painting his fingernails. The subjects' pattern of response in relation to conventional rules does not directly speak to the authority independence of the moral facts. It does, however, speak to the competence of the subjects. Regardless of how they answer with respect to scenarios involving actions with moral weight, we would expect them to recognize that violations of conventional rules are authority dependent.

Let me make one general point about this experimental design before considering the responses people could give. In the ideal experiment, we would include every conceivable authority. The reason is that if the authority in the scenario isn't the relevant authority, the person may maintain that the action is wrong despite what the authority in the scenario says. If this is so, it might not be the case that the moral fact is authority independent, just that it is independent of the particular authority in the scenario. For example, consider a case in which one child pushes another child off of a swing at recess. Most subjects would presumably answer that the protagonist's action was wrong. Now consider that at that school, before recess, the teacher had informed the students that it is OK to push one another off of the swings. The subjects would likely still say that the protagonist's action was wrong. Their reasoning might be that it is wrong because God had not changed His authorization concerning harming one another. In this example, God is the relevant authority and His authorization has not changed.

I also recognize that including every conceivable authority in every scenario is impossible in practice. We can minimize the effects of this limitation by including the authorities that have the greatest probability of being considered relevant by the subjects. For example, it is highly

unlikely that a modern American college student would consider Isis or Thor to be relevant (or even real). It is much more likely that such a person would consider (a Judeo-Christian) God to be relevant. The same student may think that his or her own society's values are relevant, but not those of ancient China. That not every conceivable authority cannot be included in a given scenario is, however, a weakness of this general experimental design.

Potentially Supportive Experimental Results

Let us first examine what results would provide the strongest support for the authority independence of the basic moral facts. We would not see a consistent correlation between the subjects' judgments and the given authorizations in scenarios involving actions that have moral weight. It would be the case that subjects respond that a given action is right (or wrong) in both scenarios. We would also see high correlation between the subjects' judgments and the given authorizations in scenarios involving violations of conventional rules. If the action was authorized, the subject responds that it was right for the protagonist to perform that action. Accordingly, if the action was prohibited, the subject responds that it was wrong for the protagonist to perform that action.

There are three distinct possible explanations of such a data set. I have listed them in brief and will discuss them at greater length below. I have listed them in order of prima facie plausibility, from the most plausible to the least. Of course, it is only prima facie plausibility; I am not making any claims here about the plausibility all things considered.

1. Complete Authority Independence
2. Partial Authority Dependence
3. Complete Authority Dependence

Complete Authority Independence

It might be the case that the moral facts are authority independent and people are making their judgments accordingly. I am not claiming that subjects are necessarily consciously aware that this is guiding their answers. I am only claiming that this is what is actually guiding their answers. When presented with an action that has moral weight, they respond that it is right (or wrong) in both scenarios in a given set because the action's normative status is not affected by the authorization. When presented with an action that concerns social conventions, they respond that it is right when authorized and wrong when prohibited because the action's normative status is affected by authorizations. As I mentioned when discussing experimental design above, the responses given to scenarios involving conventional violations do not speak directly to the authority independence of the basic moral facts, but they do speak to the competence of the subjects. This explanation seems to be most straightforward while still addressing all of the data.

Partial Authority Dependence

It could be the case that the moral facts which concern permission and prohibition are authority independent, while those which concern scalar moral statuses and/or all-or-nothing moral statuses of agents are authority dependent. This of course is just one possibility; I am using it to illustrate one way in which the responses could indicate partial authority dependence. The experiment only concerned the former statuses, making no mention of the latter. While this may be the case, it would still be the case that the facts of interest are authority independent. Further testing, making sure to address all types of moral statuses would also be helpful. If after such testing no significant difference is found in responses (e.g. changes in authorizations do not correlate to changes in assessment of any type of moral status) then this explanation would be significantly weakened.

It may be the case that the moral facts which concern certain types of actions (including those in the experimental scenarios) are authority independent and those which concern other types of actions are authority dependent. For example, it could be that actions which involve direct harm being done to another are authority independent and those which involve indirect harm (or no harm at all) are authority dependent. Again, this is just one possible way that the responses could be taken to indicate partial authority dependence. The number of supplementary hypotheses needed for this explanation directly corresponds to how many different types of actions are asked about in the experiment. If a very few types of actions are covered, then few supplementary hypotheses are needed; if a broad variety of actions are covered, then more may be required.

Complete Authority Dependence

It may be the case that, despite efforts to avoid it, people were basing their judgments on authorizations other than those given in the scenario. This is most intuitive if the authorization in the scenario was attributed (in the scenario) to a specific authority (as opposed to “everyone” or other broad attribution). For example, suppose that the scenario involves an officer in the military torturing a suspected terrorist. Further suppose that in one version the president has explicitly permitted the torture and in the other version he/she has explicitly prohibited the torture. The subject may maintain that it was wrong in both scenarios, not because she thinks it is authority independent, but because she thinks some authority other than the president is the relevant authority (e.g. God, religious doctrine, society) and that authority has not changed his/her/its authorization.

It could be the case that the moral facts are authority dependent and that the test subjects are just incompetent users of moral terms. It might be the case that they are incompetent because they (and perhaps people in general) are not sensitive to the moral facts to begin with.

It would, however, be odd if moral philosophers were the only people aware of the moral facts. Stranger still would be how anyone ever came to be a moral philosopher. So I assert it is reasonable to assume that people are sensitive to the moral facts. (It could still be the case that philosophers are more sensitive to the moral facts than other people, but what is important is that they are not the only people who are sensitive to the moral facts). It would also be quite curious if people consistently make the same sorts of judgments about the basic moral facts and those judgments were in error. More curious still would be if they consistently judged the moral facts differently than conventional facts and all of these judgments were also in error. This sort of overwhelming incompetence with applying moral terms would indeed be a very strange phenomenon, in need of a plausible explanation. It strikes me as rather implausible, even absurd, explanation - but it is a possibility.

Possible Experimental Results - Contra

Now let us look at what results would provide the strongest support against the authority independence of moral judgments. It may be the case that we see a high correlation between the subjects' judgments and the given authorizations across the board, for all scenarios. For any action that was authorized, the subjects respond that performing that action is right. Likewise, for any action that is prohibited, subjects respond that performing that action is wrong.

There are three distinct possible explanations of such a data set. I have listed them in brief and will discuss them at greater length below. Again, I have listed them in order from most to least (prima facie) plausible.

1. Complete Authority Dependence
2. Partial Authority Dependence
3. Complete Authority Independence

Complete Authority Dependence

It may be the case that the moral facts are contingent on authorizations. When the action is permitted, subjects say it is permissible *because* it is permitted by the authority; when the action is prohibited, subjects say it is prohibited *because* it is prohibited by the authority. This is not to say that subjects are consciously basing their judgments on the authorizations, only that this is what is actually happening. This is the most straightforward explanation that addresses all of the data.

Partial Authority Dependence

It could be the case that the moral facts which concern permission and prohibition are authority dependent, while those which concern scalar moral statuses and/or other all-or-nothing moral statuses are authority independent. As above, this is just one possibility used to illustrate how the responses could be taken to indicate partial authority dependence. It might be the case that the experiment only concerned the former statuses (permission and prohibition), making no mention of the latter. While this may be the case, it would still be the case that the facts of interest are authority dependent. Further testing, making sure to address all types of moral statuses would also be helpful. If after such testing no significant difference is found in responses (e.g. changes in authorizations do correlate to changes in assessment of any type of moral status) then this explanation would be in need of further justification, perhaps by adding relevant supplementary hypotheses.

It may be the case that the moral facts which concern certain types of actions (including those in the experimental scenarios) are authority dependent and those which concern other types of actions are authority independent. Again, this is just one possibility. As before, the explanatory power of this explanation directly corresponds to how many different types of actions are asked about in the experiment. If a broad variety of types of actions are covered, then

it is in need of supplementary hypotheses; if very few are covered, then it need none or only a few.

