What Normative Terms Mean
and Why It Matters for Ethical Theory[*]

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Abstract

This paper investigates how inquiry into normative language can improve substantive normative theorizing. First I examine two dimensions along which normative language differs: "strength" and "subjectivity." Next I show how greater sensitivity to these features of the meaning and use of normative language can illuminate debates about three issues in ethics: the coherence of moral dilemmas, the possibility of supererogatory acts, and the connection between making a normative judgment and being motivated to act accordingly. The paper concludes with several brief reflections on the theoretical utility of the distinction — at least so-called — between "normative" and "non-normative" language and judgment. The discussions of these specific linguistic and normative issues can be seen as case studies illustrating the fruitfulness of utilizing resources from philosophy of language for normative theory. Getting clearer on the language we use in normative conversation and theorizing can help us diagnose problems with bad arguments and formulate better motivated questions. This can lead to clearer answers and bring into relief new theoretical possibilities and avenues to explore.

Contents

1 Introduction

The strategy of clarifying philosophical questions by investigating the language we use to express them is familiar. Debates about intentionality shift to debates about sentences that report intentionality; debates about knowledge shift to debates about 'knows'; debates about reference and singular thought shift to debates about referential expressions and attitude ascriptions. Such "semantic ascent," as Quine (1960: §56) famously held, can help build common ground in debates that become seemingly intractable. A natural thought is that a similar strategy might be helpful in ethics. Perhaps by examining ethical language we can make progress in resolving conflicting basic moral intuitions and seemingly intractable disputes about fundamental normative principles. Perhaps. But if you are skeptical about how a substantive normative rabbit could possibly be drawn out of a linguistic hat, I am sympathetic. I won't be trying to do any such thing.

Then what will I be doing? Consider Ernie. Ernie is a budding ethicist. He is sincere in his inquiries on what to do and how to live. Though convinced that some ways of acting are better or worse than others, he has trouble shaking the following argument:

1. When making moral claims speakers express emotions and sensibilities.

2. Factual claims don't express emotions or sensibilities.

3. So, moral claims aren't about matters of fact.

4. So, there are no moral facts.

5. So, everything is permitted.

This is a bad argument. One might point to ordinary factual judgments that express emotions; or seek clarification about the quantificational and modal force of the claims in Premises 1 and 2; or question the inference from Step 4 to Step 5, and wonder how everything could be permitted if there were no moral facts; and so on. Details aside, what is important for the moment is that highly contentious assumptions about moral and non-moral language are being used to support a radical substantive normative conclusion. Debates about ground-level issues can often become intertwined with debates about the language we use to talk about them; ethics is no exception. By clearing up Ernie's assumptions about moral language, we can free up his investigations in how to live.

The ways in which assumptions about normative language can figure in substantive normative arguments are multifarious and complex. The language questions can be difficult enough as is, even bracketing how they bear on the ground-level questions of primary concern. But there is progress to be made.

In this paper I will examine two dimensions along which normative language can differ: "strength" (§2) and "subjectivity" (§3) (this terminology will be clarified in due course). Particular attention will be given to deontic necessity modals, i.e. deontic uses of modal verbs like 'ought', 'must', 'should', 'have to', etc. Next I will show how better appreciating these features of normative language can improve theorizing about three issues in ethics: the coherence of moral dilemmas (§4), the possibility of supererogatory acts (§5), and the connection between making a normative judgment and being motivated to act accordingly (§6). The discussions of these specific linguistic and ethical issues can be seen as case studies illustrating the fruitfulness of utilizing resources from philosophy of language and linguistics in ethical theorizing. Of course, one could acknowledge a role for linguistic inquiry in ethics but reject my specific claims about its import on the debates to be discussed. I would like to convince you on the latter philosophical issues as well. At minimum, though, I hope to encourage healthy skepticism about simplifying assumptions that bracket differences among normative terms; about the degree to which we can investigate normative concepts unaffected by idiosyncrasies of the language we use to express those concepts; and even perhaps about the theoretical utility of the distinction — at least so-called — between "normative" vs. "non-normative" terms, concepts, and judgments.

There is a sense in which the above general methodological points are unobjectionable. Lots of things may improve theorizing — perhaps eating more ice cream, for example (Feuerbach notwithstanding). Fair enough. But I suspect that issues concerning normative language constitute a more general source of ethical malaise. For many purposes, bracketing differences among normative terms may be harmless. But not always. Insensitivity to differences among normative terms has obscured debates on a range of ethical issues. Getting clearer on the language we use when investigating these issues can improve theorizing about them — e.g., by helping us diagnose problems with bad arguments and formulate better motivated questions. This can lead to clearer answers and bring into relief new theoretical possibilities and avenues to explore.

2 Weak and strong necessity

The notion of "obligation" is central in moral philosophy. It isn't uncommon to treat various expressions — e.g., 'obligation', 'duty', 'ought', 'right', 'required', 'must' — as equivalent, or at least roughly equivalent, for the purposes of expressing this central notion. Indeed, Richard Brandt begins his investigation of the concepts of duty and obligation by observing as much: "Philosophers often use the following expressions as approximate equivalents: 'It is X's duty to do *A*'; 'It is obligatory for X to do *A*'; 'It would be wrong for X not to do *A*'; and 'X ought to do *A*'" (BRANDT 1964: 374). Here are some representative examples:

> When we are talking about someone's duty or what he ought to do, we often express this by saying that he has a "moral obligation" to do it. (SIDGWICK 1907: I/3.2)

> [I]t is clear that by ['this is the right act'] we mean 'this is the act *that ought to be done*', 'this act is *morally obligatory*'. (ROSS 1930: 3)

> "I have an obligation to" means no more, and no less, than "I ought to." (SINGER 1972: 233n.2)

In deontic logic it is standard to treat these expressions as equivalent for the purposes of interpreting the $\bigcirc$-operator, along with the operators with which it is interdefined. Here are von Wright and Åqvist:

> There are the deontic modes or modes of obligation. These are concepts such as the obligatory (that which we ought to do) — and the forbidden (that which we must not do). (VON WRIGHT 1951: 58)

> [D]eontic logic… is the logical study of the normative use of language and… its subject matter is a variety of normative concepts, notably those of *obligation* (prescription), *prohibition* (forbiddance), *permission* and *commitment*. The first one among these concepts is often expressed by such words as 'shall', 'ought' and 'must', the second by 'shall not', 'ought not' and 'must not', and the third one by 'may'; the fourth notion amounts to an idea of *conditional obligation*, expressible by 'if…, then it shall (ought, must) be the case that _ _ _'. (ÅQVIST 2002: 148)

There is something to the assumption that 'Ought ϕ', 'Must ϕ', etc. uniformly express that ϕ is necessary in some sense related to obligation. But it is false.