Complete Authority Independence

It may be the case that people are taking the authorities (and their authorizations) to be reliable indicators of what the moral facts actually are. If this is true, it would still be the case that the moral facts could be authority independent; however, it could also be true that it is unclear to the subjects what the moral facts (or at least those asked about in the experiment) are. That is, the subjects are unsure what the relevant moral facts are. Because of this, the subjects place their trust in the authority to know what the moral facts are and to issue authorizations accordingly. This is probably unlikely to happen if the subjects are asked to consider unprovoked acts of violence, for example. However, it is much more likely if the subjects are asked to consider what might be called “border-line” cases, cases in which no clear harm is done. An example of such a case might be a starving man, who has no way to provide food for himself or his family, stealing a loaf of bread from a large corporation. There is no clear, direct harm being done by stealing something of little value from a large corporation. Furthermore, the man has a good (although perhaps not sufficient) reason for acting as he did. The most straightforward way of reducing the explanatory power of this explanation is to choose actions about which the subjects have strong intuitions. This could be determined using pilot studies of the subjects themselves or by pilot studies of age / socio-economic / culture / gender / etc. matched subjects.

It could be the case that the moral facts are authority independent and that the test subjects are just incompetent users of moral terms. As before, it might be the case that they are incompetent because they (and perhaps people in general) are not sensitive to the moral facts to begin with. While this is a coherent objection, it does not appear to be very plausible.

A Note Concerning Terminology

The term ‘general’ is used by (some) philosophers somewhat differently than it is commonly used among psychologists (and perhaps other philosophers). Psychologists, especially those concerned with moral judgments, often take a moral fact to be general if it is true of all people, in all places, at all times, etc. I take it that part of what they are trying to capture is that the moral facts do not depend on an individual’s society or culture. As we have already seen, I take social norms, mores, etc. to be a type of authority. Accordingly, what they are trying to capture in using ‘general’ this way is included in my account of authority independence.

It may be difficult to imagine what sorts of moral facts people might think are specific to a given culture. Let me offer some examples. Consider the fact that it is wrong to own slaves. Someone might think that it is wrong for anyone to own slaves now, but that it wasn’t wrong in ancient Greece or 19th century America. Or consider the fact that it is wrong to force small children (six-year-olds for example) to do heavy labor. Someone might think that it is wrong to do so today, but that it wasn’t wrong in 15th century Europe or the Pleistocene.

Now let us turn our attention to the actual empirical evidence.

CHAPTER 3 FAVORABLE EMPIRICAL EVIDENCE

In this chapter, I will examine various studies that have been used by philosophers to support their conclusions about morality. I recognize that this chapter is far from being exhaustive of all of the studies both available and that philosophers have cited. I tried to select studies that are widely cited and that are significantly different from one another.

I too will be citing these studies as evidence in favor of my own theory about the basic moral facts. Unlike most other philosophers, I will do more than simply cite each study. For each study I will begin by explaining the experimental design and procedure. Then I will present the raw data for each experiment and discuss the results that provide (or fail to provide) support for my theory. For the most part I will not discuss results that failed to attain statistical significance.

Before turning to the experimental evidence, it is important to note three limitations that all of the studies exhibit to some degree. First, the studies ask whether a given action is right or wrong, or permissible or impermissible. Even if these moral statuses are authority independent (as my theory suggests) it could be the case that other moral statuses (e.g. obligatory, supererogatory) are authority dependent. In this way it is not possible to distinguish between complete authority independence and partial authority dependence of basic moral facts.

Second, the studies do not ask questions that would allow us to determine the authority independence or dependence of scalar moral statuses. In some of the studies the subjects are asked how bad a particular act is (once the subject has already indicated that the act is wrong or impermissible). Mainly this is done with respect to questions concerning what punishment the protagonist in the scenario should receive. This is problematic, because subjects may answer based on what punishment they would be willing to receive and not what they think is fair or

right (this may be especially true of young children). In this way, it is again not possible to distinguish between authority independence and partial authority dependence of basic moral facts.

Third, the studies all give a particular authority figure (or figures) in each scenario. In some the authority figure is a school teacher, in others it is society, and in others it is God. It could be the case that the subject does not think the authorizations of the given authority figure can affect the moral status of the act in question, but that the authorizations of a different authority could. This is perhaps the least likely in last study, where the authority figure is God and the subjects are all practicing adherents of some Christian religion. However, this is still a limitation that needs to be recognized.

“Abused, Neglected, and Nonmaltreated Children’s Conceptions of Moral and Social-Conventional Transgressions,” Smetana et al.

Experimental Design and Procedure

This study was conducted on 4-year-olds who fell into three groups: abused, neglected, and controls. (Admission into the first two groups was based on the findings of Social Services). Each child was asked about a specific, concrete transgression of the sort that was normally enforced in his/her daycare. Some of the transgressions were moral transgressions and others were conventional. The criteria used to select moral and conventional transgressions were derived from previous studies conducted by the experimenter and others. In short, moral transgressions were those which clearly involved direct harm and/or issues of justice or equality; conventional transgressions did not involve such issues. The moral transgressions scenarios involved hitting, kicking, biting, making another child cry, teasing, being mean to another child, taking away another child’s snack, and not taking turns with a toy. Notice that all of the moral transgressions involved direct harm to another, specific child. This was done because of the age

of the subjects and their ability to grasp abstracts. The conventional transgression scenarios involved not listening to the teacher during story time, not keeping quiet during nap time, and leaving the classroom without permission.

Children were randomly assigned to either the self or other condition. If the child was assigned to the self condition, he/she would be the protagonist in the scenario; if the child was assigned to the other condition, the protagonist would be a made up child of the same age as the subject.

The subject was then asked a series of questions about the scenario he/she just heard in order to determine the act's seriousness, deserved punishment, universalizability and rule contingency.¹ As discussed above, the questions about the act's seriousness and deserved punishment were tied together in a way that makes it impossible to determine whether the children were responding in light of their sensitivity to scalar moral statuses or in light of what they would be willing to receive as punishment. However, the author's conception of both universalizability and rule contingency are captured by authority in/dependence. The authors use the term 'universalizable' to mean that a transgression would still be wrong in a different social setting. This is to say that the social norms do not determine whether or not the action in question is wrong. Since social norms are a type of authority, universalizability is captured by authority in/dependence. Rule contingency means that if there is no rule prohibiting the action, then the action is permissible. Since rules are a type of authority, this is captured by authority in/dependence as well.

The author claims that to be generalizable, a rule must hold in the different social settings a given child encounters. That is, if an action is wrong in one, it is wrong in all others (if

¹ The authors use 'generalizability' and 'universalizability' interchangeably. I will use the latter to avoid the ambiguity mentioned earlier regarding the term 'generalizable'.

everything besides the setting is held constant, that is). Some examples of settings are the child's daycare and the child's home. As different settings have different authorities (teachers, parents, etc.) this is one way to determine if the moral fact about the transgression is authority dependent. These sorts of questions, however, can only provide strong evidence for authority dependence. It could still be the case that while the social setting has changed, the relevant authority has not. That is, it could be that the moral fact is authority dependent, but that the relevant authority's authorization is not changed by simply changing the social setting.

The same sort of thing can be said about questions concerning rule contingency. The answers to these questions can provide conclusive evidence of authority dependence, but cannot provide conclusive evidence of authority independence. This is because the rule that is changed (actually, that is eliminated) may not be the rule the child is using to determine the moral status of the act. (As stated, it may sound as if I am claiming that this is a conscious process. I am not making such a claim. I am only claiming that the child is in some way using a rule to make this determination.) Therefore, the moral fact captured by the (relevant) rule may be authority dependent.

To determine if the child thought the transgression was universalizable to other contexts, the child was asked: "Would it be OK for you to [commit the transgression][or Would (the depicted event) be OK] at home or in another school?" Notice that these are both settings that the child would understand the import of, unlike 'in some foreign country' or 'in another, distant part of the world'. To determine if the child thought the action was wrong only because it violated the rules of the daycare, the child was asked: "Would it be OK for you to [commit the transgression][or Would (the depicted event) be OK] if there was no rule about it here [the daycare]?"

There are some shortcomings to the experimental method that I would like to point out before discussing the results. First, children may assume that at ‘another school’ the rules would be the same or similar to the rules at their own daycare. If this is the case, an answer of ‘yes’ could mean either that he/she thinks the transgression is authority independent or the he/she thinks it is authority dependent and assumes the rules at the different school are the same (or similar) to the rules at his/her daycare.