There is a robust body of linguistic evidence supporting a distinction in strength among necessity modals, with so-called "weak" necessity modals ('ought', 'should', 'be supposed to'), on the one hand, and "strong" necessity modals ('must', 'have to', '(have) got to', 'be required to'), on the other.[1] 'Ought' — ethics's beloved term of obligation, and deontic logic's necessity modal *par excellence* — is relegated to the same "medium" category of modality as 'appear' and 'seem' (HUDDLESTON & PULLUM 2002: 177). When Kant wrote "I ought [*sollen*] never to act except in such a way that I can also will that my maxim should become a universal law" (1956: 4:402), I doubt he was intending to be hedging his bets. Kant notwithstanding, it is well established in descriptive and theoretical linguistics that although modals like (say) 'ought' and 'should' are stronger than modals like 'may' and 'can', they are weaker than modals like 'must' and 'have to'. One piece of evidence is that, even holding the readings of the modals fixed, the former can be followed by the latter, but not vice versa, as reflected in (1).[2]

(1)   a.   I ought to help the poor. In fact, I must.
         b.   I must help the poor. #In fact, I ought to.

Similarly, (2a) is consistent in a way that (2b) is not.

(2)   a.   I should help the poor, but I don't have to.
         b.   #I must help the poor, but it's not as if I should.

These contrasts are similar in character to those with quantifiers of differing strengths, as reflected in (3)–(4).

(3)   a.   Some of the children came to the party. In fact, all of them did.
         b.   All of the children came to the party. #In fact, some of them did.

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[1]See, among many others, LEECH 1970, 1971; HORN 1972, 1989; LYONS 1977; COATES 1983; WIERZBICKA 1987; PALMER 1990, 2001; BYBEE ET AL. 1994; GROEFSEMA 1995; MYHILL 1995; ZIMMERMAN 1996; SÆBØ 2001; HUDDLESTON & PULLUM 2002; WERNER 2003; COPLEY 2006; WÄRNSBY 2006; VON FINTEL & IATRIDOU 2008; LASSITER 2012; RUBINSTEIN 2012; SILK 2014. For precedents in ethics and logic, see also SLOMAN 1970; WERTHEIMER 1972; HARMAN 1975, 1993; WOISETSCHLAEGER 1977; WILLIAMS 1981c; JONES & PÖRN 1986; MCNAMARA 1990. How to capture this distinction in strength is less well established; see, e.g., VON FINTEL & IATRIDOU 2008, FINLAY 2009, LASSITER 2011, SWANSON 2011, RUBINSTEIN 2012, SILK 2014.

[2]I use '#' to mark infelicity and '?' to indicate that using the marked item is dispreferred; so, '?' marks a weaker infelicity than '#'. For ease of exposition I will treat 'ϕ', 'ψ', etc. as schematic letters to be replaced sometimes with sentences, sometimes with verb phrases. Either way, this is neutral on whether the arguments of deontic modals are propositions or properties (actions).

(4)   a.   Some, but not all, of the children came to the party.
       b.   #All, but not some, of the children came to the party.

(This isn't to say that the difference between weak and strong necessity modals is to be captured specifically in terms of quantifier strength. The present point is simply that there is a contrast in strength, however it is to be captured.)

A not uncommon intuition is that part of this difference in strength is traceable to a difference in what possibilities the modals leave open. Informally, 'ought' and 'should' make claims about what is ideal or "best" in some relevant sense but leave open whether there may be acceptable alternatives, whereas 'must' and 'have to' imply that there are no acceptable alternatives. As Bernard Williams puts it, "*Ought* is related to *must* as *best* is related to *only*" (WILLIAMS 1981c: 125; *cf*. SLOMAN 1970, MCNAMARA 1990, VON FINTEL & IATRIDOU 2005, 2008). If you are getting over a cold and I say 'You should stay home and rest', I suggest that resting would be best, but I seem to leave open whether there may be alternative ways for you to get better. But if I say 'You must stay home and rest', I imply that resting is the only way for you to get better. Similarly, if I say 'You should give 10% of your income to the poor', I seem to leave open whether there may be a permissible course of action for you that involves your giving less. But if I say 'You must give 10% of your income to the poor', I exclude such a possibility.

'Ought' and 'should' differ from 'must' in more naturally allowing for the non-actualization of their prejacents, or the possibility that the obligation in question will go unsatisfied. (In '*MODAL* ϕ', 'ϕ' is the prejacent of the modal.) Suppose I am a smoker. I am aware of all the health risks, but, given my resistance to change, I find it unlikely that I will quit. I say:

(5)   I should stop smoking, but I'm not going to.

Or suppose we are talking about Alice, and I mention that Alice lied to her partner about where she was last night. Given Alice's tendency to avoid conflict, I say:

(6)   I'm not sure if Alice will come clean, but she should.

Intuitively, in uttering (5) I am communicating that I won't do what would be best for my health. In uttering (6) I am saying that Alice is obliged to come clean to her partner, while expressing doubts about whether she will do so. There is a robust body of data that speakers find it less natural to express these thoughts by using 'must', as

reflected in (7)–(8).[3]

(7)   #I must stop smoking, but I'm not going to.

(8)   ?I'm not sure if Alice will come clean, but she must.

Uttering 'Must ϕ' not only conveys that $\neg\phi$-possibilities are unacceptable; it suggests that $\neg\phi$-possibilities aren't even on the table for consideration. Of course obligations can go unfulfilled. What is interesting is that speakers appear to assume otherwise, at least for the purposes of conversation, when expressing obligations with 'must'.

These differences between weak and strong necessity modals affect the circumstances in which they can be felicitously used (see Rubinstein 2012, Silk 2012, 2014 for extensive recent discussion).[4] Suppose you are considering whether to fight in the Resistance or take care of your ailing mother. You mention that the value of family, which supports your helping your mother over your fighting, is important, and I agree. But the issue is acknowledged to be complex, and it isn't settled in the context whether there might be more important competing values. Sensitive to this, I may find it more appropriate to express my advice that you help your mother by using 'should' than by using 'must', as in (9).

(9)   You: Family is very important.
        Me: I agree. You should (/?must, /?have to) take care of your mother.

But if we settle that family is of primary importance, as in (10), it can become more natural to use 'must' and for us to accept that you have to help your mother.

(10)   You: Family is most important — more important than country or anything else.
        Me: I agree. You must (/have to, /?should) take care of your mother.

How I express my advice that you help your mother depends on the status in the context of the value of family vis-à-vis other potentially relevant values. In (10), where it is settled that the value of family is to take precedence, using a strong necessity modal is preferred. But in (9), where this condition isn't settled, were I to use 'must' I would imply that I am foreclosing certain possibilities that you have left

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[3]See, e.g., Lemmon 1962, Leech 1971, Wertheimer 1972, Harman 1973, Lyons 1977, Williams 1981c, Coates 1983, Groefsema 1995, Palmer 1990, 2001, Sweetser 1990, Myhill 1996, Huddleston & Pullum 2002, Hopper & Traugott 2003, Werner 2003, Ninan 2005, Leech et al. 2009, Portner 2009, Close & Aarts 2010, Silk 2014.

[4]See Woisetschlaeger 1977: ch. 5 and McNamara 1990: ch. 3 for prescient early discussion of the context-dependence of 'ought' and 'must'.

open. Unless I am in a position to do so, my using 'must' is dispreferred. By using 'should' I can propose that you help your mother while leaving open the possibility that the value of family might be outweighed or defeated in some way. If you accept my 'should' claim, we can plan accordingly without having to presuppose that the value of family is more important than other competing values we accept or may come to accept.

In light of these logical and conversational differences between weak and strong necessity modals, it is perhaps unsurprising that they are often thought to differ in their directive force. Paul McNamara puts the intuition well:

> To say that one <u>ought</u> to take a certain option is merely to provide a nudge in that direction. Its typical uses are to offer guidance, a word to the wise ("counsel of wisdom"), to recommend, advise or prescribe a course of action… In contrast, to say that one <u>must</u> take a certain option is to be quite forceful. Its typical uses are to command, decree, enact, exhort, entreat, require, regulate, legislate, delegate, or warn. Its directive force is quite strong. (McNamara 1990: 156)[5]

Informally, using a strong necessity modal is often more emphatic and expresses greater urgency than using a weak necessity modal.

In this section we have seen a dimension of strength along which deontic necessity modals can differ. Following the descriptive and formal linguistic work I have treated the relevant distinction as a binary one (weak vs. strong). There are indeed good linguistic reasons, even beyond those given here, for marking a distinction at this level (e.g., concerning neg-raising and interactions with quantifiers, among other things; see n. 1). Yet for all I have said here the distinction may be more fine-grained than this. What is important for my purposes is simply that there is some relevant difference in strength among necessity modals.[6]

In the next section we will examine a second dimension of difference among deontic modals. But first I want to emphasize the modesty of my aims in these sections. I am not offering an account of how to capture these features of normative language (though see §5); I take up that task in other work (Silk 2014). My characterizations of the linguistic phenomena are intentionally informal. Also, for all I

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[5]See also esp. Ninan 2005, Portner 2007, 2009, Silk 2014. See also Behre 1955, Leech 1970, 1971, 2003, Lyons 1977, Wells 1979, Coates 1983, Palmer 1990, Bybee et al. 1994, Myhill 1995, 1996, Huddleston & Pullum 2002, Smith 2003, Nuyts et al. 2005.

[6]Thanks to an anonymous referee for raising this issue.

say in these sections, the highlighted differences in normative language may be irrelevant for the purposes of normative inquiry. I leave argument that having these differences in view can improve normative theorizing to §§4–6.

3   Endorsing and non-endorsing uses

Following Lyons 1977, it is common in linguistic semantics to distinguish "subjective" and "objective" uses of modals. Very roughly, a modal is used *subjectively* if it presents the speaker as endorsing the considerations with respect to which the modal claim would be true. A modal is used *objectively* if it doesn't present the speaker in this way. Applied to the normative case, a deontic modal is used *subjectively* if it presents the speaker as endorsing a body of relevant norms that would justify it, and *objectively* if it doesn't. Use of the labels 'subjective' and 'objective' can be fraught in ethical theory. So let's call Lyons's "subjective" uses of modals *endorsing* uses, and call Lyons's "objective" uses *non-endorsing* uses. Note that non-endorsing uses are compatible with speaker endorsement; they simply fail to present it.

   Our second dimension along which normative terms can differ concerns the frequency with which they are used in an endorsing or non-endorsing manner. Among strong necessity modals, 'be required to' is typically used non-endorsingly; 'have to' and '(have) got to' are more flexible, with 'have to' tending more toward the non-endorsing side of the spectrum and '(have) got to' more toward the endorsing side; and 'must' is nearly always used endorsingly. Among weak necessity modals, 'be supposed to' is typically used non-endorsingly; 'be to' is more flexible; and 'should' and 'ought' are nearly always used endorsingly.[7]

   These claims are supported by examples which target whether the speaker can coherently follow her sincere modal utterance with an expression of indifference toward or disapproval of the norms that would verify it (n. 7). For expository purposes, let's focus on the cases of 'must', 'have to', 'should', and 'be supposed to'. It is hard to hear a sincere utterance of 'Must ϕ' as consistent with the speaker's being indifferent about ϕ or about the relevant norms according to which ϕ is required, as reflected in (11).

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[7]These generalizations are supported by a robust body of data in descriptive linguistics. See Leech 1970, 1971, 2003, Lakoff 1972a,b, Larkin 1976, Lyons 1977, Coates 1983, Palmer 1990, 2001, Sweetser 1990, Myhill 1995, 1996, Nuyts 2000, Verstraete 2001, Huddleston & Pullum 2002, Smith 2003. See also Swanson 2012, Silk 2014 for discussion. It is interesting to consider related distinctions in ethics, deontic logic, and philosophy of law in light of this linguistic work; *cf.*, e.g., Hare 1952, Hart 1961/1994, Stenius 1963, von Wright 1963, Hansson 1969, Raz 1975. Terminology varies among authors.