Secondly, children may have the same or similar rules at home as they have at the daycare. The most obvious example is about being quiet during nap time. If the child has nap time at home, he/she undoubtedly has this rule there as well. Most children also have rules at home about listening to adults and not leaving (the house, the dinner table, etc.) without permission. If this is the case, an answer of ‘yes’ could mean either that he/she thinks the rule is authority independent or that he/she thinks it is authority dependent and the authorities in both places prohibit the action.

Experimental Results and Discussion

Now let us turn our attention to the results of the study. First, I want to point out, but not discuss at length, some of the questions for which there was no statistically significant data for either the self or other condition.² This was the case for two of the moral transgressions (teasing another child and not taking turns with a toy) with respect to both the universality and rule-contingency questions and one of the conventional transgressions (not being quiet during naptime) with respect to the rule-contingency question. Also, all of the conventional transgressions with respect to the universality question proved statistically insignificant as well.

² Despite being statistically insignificant, it did show a general trend in the anticipated directions.

It is possible that in the case of the two moral transgressions that the children were not able to grasp the harm being done. They may have a difficult time understanding that teasing hurts the victim. They might also have a difficult time understanding why it is important to take turns with toys. That it is important to take turns has to do with concerns of fairness and justice. They might not be able to sufficiently grasp these concepts, however primitively, because of their limited ability to take another's perspective. With respect to the naptime question, it is possible that some children thought that not being quiet during naptime would disrupt the other students who were trying to nap. Children who interpreted the scenario in this way would treat the transgression as a moral and not a conventional transgression.

For the three moral transgressions involving physical harm (kicking, biting, hitting), children evaluated them as wrong in the absence of rules (p 's < .01-.001) and as wrong in other situations (p 's < .01-.001) in both the self and other condition. The two remaining moral transgressions involving psychological harm (being mean to another and making another cry) and the one remaining moral transgression involving rights (taking away another's snack) were judged to be wrong in the absence of rules for others, but not for the self. The self-condition data was statistically insignificant; it did, however, show a general trend towards the overall judgment that it would be wrong for the self as well. The two remaining conventional transgressions (not listening to the teacher and leaving class without permission) were judged to be permissible for the self in absence of rules (p 's < .05). The results for the 'other' condition were not statistically significant, but did show a general trend towards the overall judgment that it would be permissible for others in the absence of rules as well.

Most telling is that the three most concrete harms were judged to be rule independent and universalizable by all children. It may be the case that when asked about the psychological

distress and rights transgressions, children in the other condition imagined themselves as the victim. If this was the case, the harm would have been apparent to the child. In the self-condition, it is more likely that the child would imagine him/herself as the transgressor. If this is the case, it may be that the harm done was not grasped by the child. As has been noted since at least the time of Piaget, children under the age of six are notoriously bad at taking another's perspective. Children in the study might not be able to grasp the harm done in these cases reliably unless they imagine themselves as the victim. This could help explain why the results for the self-condition were not statistically significant, while the results for the other-condition were.

**“Social Interactions and the Development of Social Concepts in Preschool Children.”
Nucci and Turiel**

Experimental Design and Procedure

This study was conducted on preschoolers and consisted of two main parts – observing the responses of students and teachers to naturally occurring transgressions and interviewing children about those same transgressions. Only the second part is relevant to the concerns of this paper, so I will focus on it exclusively. An observer recorded events at the preschools and provided a narrative description of the events recorded. A trained judge classified each transgression event as either moral or conventional. Moral events were defined as those involving justice, welfare or the rights of individuals or groups. Examples included intentionally hitting another child and taking what belonged to another child. Conventional events were defined as those that “regulated social interactions and social order” and “had no intrinsically prescriptive basis independent of the coordination of social interactions and maintenance of

social order.”³ Examples include standing (rather than sitting) while eating a snack and doing a certain activity somewhere other than the designated area. Neither the observers nor the judges knew the hypothesis of the study.

When a transgression occurred, an interviewer would ask a child who had seen the entire event to talk about it in a nearby area away from the other children.⁴ First the interviewer asked if the child could describe the event. Only those who could accurately describe the event were included. The child was then asked: “Is there a rule in your school about [the observed act]?” Finally he/she was asked: “What if there weren’t a rule in the school about [the observed act], would it be right to do it then?” The act was coded as ‘moral’ if the child said that would not be right in the absence of rules and ‘conventional’ if the child said that it would have been right.

Experimental Results and Discussion

In the majority of the cases (83%, 60 out of 72) the children’s coded responses were identical to the judge’s classification of the transgression. Of the 60 events on which there was agreement about half (29) were classified as moral and half (31) as conventional.⁵ This high degree of agreement suggests that children are acting as if moral transgressions are authority independent. Recall that I am not suggesting that the children (or adults for that matter) are consciously making this inference.

The discrepancies may indicate a difference in judgment about the same act or result from judging different acts entirely. For instance, suppose that one of the transgressions

³ It is important to note that this is different than defining the rules as authority dependent. There are rules that exist to regulate social interactions that have no intrinsically prescriptive basis that are moral rules and many of us would take to be authority independent. Think, for example, of keeping one’s promise. This is a rule that exists to regulate social interactions and (at least one could argue) has no intrinsically prescriptive basis. Yet most of us would agree that keeping one’s promises is authority independent.

⁴ Children could and did decline.

⁵ The authors do not record how the remaining 12 transgressions were classified by either the judges or the children. They also do not record what the specific transgressions were.

involved two students talking during class when they should be listening to the teacher. The judge might code this as a conventional transgression as it is breaking a rule which exists solely to maintain social order. The child might judge the protagonists' actions to be an intentional display of disrespect towards the teacher (as well as a rule violation, perhaps) and therefore treat it as a moral transgression. This would be an example of the judge and the child judging different acts, despite being offered the same scenario. Since we are not given the specific transgressions, it is impossible to further speculate why the disagreements occurred.

“Is the Psychopath ‘Morally Insane’?” Blair et al.

Experimental Design and Procedure

In this study all participants had been incarcerated for at least 18 months and were serving life sentences for murder or manslaughter. No participants were currently, or had been previously, on psychotropic medication. Those selected as part of the psychopathic group were assigned to this group on the basis of high (30+) scores on Hare's (1991) Revised Psychopathy Checklist as well as a preponderance of supporting evidence.⁶ Those selected for the control group had little or no history of psychopathic tendencies and scored below 20 on Hare's Revised Psychopathy Checklist. Additionally the groups were IQ and race matched.

Participants in both groups (psychopathic and controls) were presented with the same series of stories.⁷ Stories presented to subjects for evaluation included both transgressions and

⁶ Hare's checklist is generally accepted in psychology as a “gold standard” for measuring psychopathy. It measures 20 items on a scale of 0-2. The items correspond to one of two broad categories. The first concerns a lack of concern for others and selfishness (Narcissistic Personality Disorder). The second concerns a chronically unstable and anti-social lifestyle (Anti-Social Personality Disorder). The higher an individual scores on the checklist, the greater the degree of psychopathy he or she exhibits. Scores greater than 30 are generally accepted as indicating the individual is a psychopath (as opposed to merely having psychopathic tendencies).

⁷ All the stories presented to the subjects occurred within a school environment. This was done because pilot studies indicated that subjects regarded teachers as legitimate authority figures for children.

positive moral and conventional acts. After each story, the subject was asked the following series of questions:

1. Was it right or wrong for X to do Y?
2. On a scale of 1 to 10, how right (or wrong, depending on the answer to the first question) was it for X to do Y?
3. Why was it right (or wrong) for X to do Y?
4. If the subject answered 'wrong' to the first question, he was then told: "Now what if the teacher said before the lesson, before X did [the transgression], that 'At this school anybody can Y if they want to. Anybody can Y.'" Would it be OK for X to do Y if the teacher says X can?

I will focus solely on the results of the transgressions stories. This is because the positive stories did not yield any data that could either support or refute authority independence. Prisoners were asked the same series of questions after positive stories as they were after transgression stories, with the exception that they were not asked the last question if they answered that the act was right. This fourth question in the series is designed to reveal whether they consider the act to be rule (and therefore, authority) independent. However, for positive acts, the answer to this question would be 'yes' regardless of whether or not the moral fact about the act is rule independent. This does not mean that there is no way of determining whether or not subjects consider permissible actions to be rule independent. They might have been asked whether Y would still be the right thing to do, even if the teacher said that X was *not* allowed to do Y.

The moral transgression stories included a child hitting another child, a child knocking another child down on the playground, a child smashing a piano with a hammer and a child taking another child's bag. The conventional transgression stories included a boy wearing a skirt, two children talking in class, a child walking out of the classroom without permission and a child who stops paying attention to the lesson and turns his back on the teacher.

Experimental Results and Discussion

Now let us examine the results of this study. Answers to the first and fourth questions were scored the same. An answer that it was right or OK received a score of 0 and an answer that it was wrong or not OK received a score of 1. Controls were unanimous in their recognition of the moral transgressions as wrong (1.00, SD=0) and nearly unanimous in their recognition of the conventional transgressions as wrong (0.93, SD=0.14). They were, likewise, nearly unanimous in judging the moral transgressions to be wrong regardless of the teacher's permission (0.99, SD=0.06). Their judgments of the wrongness of conventional transgressions regardless of the teacher's permission is less clear (0.51, SD=0.31). When broken down by individuals, it was determined that 13 of the 20 controls clearly made the distinction.⁸

The reader might worry at this point that the subjects are trying to please the experimenter and that they do not actually believe all of their answers. It may be the case that either all or some of these subjects do not actually think that some or any of the transgressions are wrong; that they were just trying to tell the experimenters the 'correct' answers. Even if this was the case for every control subject and every transgression, what is important is that they were able to make the distinction and give the 'correct' answer. That they were able to give the 'correct' answer is an indication that they take society to judge these acts in this manner, even if they personally do not. Therefore, their answers would give us an indication of how people generally judge these acts.

Perhaps surprisingly, the psychopaths generally considered both types of transgressions to be wrong both before and after the teacher grants permission. It may be objected that this group

⁸ 3 did not make the distinction at all and 4 were inconclusive. The latter category was determined by statements they made concerning questions 2 and 3. They still failed to make the distinction in question 4, but their answers to the previous two questions cast doubt on which act they were really judging.

has an interest in being paroled and they are therefore trying to demonstrate that they have learned the rules of society. But, presumably, the controls have just as much interest in being paroled, so this cannot completely account for the difference. However, it may explain (as the authors suggest) why psychopaths, unable to make the distinction, answered that all transgression were authority-independent instead of authority-dependent.

“Korean Children’s Conceptions of Moral and Conventional Transgressions” Smetana, Song and Kim.

Experimental Design and Procedure

This study was conducted on 50 middle-class children in Busan,⁹ Korea. There were ten children (5 girls and 5 boys) in each of the following grades: kindergarten, third, sixth, ninth and twelfth. The children were all presented with the same stories and asked the same questions about those stories. Half of the stories were about moral transgressions and the other half were about conventional transgressions.¹⁰ The moral transgressions included hitting, stealing, not paying back borrowed money, and not giving up a seat to an old man on a bus. The conventional transgressions included eating with fingers, not greeting elders cordially, not putting shoes in the shoe rack before entering the classroom, and a girl wearing earrings and nail polish. After being presented with a scenario, the child was then asked the following questions:

1. “Would it be wrong to [commit this transgression]?”
2. “Why?”
3. “Would it be OK to [commit this transgression] in another country?”
4. “Would it be wrong to [commit this transgression] if there were no rules about it here?”

The second question was asked in order to examine what sorts of justifications the children use. The information gained by this question is not useful in determining whether or not the data

⁹ Busan is the second largest city in Korea.

¹⁰ The conventional transgressions were chosen on the basis of Kim’s and Song’s knowledge of Korean middle-class culture. They were chosen in part because they are serious breaches of social conventions (including social status).

supports my theory, so I will not discuss it. This is because answers to the second question do not speak directly to authority independence or dependence. For instance, a subject may cite fairness as her reason for judging the act to be wrong. But this alone does not give us any information as to whether she takes issues of fairness to be authority independent or authority dependent. It is useful to note, though, that with respect to the moral transgression, there were only four direct appeals to authority. This is a very small number considering that each student (N=50) was asked about four different moral transgressions. Unfortunately, the authors do not note in response to which transgressions these appeals were made or what authority was appealed to (e.g. parents, a deity, etc.).

Experimental Results and Discussion

Now let us examine the results. Overall, children in every age group judged every moral transgression to be wrong, to be wrong in another country and to be wrong in the absence of prohibitive rules. There were only 9 (out of 60) items that received lower than a 90% agreement that the transgression was wrong. In none of these items did the agreement fall below 70%. While there was not 100% agreement for all ages across all categories, the results are significant and are indicative of a pattern.

The results pertaining to conventional transgressions are less decisive. Most children agreed that these transgressions were wrong, with the exception of eating with one's fingers (only 50% of 6th, 9th and 12th graders judged it to be wrong). The results for the generalizability question (would it be OK in another country) were mixed, ranging from 90% agreement it would be wrong (6th graders, not greeting elders) to only 10% agreement (6th graders, eating with one's fingers; 12th graders, wearing nail polish and earrings). For all of the transgressions, except one (not greeting elders), there was 20% or less agreement across all ages that it would be wrong in the absence of rules. The authors did suggest that the reason 'not greeting elders' was treated

differently is that the subjects were treating the action as if it had both moral and conventional components. They based this on the types of justifications that were offered as to why it would still be wrong.¹¹

While the pattern is less distinct with respect to conventional transgressions, it is still there. The pattern of responses given to moral transgressions is unmistakably different than the pattern of responses to conventional transgressions. Moreover, it is the pattern that we would expect to see if the basic moral facts are authority independent.

**“Children’s Conceptions of Morality, Societal Convention, and Religious Prescription,”
Nucci**

This study was divided into two sections, in one the test subjects are Roman Catholics and in the other they are Amish and Mennonite. I will first discuss the overall experiment very generally, and then I will treat each group in more detail separately.

In this study subjects were asked about moral prescriptions (such as those that involve direct harm to others) and religious prescriptions. Religious prescriptions are those prescriptions that involve regulations of worship, dress, etc. and that do not involve direct harm to anyone other than the agent. The authors do recognize that religious prescriptions are different from social conventions in that believers do not recognize their religious prescriptions as coming from any social group, rather, they believe the prescriptions are divine. The prescriptions are similar to social conventions, however, in that they are arbitrary in the sense that other prescriptions could have been given to serve the same purpose; there is nothing intrinsically prescriptive about them. For this reason, they can be used to see if the moral facts are treated differently than arbitrary rules.

¹¹ Justifications involved appeals to politeness, courtesy and respect.

Roman Catholics

Experimental design and procedure

This study was conducted in Chicago on 100 sophomores in high school who attended religious classes and 100 undergraduates attending teacher preparation classes. Subjects were selected (in part) because they were Roman Catholic and devout church goers.¹² Subjects were questioned about a given prescription. Twelve of the scenarios involved moral prescriptions (e.g. rape, murder, stealing) and twelve involved religious prescriptions (e.g. not attending mass, divorce, receiving communion without confession). Subjects were asked two questions:

1. Would it be wrong for the Pope and Cardinals to drop the rule about [transgression]?
2. Suppose that another religion, religion B, has no rules or laws about [transgression]. Would it be wrong for a member of religion B to [transgression]?

One should note that in Roman Catholicism, the Pope has the authority to change any prescription. He would first consult with the college of Cardinals, (which is why the question includes them), but he has the ultimate say. Traditional Catholicism also holds that the Pope is infallible in matters of faith. It may be surprising, then, that only 23% of the university students and 28% of the high school students held this to be true; however, this, as the authors point out, is in line with the beliefs of today's American Catholics.

Experimental results and discussion

An overwhelming majority¹³ of students responded that it would be wrong for the Pope to drop the rules prohibiting moral transgressions. Likewise, a similarly overwhelming majority¹⁴ of students responded that the acts would be impermissible even if one's religion did not have

¹² For instance, over 92% of individuals in both groups received communion at least once a month and over 87% received it at least twice a month.