(11)   [Context: Some friends are deciding whether to go home or stay out late for the party.]

      a. #You must get home by 10, but I don't care whether you do.

      b. #Bert must get home by 10. Aren't his parents stupid? I would stay out if I were him.

We find similar judgments for utterances with the weak necessity modal 'should':

(12)   a. #You should get home by 10, but I don't care whether you do.

      b. #Bert should get home by 10. Aren't his parents stupid? I would stay out if I were him.

Two clarifications are in order. First, endorsing uses are compatible with the speaker's being torn, or feeling the force of competing values or reasons. Suppose Bert's mother just went to the hospital for a medical emergency. If Bert's friend asks him whether he will be at the party, he might sincerely say:

(13)   I wish I could go, but I {must, should} help my mother.

Second, endorsing uses are compatible with the speaker's treating the normativity of the relevant norms as grounded in an external source. Suppose Chip is a sincere, practicing Catholic. His uttering (14) is compatible with his taking his obligation to go to confession as being grounded in the authority of God or the Church.

(14)   I {must, should} go to confession.

Chip's use of 'must' or 'should' is endorsing in the sense that it presents him as endorsing or identifying with the norms that entail this obligation, whatever their source.

    Even with these points in mind, judgments like those in (11)–(12) aren't nearly as anomalous when expressed with the strong necessity modal 'have to' or the weak necessity modal 'be supposed to'.

(15)   a. You have to get home by 10, but I don't care whether you do.

      b. Bert has to get home by 10. Aren't his parents stupid? I would stay out if I were him.

(16)   a. You're supposed to get home by 10, but I don't care whether you do.

      b. Bert is supposed to get home by 10. Aren't his parents stupid? I would stay out if I were him.

Intuitively, in (15)–(16) it is coherent for the speaker to dismiss the act of getting home by 10 because she isn't endorsing the norms that entail that the subject has this obligation. She is simply reporting what is required by them.

To be clear, these claims about patterns of (non-)endorsing use for particular modal expressions aren't exceptionless principles. For instance, the claim isn't that 'must' can't be used non-endorsingly. Some speakers may allow non-speaker-enorsing uses in certain contexts; adding explicit adverbial phrases like 'morally' or 'legally' can also promote non-endorsing readings. The generalization supported by the evidence is rather that 'must' is typically used endorsingly (see SILK 2014 for further discussion). What is important is that modal expressions differ in their tendencies toward endorsing vs. non-endorsing use.

We have seen two distinctions in the meaning and use of deontic necessity modals. These distinctions crosscut one another.[8] Some examples are given in Table 1:

Table 1: Strength and (non-)endorsingness

	endorsing		non-endorsing
weak	'should'/'ought'	'be to'	'be supposed to'
strong	'must'	'(have) got to' 'have to'	'be required to'

We find strong necessity modals that tend to be used endorsingly, like 'must'; strong necessity modals that tend to be used non-endorsingly, like 'be required to'; weak necessity modals that tend to be used endorsingly, like 'ought' and 'should'; and weak necessity modals that tend to be used non-endorsingly, like 'be supposed to'. These are certainly not the only respects in which deontic necessity modals and normative language differ in their meaning and use.[9] Yet in the remainder of the paper I will argue that greater sensitivity to these specific dimensions along which normative language differs can illuminate various normative ethical debates.

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[8]Thanks to Eric Swanson for impressing on me the importance of this point. See SWANSON 2012, SILK 2014 for discussion.

[9]See, e.g., COATES 1983, PALMER 1990, COLLINS 1991, BYBEE ET AL. 1994, MYHILL 1995, 1996, 1997, HUDDLESTON & PULLUM 2002; LEECH 2003, SMITH 2003, LEECH ET AL. 2009, CLOSE & AARTS 2010, IATRIDOU & ZEIJLSTRA 2013.

4 Dilemmas

Suppose you promised Alice that you would help her move and promised Bert that you would help him move, but you discover that you cannot help them both. Suppose also that each promise is uniquely important, and there is no higher-order principle you can use to resolve whom to help. On the face of it, you are in a moral or practical dilemma. But some have argued that genuine dilemmas — irresolvable conflicts in what to do, all-things-considered — are impossible.

On the one hand, it isn't uncommon for arguments against the existence of dilemmas to be motivated by the thought that it is inconsistent for contrary acts to be simultaneously required. It would seem inconsistent for you to be required to help Alice and required to help Bert when you cannot help them both. Morality, or rationality, could never land us in such a contradiction. As Kant puts it — in only the way he can:[10]

> But since duty and obligation are concepts that express the objective practical *necessity* of certain actions and two rules opposed to each other cannot be necessary at the same time, if it is a duty to act in accordance with one rule, to act in accordance with the opposite rule is not a duty but even contrary to duty; so a *collision of duties* and obligations is inconceivable. (KANT 1996: 6:224)

More recently, here is Alan Donagan:

> Rationalist theories cannot allow moral dilemmas… Each principle and each derivative proposition of a rationalist theory asserts, of some rule or precept that it assumes all human beings can observe in all situations to which that rule or precept applies, that practical reason requires them all to observe it. If, therefore, any such theory were to assert that practical reason requires any human being in any situation to observe a set of precepts that cannot all be observed in it, it would contradict itself; for it would assert that set of precepts not to be what it also asserts or assumes them to be. (DONAGAN 1993: 15)[11]

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[10]Though see HILL 1996 for an interpretation of Kant on which dilemmas are possible.

[11]See also ROSS 1930, DAVIDSON 1969, SEARLE 1980, HARE 1981, CONEE 1982, DONAGAN 1984, FELDMAN 1986, THOMSON 1990, PIETROSKI 1993, BRINK 1994, MCCONNELL 1996, ZIMMERMAN 1996. See GOBLE 2013 and MCCONNELL 2014 for survey discussions.

On the other hand, there is a long tradition in ethics and logic that is compelled by the thought that it is at least coherent to think that 'Ought ϕ' and 'Ought ψ' might both be true, for contraries 'ϕ' and 'ψ'. Here is van Fraassen:

> I shall conclude that the view [that sometimes there are two sound moral arguments, concluding respectively that *A* ought to be the case (O(*A*)) and that *not-A* ought to be the case (O(~*A*))] constitutes a significant ethical position (whether correct or incorrect). (VAN FRAASSEN 1973: 15)[12]

Even if, fortuitously, there are no moral or practical dilemmas, the possibility of dilemmas shouldn't be ruled out by the very meanings of normative terms.