¹³ On average 91.6% of high school students and 98% of university students

¹⁴ On average 91% of high school students and 97% of university students

rules concerning those particular acts. This provides strong evidence in favor of the authority independence of moral facts. This is especially striking when you consider that most of the students who ascribe to papal infallibility *also* responded that it would be wrong for the Pope to drop the rules prohibiting moral transgressions. This is tantamount to them saying that it would be wrong for God to drop the rules prohibiting moral transgressions. It should be noted that these results would also be compatible with authority dependence where the relevant authority is God. In the case of students who ascribe to papal infallibility, perhaps their responses could be explained by them holding that God would not permit the rules to be dropped, so if the Pope did so, he must be acting of his own (fallible) will and not as an instrument of God.

These results are in stark contrast with the responses given concerning religious prescriptions. On average, less than half¹⁵ of the students responded that it would be wrong to remove rules prohibiting the acts. Even fewer¹⁶ responded that it would be wrong for someone to engage in these acts if that person's religion did not have any roles concerning them. This is interesting because it shows that a significant number of students think that at least some of what God commands us to do (or not to do) can be changed (e.g. through the Pope). This would seem to limit the realm of what God could not (or perhaps would not) change with respect to the moral facts.

Mennonites and Amish

Experimental design and procedure

The subjects were all Mennonites and Amish from a conservative community in Indiana. They all attended the same fundamentalist school which was administered by an Amish principal. Even though the subjects were drawn from two different religions, the groups had

¹⁵ 40.8% of high school students and 32.7% of university students

¹⁶ 33.8 % of high school students and 18.2% of university students

many beliefs and practices in common. These beliefs included ones regarding authority over prescriptions. Unlike Catholics, Mennonites and Amish do not consider their church to have authority over religious prescriptions (moral or non-moral). (This will be important to note when we consider their answers to questions about whether it would be permissible for the congregation to remove or alter certain rules.) They do consider the Bible, God (either through divine writings or not) and Jesus (again, whether through divine writings or not) to have this sort of authority. A total of 64 students participated. Students were divided equally into four age groups (10-11, 12-13, 14-15 and 16-17). Each group had an equal number of boys and girls.

Each student was presented with four moral and six (non-moral) religious prescriptions. Students 14 years old and older were presented with the additional non-moral prescription against premarital intercourse between consenting adults. After being presented with the prescription, the student was then asked the following three questions:

1. “Would it be all right for the congregation to remove or alter the rule?”
2. “Is it all right for members of another religion which has no rule about [the prescribed act] to engage in [the prescribed act]?”
3. “Suppose Jesus or God had not given us a law about [the prescribed act], the Bible didn’t say anything one way or another about [the prescribed act]. Would it be all right for a Christian to do [the prescribed act] in that case?”

Experimental results and discussion

An overwhelming majority¹⁷ of students responded that it would be wrong for the congregation to drop the moral rules. Only slightly fewer¹⁸ students responded that the moral transgression would be impermissible even if one’s religion did not have a rule about it.

¹⁷ On average 96.8% of students overall

¹⁸ On average 92% of students overall

Likewise, slightly fewer¹⁹ students also responded that the moral transgression would be impermissible even if God had not made any rule concerning the act. These results strongly speak in favor of the authority independence of moral facts. Unlike the study of Roman Catholic students, these students were asked about God (as opposed to the Pope) taking no stand on the given acts. Given their religious beliefs, though, it is extremely unlikely that these students would regard the authorizations of church leaders to have the power to influence the moral facts.

As with the study on Roman Catholic students, the results regarding the non-moral religious prescriptions stand in stark contrast to those concerning moral prescriptions. Slightly over half²⁰ of the students responded that it would be wrong for the congregation to remove rules prohibiting these acts. Still fewer²¹ responded it would be wrong to engage in the act if one's religion had no rule concerning the act. Very few²² students responded that it would be wrong to engage in the act if God had made no rule concerning the act. These results show that a significant number of students seem to think that the absence of God's prohibition is sufficient to change the status of non-moral religious prescriptions, but not that status of moral prescriptions. This is very similar to the results obtained from the study of Roman Catholic students.

¹⁹ On average 84% of students overall

²⁰ On average 64.25% of students overall (excluding the question regarding premarital intercourse)

²¹ On average 25.25% of students overall (excluding the question regarding premarital intercourse)

²² On average 1.75% of students overall (excluding the question regarding premarital intercourse)

CHAPTER 4 A CHALLENGE

In this chapter I discuss a recent paper by Kelly and Stich, et al. Like me, they are interested in whether the moral facts are authority independent (in my sense of the term). To do this, they designed and ran their own experiments. All of the experiments I have examined so far were not designed to test whether the moral facts are authority independent. Rather, they were designed to test when children begin to make the moral-conventional distinction, if religious convictions affect how individuals make the moral-conventional distinction and so on. This makes the experiments conducted by Kelly and Stich, et al unique and especially relevant to my project. One would expect that these experiments would provide the clearest data concerning whether the moral facts are authority independent. After reviewing the data, Kelly and Stich, et al draw the conclusion that the moral facts are authority dependent. This is noteworthy not only because it is in opposition to my own account, but also because it is in opposition to the dominant view in philosophy. Kelly and Stich are both well respected philosophers and with good cause. They generally present clear, well-reasoned arguments. If my account is to have merit, I must be able to address their study and the conclusions they draw from it.

I will start by giving a brief overview of what they take to be the standard view and what it is they are questioning. Then I will present their experimental design and procedure. Next I will examine some of the flaws in this procedure. Finally I will critically examine their results. It is my contention that their results are ambiguous – that they do not give us good reason to accept or reject the conclusions they are designed to challenge.

Overview of Theoretical Background

Kelly and Stich, et al are skeptical about the traditional moral-conventional distinction. They do not think that there is a sharp distinction between moral and conventional rules. It

should be noted that Kelly and Stich, et al focus their discussion on moral and conventional rules, what they call moral (conventional) rules are moral (conventional) facts.

At the beginning of their paper they characterize what they take to be the traditional view of moral rules as follows:

1. Moral rules have an objective, prescriptive force; they are not dependent on the authority of any individual or institution.
2. Moral rules hold generally, not just locally; they not only proscribe behavior here and now, they also proscribe behavior in other countries and at other times in history.
3. Violations of moral rules typically involve a victim who has been harmed, whose rights have been violated, or who has been subject to an injustice.
4. Violations of moral rules are typically more serious than violations of conventional rules.

They then go on to describe some of the research that has been conducted to defend the traditional view of moral rules. They identify three main conclusions that are generally drawn from the typical characterization and the research they surveyed:

(C-1) In the moral / conventional task experiments subjects typically exhibit one of two *signature response patterns*. In the *signature moral pattern* rules are judged to be authority independent and general in scope; violations are more serious, and rules are justified by appeal to harm, justice and rights. In the *signature conventional pattern* rules are judged to be authority dependent and not general in scope; violations are less serious, and rules are not justified by appeal to harm, justice, or rights. Moreover, these signature response patterns are what philosophers of science sometimes call ‘nomological clusters’ – there is a strong (‘lawlike’) tendency for the members of the cluster to occur together.

(C-2) (a) Transgressions involving harm, justice, or rights evoke the signature moral pattern. **(b)** Transgressions that do not involve harm, justice, or rights evoke the signature conventional pattern.

(C-3) The regularities described in (C-1) and (C-2) are pan-cultural, and they emerge quite early in development.

As we will see when we examine their results, they take their data to have primarily cast doubt directly on (C-2), and (C-1) and (C-3) indirectly by association. However, they do take their data to have cast some doubt on (C-3) directly with respect to the regularities being pan-

cultural as some of the subjects do live outside of the US and as there are many cultures within the US.

Experimental Design and Procedure

Subjects were recruited online both from clearinghouses for on-line psychological research and popular forums (such as Craig's list). Participation was anonymous, voluntary, uncompensated and restricted to individuals 18 years of age and older. Subjects who did not complete all parts of the survey were excluded. In the end, there were 1635 subjects; half were female (48.4%) and half were male (51.6%). Additionally, 16.1% identified themselves as living outside of the United States.

The experiment as a whole consisted of 18 scenarios, which were divided into 9 pairs. Each pair involved the same scenario except that one particular feature about the scenario was different between the two; in three pairs the culture in which the scenario was set (e.g. the time and/or place) was changed, in six of the pairs the authorization of a specific authority was changed. Each subject was presented with only one of the nine pairs of scenarios. Each pair of scenarios was presented to about 200 subjects (the actual number of subjects presented with each scenario can be found in the results section). After each scenario was presented, subjects were asked whether the protagonists' actions were 'OK' and to rate the protagonists' behavior on a scale of 0 (not at all bad) to 9 (very bad).

Before looking at the individual scenarios, I would like to point out that all nine scenarios involve testing what I call authority independence. The authors reserve the term 'authority (in)dependence' for when a moral fact does (not) depend on a particular authority making an explicit authorization. They do not include society as an authority or its norms as authorizations. They talk about a moral fact's (in)dependence on society and its norms in terms of indicating that the fact is either global or local. On my view, society and its norms do count as authorities and

authorizations, respectively. For the remainder of this chapter I will continue to use the terms ‘authority independence’ and ‘authority dependence’ as I have defined them in Chapter 1.

Problems in the Experimental Design

Before discussing the individual cases, I would like to address three problems that affect all of the cases. The first has to do with how the questions are phrased. After reading a case, the subject is asked whether it was ‘OK’ for the protagonist to do [some action]. The answer to this question is then used to determine whether the subject judges that it was morally right for the protagonist to perform that act. However, it seems clear that a subject may have good reason for saying it was ‘OK’ and denying that it was morally right. This would mean that the results obtained would not be reliable indicators of people’s intuitive understanding of the moral facts.

The subject may read ‘OK’ as meaning the pragmatically best or acceptable course of action. ‘OK’ is commonly used in this manner. Consider a child who asks the lifeguard whether it is OK to swim right after eating an ice cream sandwich. The child is not asking if it is a morally acceptable action; rather, she is asking if it will result in undesirable physical consequences, such as an upset stomach, which is clearly a pragmatic concern. Or consider a man asking the salesman if it is OK to put a particular line of pots and pans in the dishwasher. The man is not asking if it is morally permissible to do so; rather, he is asking whether doing so would result in damage to the product, which is a pragmatic concern.

It could also be the case that the subject reads ‘OK’ as ‘should not be punished’ or ‘it is understandable that x did y’ or any number of similar alternatives. This is also a common use of the term ‘OK’. Consider a woman who breaks her promise to go to the movies with her friend. Her friend may tell her that it (breaking the promise) is OK. It could be the case that the friend is telling the woman that breaking such a promise is morally permissible. However, it is more likely that she means to communicate to the woman that she won’t hold a grudge or that she isn’t

too upset that the promise was broken or that it is understandable that the woman broke the promise.

This is a problem that may arise for many of the studies in the previous chapter as many of those studies use the same or similar locution in their questions. However, it is less problematic for those studies because other features of those studies help to ensure that 'OK' will be understood as 'morally permissible'. For example, it is unlikely that four-year-olds would understand a question like 'Is it OK to pull someone else's hair even if it isn't against the rules?' as anything except 'Is it morally right to pull someone else's hair even if it isn't against the rules?' Or consider how odd it would be for a Mennonite to understand the question 'Would it be all right to commit rape if God hadn't given us any rules concerning rape?' as anything other than 'Would it be morally all right to commit rape if God hadn't given us any rules concerning rape?'

The next problem has to do with questions that were not asked. In particular, subjects were never asked why they responded as they did or how they arrived at their decisions. This makes it impossible to determine which moral fact the subject is considering. For example, in one case they are told that spanking in schools is against the law and the teachers are aware of this. Still one teacher spansks a student. Subjects are then asked whether the teacher's actions were 'OK'. As mentioned above, they take this to show whether the subject judges the action, spanking in this example, to be morally right. It is clear someone could hold that spanking is morally right and still answer that it was not OK. This is because the subject could also believe that it is morally wrong to break the law. Without asking the subject to explain her answer, there is no way to know for sure.

This is also potentially problematic for the studies I cited in Chapter 2. But again, it is less problematic for the studies in Chapter 2. This is because the precise, uncomplicated nature of the scenarios in Chapter 2 leaves less room for the subject to misinterpret which moral fact is under consideration.

Finally, it could be that the subject answers as if the moral fact is authority independent because it is independent of the authority in the scenario, but is dependent on some other authority. For instance, consider the example given in the last paragraph concerning a teacher spanking a student. A subject may think that the moral fact that spanking is wrong cannot be changed by the law, but that it could be changed by God (or some other authority). If this was the case, we would have no way of knowing that the subject's intuitive understanding of this moral fact includes that it is authority dependent.

Experimental Results: Generalizability¹

I will start by giving the actual scenarios and questions presented to the subjects, as well as the results obtained. Next I will discuss the authors' interpretation of the data. I will then finish by discussing alternative explanations of the data.

Whipping Temporal

A) Three hundred years ago, whipping was a common practice in most navies and on cargo ships. There were no laws against it, and almost everyone thought that whipping was an appropriate way to discipline sailors who disobeyed orders or were drunk on duty.

Mr. Williams was an officer on a cargo ship 300 years ago. One night, while at sea, he found a sailor drunk at a time when the sailor should have been on watch. After the sailor sobered up, Williams punished the sailor by giving him 5 lashes with a whip.

Is it OK for Mr. Adams to whip the sailor?

YES

NO

¹ I have used the authors' categorization (Generalizability and Authority) as well as their names for each of the scenarios.

On a scale from 0 to 9, how would you rate the Americans' behavior?
 Not at all bad 0 1 2 3 4 5 6 7 8 9 Very bad

Table 3-2. Slavery Spatio-temporal (N=188).
 Standard deviations are in parentheses

	Overall (across versions)		Main Effect	Version 1 (A first)		Version 2 (B first)		Order Effects
	A	B		A	B	B	A	
OK?	11%	7%	<i>McNemar</i> χ^2 ; $p=0.021$	20%	10%	5%	5%	A: $\chi^2=10.57$; $p=0.001$ B: none
How bad?	6.91 (2.18)	7.52 (2.01)	$t(188)=4.96$; $p=0.000$	6.16 (2.33)	7.35 (1.99)	7.64 (2.02)	7.49 (1.87)	A: $F(1,186)=18.75$; $p=0.000$ B: none

Cannibalism Spatial

A) A number of cultures in various parts of the world traditionally engaged in the practice of eating parts of their deceased relatives' bodies as part of elaborate funeral rituals. Suppose you came upon such a funeral where people in one of these groups were eating parts of their deceased relatives' bodies.

Is it OK for these people to eat parts of their deceased relatives' bodies?
 YES NO

On a scale from 0 to 9, how would you rate these people's behavior?
 Not at all bad 0 1 2 3 4 5 6 7 8 9 Very bad

B) Now suppose there is a small group of Americans living in Northern California who have the ritual practice of eating parts of their deceased relatives' bodies as part of funeral rituals. Suppose you came upon a group of these Americans at a funeral where people were eating parts of the bodies of their deceased relatives.

Is it OK for these people to eat parts of their deceased relatives' bodies?
 YES NO

On a scale from 0 to 9, how would you rate these people's behavior?
 Not at all bad 0 1 2 3 4 5 6 7 8 9 Very bad

Table 3-3. Cannibalism Spatial (N = 180)
Standard deviations are in parentheses

	Overall (across versions)		Main Effect	Version 1 (A first)		Version 2 (B first)		Order Effects
	A	B		A	B	B	A	
OK?	74%	56%	$\chi^2=26.68$; $p=0.000$	81%	52%	60%	66%	A: $\chi^2=4.81$; $p=0.028$ B: none
How bad?	3.83 (3.05)	4.94 (3.14)	$t(180)=6.61$; $p=0.000$	3.36 (2.92)	5.00 (3.21)	4.87 (3.09)	4.40 (3.13)	A: $F(1,178)=$ 5.37 ; $p=0.022$ B: none

Each scenario is designed to test whether subjects consider the protagonists' culture to be relevant to a given moral fact (e.g. that hurting someone, by whipping him, is wrong). If it is relevant, we are supposed to expect that people would say that the protagonist's action is OK in (A), but not in (B). If it is not relevant, we are supposed to expect that people will say it is not OK in either scenario. Kelly and Stich, et al then go on to interpret their results with this pattern in mind. Under this model, it would seem that with respect to most scenarios people do judge the protagonists' culture to be relevant. However, it should be noted that in the case of 'Slavery Spatial-Temporal' the difference between the percentage of subjects who responded that it was OK in (A) and (B) is not statistically significant. Nonetheless, Kelly and Stich, et al still take these results to support their conclusion.