Attending to differences among necessity modals can help us capture both of these intuitions. Many find it plausible that the dilemmas expressed with 'should' and 'have to' in (17)–(18) are consistent in a way that the dilemma expressed with 'must' in (19) is not.[13]

(17)   I should help Alice and I should help Bert, but I can't help them both.

(18)   I have to help Alice and I have to help Bert, but I can't help them both.

(19)   ?I must help Alice and I must help Bert, but I can't help them both.

We can capture this in terms of the distinction between endorsing and non-endorsing uses of modals, and independent work on the semantics of weak necessity modals.

We saw in §3 that 'have to' tends toward non-endorsing uses — uses that fail to present the speaker as endorsing the relevant verifying norms. Insofar as the 'have to's in (18) are used non-endorsingly and are interpreted with respect to distinct moral considerations, it is unsurprising that some speakers naturally hear (18) as consistent. There needn't be any inconsistency in saying (roughly) that the one promise requires one action and that the other promise requires another action, assuming one isn't expressing endorsement of either requirement. But if we use a strong necessity modal like 'must' that tends toward endorsing uses, the sense of inconsistency becomes more palpable. The speaker is more naturally heard as registering endorsement of an inconsistent set of norms and as directing one to perform incompatible acts (given the facts about the scenario).

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[12]See also, e.g., LEMMON 1962, VAN FRAASSEN 1973, WILLIAMS 1973, BARCAN MARCUS 1980, FOOT 1983, GOWANS 1987, SINNOTT-ARMSTRONG 1988, DANCY 1993, HARMAN 1993, HORTY 1994, 2003, GOBLE 2009, SWANSON 2011.

[13]See, e.g., LEMMON 1962, GOWANS 1987, HARMAN 1993, SWANSON 2011; *cf.* FOOT 1983, SINNOTT-ARMSTRONG 1988, HORTY 2003, VON FINTEL 2012.

Interestingly, many speakers find the sense of inconsistency to dissipate when the dilemma is expressed with 'should', as in (17), even when the modals are given a constant interpretation and are used endorsingly. This contrast between 'should' and 'must' is nicely predicted by several recent independently motivated semantics which validate agglomeration for strong necessity modals but not for weak necessity modals (SWANSON 2011, SILK 2012, 2014). On these semantics 'Must ϕ' and 'Must ψ' entail 'Must (ϕ and ψ)', but 'Should ϕ' and 'Should ψ' don't entail 'Should (ϕ and ψ)'. The formal details would take us too far afield; interested readers may consult the references above. What is important for our purposes is simply that there are independent reasons for thinking that genuine dilemmas are coherently expressible with weak necessity modals — i.e., that 'Should ϕ' and 'Should ψ' could both be true, for contraries 'ϕ' and 'ψ'. Whereas (19) implies that I must do the impossible, (17) does not.

The examples in (17)–(19) suggest that dilemmas are coherently expressible with non-endorsing uses of strong necessity modals and with (endorsing or non-endorsing) uses of weak necessity modals. What import could this point about our linguistic judgments possibly have for normative theory? First, arguments that there are no genuine dilemmas will need to be independent of appeals to linguistic intuitions like the intuition that (19) is inconsistent. The theorist who accepts that there are genuine dilemmas can agree with Kant that incompatible propositions cannot both be deontically necessary: 'Must ϕ' and 'Must ψ', for contraries 'ϕ' and 'ψ', are inconsistent. But this doesn't itself show that the concept of a dilemma is incoherent. Dilemmas are coherently expressible — just not with endorsing uses of strong necessity modals. Even if there are no practical dilemmas, this isn't because they "entail a contradiction" (DAVIDSON 1969: 34).

To be clear, I am not claiming that the linguistic data tells us something about whether there are genuine practical dilemmas. To the contrary. My aim is to bring the debate about dilemmas back to the ethicist's home turf. Whether there are genuine dilemmas is a question for substantive normative theory, not logic or semantics.

The intuitive worry about dilemmas isn't a linguistic one. It is about whether one might find oneself in a certain sort of situation — perhaps a situation where competing values with which we identify pull us in opposite directions; or a situation where, no matter what we do, we cannot help but feel loss. As is now generally accepted, all parties in the debate about dilemmas can accept that these sorts of situations are possible. The question has become whether some such apparent dilemmas constitute "genuine" dilemmas. The issue is what this question amounts to. We can now see that we cannot simply ask whether morality or rationality could land us in a situation in which we couldn't satisfy all its "demands" or "obligations." Couching the

question in these terms partitions the space of normative possibilities too coarsely.[14] Likewise, we cannot put the question as whether we could find ourselves in a situation in which we should ϕ and we should ψ, or in which we must ϕ and we must ψ, where we cannot both ϕ and ψ. Couching the question in these terms may leave our answer affected by orthogonal linguistic issues. Instead, perhaps the question is whether there can be incomparable values or sets of reasons for an agent that enjoin incompatible acts; or whether it is possible that, all things considered, possibilities where the agent ϕs are incomparable to possibilities where the agent ψs (and the agent can't both ϕ and ψ), and no possibility where the agent χs better satisfies the total body of normative factors; or… What is important here isn't whether these are the precise normative questions that lie behind our vague initial worries about the possibility of practical dilemmas. What is important is that they *are* normative questions.

What language we use in posing normative questions is crucial. Greater sensitivity to how we express and talk about dilemmas can help us frame the questions directing our inquiry in ways that track the substantive normative issues of primary concern. Progress in the debate over practical dilemmas needn't be sidetracked by arguments turning on the idiosyncrasies of particular normative terms.

5 Supererogation

Supererogatory acts are acts that go "beyond the call of duty." They are permitted but not required, and better than what is minimally required. Think: throwing yourself on a grenade to protect your friends, giving a substantial portion of your income to the poor, and so on.