I suggest that we examine this pattern to see what else could cause a person to say that the protagonist's action is OK in (A) but not in (B). In 'Whipping Temporal' and 'Slavery Spatial-Temporal' one might think that the victim is somehow responsible for placing him or herself in a position to receive the protagonist's action in (A), but not in (B). In 'Whipping Temporal' (A) specifically states that there are no laws prohibiting whipping and it is common practice. A subject might reason that sailors who signed up to work on cargo ships knew this and tacitly agreed to it when they accepted employment. Although (B) does not explicitly state that it is

illegal for a sailor to be whipped in the American navy, it is reasonable that most (if not all) subjects would know this. It is common knowledge that whipping is not condoned by the Navy. The same subject might reason that sailors who sign up for the Navy are aware of this and tacitly agree to this (that they will *not* be whipped) when they accept employment. It could, therefore, be that the subject is basing her responses on what the sailors have tacitly agreed to and not the act of whipping in and of itself.

In ‘Slavery Spatial-Temporal’ subjects might they think that the slaves in ancient Greece and Rome were soldiers captured in battle or that they were more like indentured servants than slaves. In either case, people might reason that they had put themselves in the position to be slaves, that they were responsible (at least in part) for their position. On the other hand, they may think that slaves in the U.S. had been forcibly taken from their homes. If this is the case, the slaves would not be responsible for their position. If this is the case, people are basing their responses on how the slaves’ came to be slaves and not slavery itself.

In ‘Whipping Temporal’ and ‘Slavery Spatial-Temporal’ subjects might think that the protagonist’s action was necessary for preventing some greater harm in (A) but not in (B). In ‘Whipping Temporal’ subjects might reason that 300 years ago the only way to control sailors (or people or the uneducated masses, etc) was to use physical force. Perhaps this is because they think that sailors were generally uneducated and had no concern for anyone other than themselves. Or perhaps they think that the legal recourses open to commanding officers were ineffective and/or corrupt. Either way, keeping each sailor in line and performing his job is necessary to safety and well-being of the crew as a whole. If subjects think that the use of physical force is the only way to accomplish this 300 years ago (but not today), they might very

well say that the whipping was OK then (but not today). They would be basing their response on the need to protect the crew and not the morality of whipping itself.

In ‘Slavery Spatial-Temporal’ Greek and Roman slaves are described as being used as ‘soldiers’ (among other descriptions), while this is left out of the description of US slaves. People might reason that slaves formed all or a large part of the standing military in ancient Greece and Rome. They may further reason that this military force was important to the safety and general well-being of the populace; that the benefits conferred to society were worth the restrictions placed on a few. If this is the case, people would be basing their responses on whether or not slaves were an integral part of protecting the people and not on slavery itself.

In ‘Whipping Temporal’ and ‘Slavery Spatial-Temporal’ subjects might be responding to the trauma the protagonist’s action causes and not the action itself. In ‘Whipping Temporal’ subjects might think that 300 years ago whipping a sailor was commonplace. They might reason that the sailor would not be traumatized (much) by the experience, that he would not be socially stigmatized as a result, and so on. They might also reason that a sailor whipped today would be severely traumatized by the incident. They might reason that the sailor would be socially stigmatized as a result; moreover, the stigma has the possibility of being further reaching today, as compared to 300 years ago, as a result of the internet, television, etc. If this is the cause, then subjects are basing their reasoning on the harm done to the victim and not the action that caused the harm.

In ‘Slavery Spatial-Temporal’ subjects might reason that slaves in ancient Greece and Rome were treated fairly well, while American slaves were treated despicably. It is easy to see why someone would think that American slaves were treated badly, to say the least. The description of slavery in ancient Greece and Rome might lead some to think that slaves were

treated fairly well. Slaves are described as being used as soldiers. It is common sense to think that one would not treat a slave horribly, then hand him a weapon and ask him to fight the enemy. Poorly treated slave soldiers might use their weapons against their captors or might surrender to the opposing forces in order to gain their freedom, or at least new captors. As mentioned before, subjects might have the preconceived notion that slaves in ancient Greece and Rome were, at least some of the time, indentured servants. Indentured servants tend to have more rights and other legal protections than slaves. This might also lead subjects to think that slaves in ancient Greece and Rome were treated fairly well. If this is the case, then subjects are basing their responses on the treatment of the slaves and not slavery itself.

In ‘Cannibalism Spatial’, despite the similarity in the descriptions of (A) and (B), it is plausible that people could be imagining them in different ways. In (A) people might think that the elaborate funeral rituals are part of a deeply embedded religion and culture; that it is part of what defines this group of people. In (B) they might think that these Americans are part of a cult or something similar; that this practice is not deeply embedded in their identity and perhaps that they engage in it for its shock value. If this was the case, they would be basing their reasoning on the protagonists’ motives and not the practice of cannibalism itself.

Experimental Results: Authority

As I did in the previous section, I will start by giving the actual scenarios and questions presented to the subjects, as well as the results obtained. Next I will discuss the authors’ interpretation of the data. I will then finish by discussing alternative explanations of the data.

Hair Pull Authority

A) Nancy and Lisa are both 8 years old. Nancy is playing on the swing in the playground during school recess. Lisa walks up and pulls her hair. Nancy starts to cry.

Is it OK for Lisa to pull Nancy's hair?

YES

NO

Table 3-6. Spanking Authority (N=168)
Standard deviations are in parentheses

	Overall (across versions)		Main Effect	Version 1 (A first)	(A Version 2 first)	(B Version 2 first)	Order Effects
	A	B		A	B	A	
OK?	5%	44%	$\chi^2=63.02$; $p=0.000$	8%	48%	40%	2% A: $\chi^2=2.94$; $p=0.087$ B: none
How bad?	6.57 (2.41)	4.17 (2.89)	$t(168)=12.35$ $p=0.000$	5.88 (2.52)	3.96 (2.87)	4.37 (2.90)	7.25 (2.09) A: F(1,166)=14.64; $p=0.000$ B: none

Whipping Authority

A) Mr. Adams is an officer on a large modern American cargo ship in 2004. One night, while at sea, he finds a sailor drunk at a time when the sailor should have been monitoring the radar screen. After the sailor sobers up, Adams punishes the sailor by giving him 5 lashes with a whip.

Is it OK for Mr. Adams to whip the sailor?

YES

NO

On a scale from 0 to 9, how would you rate Mr. Adams' behavior?

Not at all bad

0 1 2 3 4 5 6 7 8 9

Very bad

B) Now suppose that the Captain of the modern cargo ship had told Mr. Adams that "On this ship it is OK for officers to whip sailors."

Is it OK for Mr. Adams to whip the sailor?

YES

NO

On a scale from 0 to 9, how would you rate Mr. Adams' behavior?

Not at all bad

0 1 2 3 4 5 6 7 8 9

Very bad

Table 3-7. Whipping Authority (N=196)
Standard deviations are in parentheses

	Overall (across versions)		Main Effect	Version 1 (A first)		Version 2 (B first)		Order Effects
	A	B		A	B	B	A	
OK?	6%	22%	$\chi^2=25.26$; $p=0.000$	8%	18%	28%	2%	A: $\chi^2=3.61$; $p=0.057$ B: none
How bad?	7.19 (2.18)	6.03 (2.54)	$t(196)=8.00$; $p=0.000$	6.76 (2.38)	6.06 (2.49)	5.99 (2.61)	7.70 (1.80)	A: $F(1,194)=9.40$; $p=0.002$ B: none

Military Training Authority

A) For many years, the military training of elite American commandos included a simulated interrogation by enemy forces in which the trainees were threatened and physically abused. Most people in the military believe that these simulated interrogations were helpful in preparing trainees for situations they might face later in their military careers. Though no one was ever killed or permanently disabled by the physical abuse they received during these simulated interrogations, the trainees often ended up with bruises or injuries that lasted for a week or more.

Recently, the Pentagon issued orders prohibiting physical abuse in military training. Sergeant Anderson is a soldier who trains elite American commandos. He knows about the orders prohibiting physical abuse and his immediate superiors have ordered him not to do it. Nonetheless, he regularly threatens and physically abuses trainees during the simulated interrogations that he conducts.

Is it OK for Sergeant Anderson to physically abuse trainees during simulated interrogations?
YES NO

On a scale from 0 to 9, how would you rate Sergeant Anderson's behavior?
Not at all bad 0 1 2 3 4 5 6 7 8 9 Very bad

B) Now suppose that the Pentagon had never issued orders prohibiting physical abuse in military training, and that Sergeant Anderson's superiors had told him that the use of physical abuse was acceptable in simulated interrogations.

Is it OK for Sergeant Anderson to physically abuse trainees during simulated interrogations?
YES NO

Table 3-9. Prisoner Abuse Authority (N=173)

Standard deviations are in parentheses

	Overall (across versions)		Main Effect	Version 1 (A first)		Version 2 (B first)		Order Effects
	A	B		A	B	B	A	
OK?	1%	15%	$\chi^2=20.35$ $p=0.000$	0%	18%	12%	2%	None
How bad?	6.31 (2.09)	4.88 (2.39)	$t(173)=9.02$; $p=0.000$	5.59 (1.91)	4.38 (2.40)	5.40 (2.28)	7.03 (2.02)	A: F(1,171)=23.45; $p=0.000$ B: F(1,171)=8.17; $p=0.005$

Each scenario is designed to test whether subjects consider the authorizations of a specific authority to be relevant to a given moral fact (e.g. pulling hair is wrong). If the authorization is relevant, we are supposed to expect that people would say that the protagonist’s act is OK in (B), but not in (A). If it is not relevant, we are supposed to expect that people will say it is not OK in either scenario. Kelly and Stich, et al then go on to interpret their results with this pattern in mind. Under this model, it would seem that with respect to most scenarios people do judge the authorization to be relevant to the moral fact.

I suggest that we examine this pattern to see what else could cause a person to say that the protagonist’s action is OK in (B) but not in (A). Let me begin by discussing ‘Hair Pull Authority’ and ‘Hitting Authority’ together. I want to discuss these together because they are very similar to the questions asked in studies I examined in Chapter 2. They are similar with respect to the protagonist’s action, the given authority and the brevity with which the scenarios are described. In ‘Hair Pull Authority’ the percentages of subjects who responded that the protagonist’s action is OK is low in both (A) and (B). This is more or less consistent with the results obtained in similar studies from Chapter 2. In ‘Hitting Authority’ the percentage of

subjects who responded that the protagonist's action is OK in (B) is quite high – 53%. This is very different from the results obtained in similar studies from Chapter 2.

It might be in both 'Hair Pull Authority' and 'Hitting Authority' subjects understand 'OK' to mean something like 'should not be punished'. In 'Hair Pull Authority' they might think that because the girl's hair is pulled while she is swinging, a greater harm might come to her (e.g. falling of the swing and injuring herself). It is the likelihood of this greater harm that people are considering when they say it is not OK for the protagonist to pull the girl's hair even though there are no prohibitory (school) rules. In the 'Hitting Authority' case, there is no greater harm to consider.

It might also be the case that the subjects are sexist; that they hold there is one standard of conduct for girls and another for boys. This is not to say that such subjects are necessarily sexist when it comes to the conduct of adults. Rather, they may think that the rate at which girls and boys mature emotionally and mentally affects what standard of conduct it is morally right to hold them to. Perhaps they think that the girls are capable of understanding why it is wrong to pull hair and that accordingly, they are capable of being held morally accountable for such actions. They might think that the boys, on the other hand, are not capable of understanding why it is wrong to hit another person – they are just boys being boys. Accordingly, they should not be held morally accountable for these sorts of actions. In most of the studies in Chapter 2 that asked about these sorts of schoolyard offenses, the subjects were themselves children. It is reasonable to think that most children would not have these sorts of views concerning the differences between girls and boys.

Now I would like to turn my attention to alternative explanations for the remaining four scenarios. It might that the subjects take the fact that the protagonist willfully disobeys the law

and/or his/her superiors to be an indication that the protagonist is out of control. This is especially true if they consider what the protagonist has to lose as a result of his actions, most notably his career and possibly even his freedom. Accordingly, subjects may take the action performed by the protagonist to be more brutal than when the protagonist is authorized to perform it. If this is the case, then subjects are basing their responses on the perceived harm to the victim, and not to act (e.g. whipping, spanking) itself. This could be true of ‘Spanking Authority’, ‘Whipping Authority’, ‘Military Training’ and ‘Prisoner Abuse’.

For example, consider ‘Spanking Authority’. Some people may think that when the teacher is authorized to spank students, ‘spanking’ refers to a relatively gentle tap given by an adult who is in complete control of her actions. They might consider it a mild, even trivial pain now that will help to avoid more serious pain in the future – much like an immunization. On the other hand, they may imagine that, when the teacher is acting against the rules, she is enraged, acting on her emotions and completely out of control. Because of this, they may take ‘spanking’ to refer to inflicting serious pain done out of anger. In light of this, it is easy to see how a subject may base her responses on the harm done to the student and not on the morality of spanking.

Another alternative explanation is that the subjects are basing their answers on the victim’s prior knowledge. They may think that when the protagonist acts within the rules, the victim also knows what the rules are and acted knowing what the consequences of his actions would likely be. Because of this, the victim tacitly agreed to accept the consequences of his actions when he acted. On the other hand, they may think that when the protagonist acts against the rules, that the victim had no way of knowing that his actions would result in these consequences; moreover, the victim had good reason to think that his actions would not result in these consequences. In this case, the victim did not in any way agree to the consequences he receives. If this is the case,

then subjects are basing their responses on whether the protagonist's action was performed with the victim's consent and not on the morality of the action (e.g. spanking, whipping) itself. This could be true of 'Spanking Authority'², 'Whipping Authority', 'Military Training' and 'Prisoner Abuse'.

For example, consider 'Whipping Authority'. The subject may reasonably suppose that the sailor had voluntarily sought employment on the ship. The subject also probably knows that whippings are not a standard form of discipline on modern, American cargo ships. If the subject thought that in (B) Mr. Adams and the sailor were aware of the rule, the subject might reason that the sailor had tacitly agreed to be whipped when he knowingly violated the rules (although the scenario fails to say if whipping is only allowed as a response to rule violations). The way the scenario is described, it is unclear if anyone ever told the sailor about this rule. The reasoning I am suggesting that the subject might have used, would make the most sense if she thought that the sailor was aware of the rule before agreeing to the job and, consequently, before he violated the rules.

Yet another alternative explanation is that subjects consider the protagonist's obligation to obey the rules. The subject might reason that when the protagonist accepted his job, he agreed to abide by the law and obey the rules of the organization. If this is case, the subject may answer that the protagonist's action was not OK when the protagonist's action broke the rules because the protagonist was breaking the rules. That is, the subject could hold that the action itself (e.g. spanking, whipping) is morally permissible, but that breaking the rules is not. This could be true of 'Spanking Authority', 'Whipping Authority', 'Military Training' and 'Prisoner Abuse'.

² In the case of 'Spanking Authority' it might be the case that subjects are considering whether the parents of the child consented to the punishment, and not whether the child himself did.

For example, consider 'Military Authority'. Suppose that the subject believes that physically abusing soldiers as part of this kind of training is OK; that it is necessary to keep them and those that they serve safe. She might reason that Sergeant Anderson had agreed to obey the orders of his superiors when he enlisted. This would mean that she would respond that his actions were wrong in (A) because he was failing to do what he had promised to do and not because the authorization affects whether or not the physical abuse was OK.

Given the possibility of such explanations, it should be clear why I claim that the results obtained from this study are ambiguous. The data could support my theory that the moral facts are authority independent or it could support the author's theory that the moral facts are authority dependent.

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BIOGRAPHICAL SKETCH

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