Some ethicists ("anti-supererogationists") claim that there are no supererogatory acts, and that acts that seem to be supererogatory are in fact required. Others ("qualified supererogationists") grant that there are supererogatory acts, but maintain that these acts are still binding in some sense and thus deserving of criticism if not performed.[15] The following is a not uncommon line of argument: "It would be

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[14]"Deontic necessity is commonly glossed as 'obligation', but the noun *obligation* covers the range of *should* as well as *must*" (HUDDLESTON & PULLUM 2002: 207); *cf.* Sloman's (1970: 391) prescient similar observation that the "contrast between 'ought' and 'must' is obliterated by referring to both as cases of 'obligation.'"

[15]This terminology follows HEYD 1982. For classic examples of anti-supererogationism, see MOORE 1903, NEW 1974, FELDMAN 1986, KAGAN 1989. For classic examples of qualified supererogationism, see RAWLS 1971, RICHARDS 1971, RAZ 1975. See URMSON 1958 for the seminal work that prompted contemporary interest in supererogation. See HEYD 1982 and MELLEMA 1991 for exten-

much better if I gave more money to the poor. I really ought to do so. So, I must have conclusive reason, and hence an obligation, to give more to the poor. So, my not giving more to the poor must be wrong and hence subject to criticism." ("And so," the anti-supererogationist would add, "my giving more to the poor must not be supererogatory after all.") This argument generalizes, leading to the so-called "paradox of supererogation," or "good-ought tie-up." Joseph Raz articulates the worry well (see also n. 15):

> If doing a supererogatory act is praiseworthy there must be reasons for doing it, and the reasons must outweigh any conflicting reasons for not doing it. But if there are conclusive reasons for performing the act then not to perform it is to act against the balance of reasons. If reason requires that the act be done then surely one ought to do it, and the "ought" is based on all the reasons which apply to the case; it is a conclusive ought. But this entails that failing to perform the act is failing to do what one ought (conclusively) to do, so why isn't it blameworthy not to perform a supererogatory act? (RAZ 1975: 164)

There are several things to be distinguished in this line of argument — e.g., what is good, what is blameworthy, what one ought to do, what one has most reason to do, what one is required to do. The crucial inferences are from the claim that one has most reason to ϕ to the claim that one has an obligation to ϕ, and from this to the claim that it would be wrong or blameworthy not to ϕ. Raz himself presents the argument in terms of 'conclusive ought', but this, of course, is philosopher-speak. The relevant question is what notion of obligation or normative necessity it is being used to express. The problem is that not all ways of filling this in are equally compelling or speak against supererogationism. The anti-supererogationist gets traction with the intuition that failing to do what one must do, or is required to do, leaves one subject to criticism. But the fact that it would be better for you to give more to the poor, and even that you should, needn't imply that you must. While it is plausible that failing to do what one must is blameworthy, it is less obvious that one may always be blamed for failing to do what is good or what one should. By clarifying the distinction between weak and strong necessity, we can see how it is at least coherent for a moral view (*a*) to distinguish what one ought to do and what would be best from what one must do and what is minimally required, and (*b*) to attach blame or criticism to failing to do the latter.[16]

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sive discussion.

[16]*Cf.* SLOMAN 1970, MCNAMARA 1990.

These points don't show that there are supererogatory acts any more than the considerations in §4 showed that there are genuine practical dilemmas. Perhaps the critics of supererogationism are right and nothing but the best will do. One might accept on independent grounds a demanding moral theory according to which one must do what is evaluatively best. But such grounds will have to be just that: *independent*. Additional substantive normative argument will be required. Distinguishing notions of normative necessity can refine our understanding of the space of possible theories and suggest new ways the dialectic may proceed.

Various accounts of weak necessity are motivated by the thought that weak necessity modals are, in some sense, interpreted with respect to additional facts, values, norms, etc.[17] These accounts shed light on two thoughts that many have had about supererogation: first, that it is only a select few, perhaps those who have some sort of "higher calling," who ought to perform supererogatory acts; and, second, that many agents who perform supererogatory acts regard these acts as things they must do.[18]

For concreteness, I will focus on the particular account of weak necessity which I have developed elsewhere (Silk 2012, 2014).[19] What makes weak necessity modals "weak," on this view, is that they bracket whether the necessity claim holds in the actual world. 'Should' expresses necessity only *on the supposition* that certain circumstances relevant to the necessity claim obtain. It needn't be presupposed that these circumstances actually do obtain. Suppose I promised an acquaintance, Alice, that I would help her move. Intuitively, a norm requiring that I help Alice is in force only if certain circumstances obtain — e.g., that I don't come across a drowning child on the way to Alice's apartment, that an evil dictator didn't promise to torture hundreds of children if I help Alice, etc. Very roughly, saying that I *must* help Alice implies that all such circumstances obtain and thus that I am actually required to help her. Saying that I *should* help Alice implies only that *were* all such conditions to be satisfied, I would be required to help her. Weak necessity modals afford a means of coordinating on the implications of our norms and values without having to decisively settle on how they apply and weigh against one another in

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[17] See, e.g., VON FINTEL & IATRIDOU 2008, RUBINSTEIN 2012, SILK 2012, 2014. How precisely this thought is implemented varies among accounts.

[18] The first point has a long tradition of support, especially in theological literatures on supererogation; see HEYD 1982: ch. 1, MELLEMA 1991: ch. 3 and references therein. On the second point, see, e.g., URMSON 1958, EISENBERG 1966. Concerning the "righteous gentiles" he interviewed from Le Chambon who protected Jews from Nazis, Philip Hallie relates that they invariably "pulled back from me but looked firmly into my eyes and said: 'How can you call us "good"? We were doing what had to be done'" (HALLIE 1979: 20, cited in HORGAN & TIMMONS 2010: 40n.23).

[19] These developments differ in technical implementation; these differences won't be relevant here.

particular circumstances.

I won't attempt to defend this view here. Suffice it to say that it may help capture the two additional ideas about supererogation noted above. First, suppose there are conditional norms to the effect that one ϕs if one desires greater merit, has a higher calling, has a special dispensation of divine grace, or the like. Call these norms *supererogation norms* and the possible conditions under which they apply *supererogation conditions*. Even if it isn't decisively settled whether Dorothy "has a higher calling" or the like, we might accept that Dorothy should ϕ, or that her ϕ-ing would be supererogatory. This is possible even if Dorothy doesn't in fact satisfy any supererogation condition and 'Dorothy must ϕ' is false. Moreover insofar as agents in general fail to satisfy the supererogation conditions, the generic claim 'One must ϕ' will be false. This reflects a sense in which the act of ϕ-ing is supererogatory.

Second, given that agents are typically in a position to settle on whether they satisfy the above sorts of conditions — whether they desire greater merit, etc. — it is unsurprising that those who perform supererogatory acts sometimes regard them as things they must do. In saying 'I must ϕ' the agent assumes that the supererogatory norms apply to her. Even if she is correct about this, the act of ϕ-ing may still be supererogatory in the above sense that the generic claim 'One must ϕ' is false. But there is also a sense in which her act may be supererogatory *for her*. For even if she is among the select few, the fact that she is may itself be the result of some supererogatory act(s). Perhaps her wanting to "go beyond the call" is good but not required of her. If so, then even if she must ϕ, it isn't the case that *she must be such that* she must ϕ. Her being such that ϕ-ing is required for her is itself supererogatory. Though she is "just doing her duty," that it is her duty renders her deserving of praise.

6   Judgment internalism and "the normative"

It is often claimed that a distinctive mark of normative language and judgment is its practical character, or its connection with action and motivation. This connection between normative language and action is epitomized in the thesis of judgment internalism — to a first approximation, the claim that there is an internal and necessary connection between making a normative judgment and being motivated to act in accordance with it.[20] Here are Allan Gibbard and Ralph Wedgwood:

> The clear distinctive feature of normative concepts, I now think, lies in

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[20]For classic discussions, see FALK 1948, NAGEL 1970, WILLIAMS 1981a, KORSGAARD 1986, DARWALL 1997.

their conceptual ties. Oughts of action tie in conceptually with acting. (GIBBARD 2011: 36)

[T]he necessary connection that normative judgments have to motivation and practical reasoning is a *special* feature of normative and evaluative judgments. It is a feature that is *absent* from all judgments that are wholly non-normative and non-evaluative in content. Indeed, this seems to be precisely one of the features that distinguishes normative and evaluative judgments from judgments of all other kinds. (WEDGWOOD 2007: 71)

Many take it as obvious that some form of internalism is true. After all, the reasons we weigh in deliberation are reasons *for action*, i.e., reasons *for acting on*. Normative judgments are constitutive of deliberation, and deliberation is essentially practical; its aim is action. But many find there to be clear counterexamples. What about the psychopath? Or someone who is really tired or depressed? Can't they make sincere normative judgments while lacking the corresponding motivation?

Attending to our two dimensions of difference among necessity modals — strength and patterns of (non)-endorsing use — can illuminate theorists' conflicting intuitions about judgment internalism. The continuation of the above quote from Gibbard is revealing.

The clear distinctive feature of normative concepts, I now think, lies in their conceptual ties. Oughts of action tie in conceptually with acting. Take, for example, the belief that the building is on fire and the one and only way to keep from being burned to a crisp is to leave forthwith. If that's the case, we'd better leave forthwith, but it isn't strictly incoherent, conceptually, to have this belief and not to leave. Contrast this with the normative belief that one *must* leave forthwith. It is, I maintain, conceptually incoherent to hold this belief and not leave, if one can. (GIBBARD 2011: 36; emphasis in original)

It is revealing that Gibbard uses 'must' to pump the intuition that normative beliefs are conceptually tied with action. Deontic 'must' is nearly always used with directive force in main clauses (§§2–3). It is thus no surprise that judgment internalism will seem compelling when considering deontic 'must' judgments. It is hard to hear a sincere utterance of 'Must ϕ' as consistent with the speaker's being indifferent about ϕ, as reflected in (7) and (11), reproduced in (20).

(20)   a.   #I must get home by 10, but forget that; I'm not going to.

b. #You must get home by 10, but I don't care whether you do.
c. #Bert must get home by 10. Aren't his parents stupid? I would stay out if I were him.

But the same sorts of judgments aren't nearly as anomalous when expressed with necessity modals that are more naturally used non-endorsingly, as reflected in (15)–(16), reproduced in (21). Interestingly, 'be to', in terms of which GIBBARD 2003 and WEDGWOOD 2007 analyze all normative terms, isn't conventionally endorsing (LAKOFF 1972a).

(21)   a.   {I'm supposed to, I have to, I'm to} get home by 10, but forget that; I'm not going to.
        b.   {You're supposed to, You have to, You're to} get home by 10, but I don't care whether you do.
        c.   {Bert is supposed to, Bert has to, Bert is to} get home by 10. Aren't his parents stupid? I would stay out if I were him.

We needn't be psychopaths to sincerely utter the sentences in (21).

We saw in §3 that the weak necessity modal 'should' is typically used endorsingly:

(12)   a.   #You should get home by 10, but I don't care whether you do.
        b.   #Bert should get home by 10. Aren't his parents stupid? I would stay out if I were him.

However, even when used endorsingly, weak necessity modals are compatible with the denials of their prejacents, as we saw in (5).

(5)   I should stop smoking, but I'm not going to.

This latter feature may influence intuitions about apparent counterexamples to judgment internalism involving judgments expressed with weak necessity modals.

We should be wary of general claims about normative language and judgment. Judgment internalism can seem compelling when considering judgments using terms that are paradigmatically directive and endorsing. But when we consider judgments using other terms, counterexamples can appear in the offing. Even if internalism is true for deontic 'must' judgments, it is false for judgments expressed using terms that aren't conventionally endorsing.

Objection: "This conclusion is dialectically irrelevant. Judgment internalism is, as the name suggests, a thesis about normative *judgment*, a species of mental act that involves deployment of a distinctive sort of *concept*. The question of judgment

internalism is a question about the connection between judgments of this sort and motivation. Whether certain natural language sentences invariably express this kind of judgment, and whether accepting such sentences is invariably connected with motivation, is beside the point."

This is an important objection. One response would be to call into question the implicit assumption that we can get a grip on the nature of normative judgments and concepts independently of the language we use to express them. One might worry that if linguistically driven intuitions about cases were an unreliable, insufficient, or even irrelevant source of evidence, our metaethical accounts of normative judgment would be dramatically underdetermined. Though I am sympathetic with this response, a more modest reply is simply to call for circumspection. As a matter of actual practice, it is common to garner evidence about judgment internalism by appealing to intuitions about judgments expressed in natural language. The above quote from Gibbard is a prototypical example. But in light of the various dimensions along which putative normative terms can differ, we should be cautious about making such appeals. They may be less probative into the nature of normative judgment than we initially thought.

For present purposes I am happy to rest content with this more modest conclusion. But I would like to close by raising a brief counter-worry of my own. I would like to take a step back and reflect on a more general meta-theoretical question: What are we doing when we describe certain judgments, concepts, or language as "normative"? The worry is that plausible ways of answering this question will render theses like judgment internalism — construed as theses about normative judgments/concepts/language *in general* — either trivial or obviously empirically false.

On the one hand, suppose we characterize "normative" judgments in linguistic terms. First, suppose we treat them as judgments expressed with particular linguistic expressions or constructions. Perhaps they are the judgments which are "fraught with 'ought' " (Sellars 1962: 44; *cf.* Gibbard 2003: x). Or perhaps they are the judgments expressed by sentences like " 'I must ψ', 'I ought to ψ', 'it would be best, all things considered, for me to ψ', *etc.*" (Wiggins 1976: 95). As the discussion in this paper should make clear, no such characterization will do. The class of paradigmatic normative terms is quite a variegated lot. The broader the class of expressions we use to characterize normative judgments, the more obviously false a thesis like judgment internalism is. Few, if any, expressions exclusively receive intuitively normative interpretations in all contexts.[21] The narrower the class, the less clear it is

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[21] Even for 'must', and likely for imperatives as well: 'Must' can receive non-normative readings (e.g., epistemic, metaphysical) and, even for intuitively normative readings, may permit non-

that our subject matter is the one we initially cared about. Most judgments traditionally thought of as being normative won't count as normative. And a thesis like judgment internalism becomes trivialized. It amounts to the claim that there is a necessary connection between motivation and making a judgment expressed using a term that conventionally presents one as endorsing the considerations that would justify it. Even if internalism is conceptually true, if true, I doubt that this is the conceptual truth that ethicists and metaethicists have cared about.

Alternatively, second, suppose we treat the normative judgments as the judgments expressed by *uses* of language of a particular sort. Perhaps they are the judgments expressed by specifically directive uses of words like 'ought', 'must', etc., or those expressed by specifically directive speech acts, performed by whatever linguistic means.[22] In fact, I think this is how we ought to proceed. The topic of directive and endorsing language has afforded many rich avenues of research in formal semantics and pragmatics, descriptive linguistics, speech act theory, and philosophy of language more generally. But delimiting the class of normative judgments in this way again runs the risk of trivializing the question of judgment internalism. The question reduces to whether there is a necessary connection between motivation and making a judgment that aims at getting oneself to do something and presents oneself as endorsing the considerations that would justify it. Call me parochial, but this doesn't strike me as an interesting question.

Now to the other hand. Suppose we characterize normative judgments in *non*-linguistic terms. For instance, we might characterize them functionally as those judgments that characteristically direct, guide, or — dare I say — motivate us. Such a characterization opens up a rich topic for philosophical and psychological investigation. But it too reduces questions about the nature of normative judgment to triviality. Judgment internalism reduces to the thesis that there is a necessary connection between motivation and making a judgment individuated in part by its function to motivate (direct, guide, etc.).

I don't intend this outline of a dilemma to be decisive. There may be an alternative way of characterizing normative judgment on which the thesis of judgment internalism is interesting, and perhaps true. My primary aim is to encourage critical reflection on the terms with which we frame our inquiry. There *are* features of language and thought that we have been homing in on in our talk of "normative" terms, concepts, and judgments. Research in philosophy of language and linguistics,

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endorsing uses for some speakers (§3). Imperatives might be the best bet, though even these can sometimes merely express wishes ('Have a good day', 'Be a home run').

[22]For claims in this spirit, see KORSGAARD 1996: 8, 226; THOMSON 1996: 130–131, 147–150; GIBBARD 2003: 137–139; FIELD 2009: 286; PARFIT 2011: 284, 288, 291; RAILTON 2012: 25.

as well as philosophy of mind and psychology, can help us delineate these features. This has the potential to clarify our initial questions and open up new avenues of research. But it also raises the possibility that some of these questions may be less motivated than we initially thought. Couching our inquiry in terms of a class of "normative" language, concepts, and judgments may obscure the phenomena. Better, perhaps, to see ourselves as examining directive and endorsing uses of language, on the one hand, and motivational types of states of mind, on the other.

7   Conclusion

The notion of obligation is central in ethics. This isn't for no reason: As one classic English grammar text notes, "Deontic necessity is commonly glossed as 'obligation', but the noun *obligation* covers the range of *should* as well as *must*" (HUDDLESTON & PULLUM 2002: 207). On the one hand, we are often interested in investigating what we are actually required to do. We wish to guide others' behavior and our own in light of the norms we accept. An endorsing strong necessity modal like 'must' is well-suited to the task. However, using 'must' is often awkward. We may want to talk about obligations that held in the past, or obligations that may go unfulfilled or be overridden in the future. Or we may want to communicate information about a body of norms without necessarily registering commitment to them or enjoining others to share in such commitment. A modal like 'should' or 'be required to' can be more suitable. There is a wide range of expressive resources at our disposal for coordinating our actions and expressing our normative views in conversation, deliberation, and planning. This is for the better given the variety of our purposes. But it also raises a philosophical risk. Inattention to the particularities of the language we use can lead to misinterpretation of the nature and import of our judgments.

We began with a common, and often implicit, simplifying assumption among ethicists that expressions like 'ought', 'must', 'duty', 'required', etc. are equivalent for expressing deontic necessity and obligation. Bracketing differences among such expressions might have turned out to be harmless for the purposes of normative inquiry — "let the semanticist sort them out," one might have said. But we have seen that insensitivity to differences among necessity modals can obscure intuitions and hinder theorizing. On the flip side, better understanding the language we use in substantive normative discussion can help us ask clearer, better motivated questions and bring into relief directions for future inquiry. In this paper we examined two specific dimensions along which normative vocabulary can differ — strength and patterns of (non-)endorsing use — and applied insights about these dimensions

to help capture competing intuitions in debates about dilemmas, supererogation, and judgment internalism. But the import of the underlying strategy extends more broadly. We often come to the substantive normative table with implicit views about how normative language works, some correct but others not. Locating these assumptions can free up our normative investigations. Inquiry into normative language and conversation can clarify and improve normative evaluation in practice.

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