

## **V. KANT, EMPIRICAL FACTS, CONSEQUENTIALIST REASONING**

### **V.0 Chapter goals**

I am writing to show that a case for the traditional morality of the Paternal Principle deserves to be heard in our current secular “market place of ideas.” Showing that I use a moral theory that is at least plausibly Kantian furthers that purpose. Has Western culture progressed beyond listening to Kant? If my adaptation of Kant is too idiosyncratic, then my reference to Kant does not serve my purpose as well as I hoped. Nonetheless I need this chapter on Kant because I have developed the moral theory used through long study of Kant. Credit must be given where credit is due.

The first chapter goal is to outline how a crucial technique used in my argument is adapted from Kant’s moral theory; especially as presented in his *Foundations of the Metaphysics of Morals*. A second goal is to make brief comments on Kantian themes which are parts of the character stance used in the previous chapter. The character stance is my adaptation of Kantian morality. Kant, as any good philosopher, would not rely on empirical facts to establish philosophical theses. So, a third goal is justifying use of empirical facts in moralizing about the “facts of life.” In a Kantian framework, some acts ought to be done regardless of the consequences. Nonetheless, consideration of consequences is pervasive in human reasoning about what ought to be done. So, a fourth goal is to specify a place for consequentialist reasoning in moral deliberation.

### **V.1 Adaptation of the universal law version of Kant’s Categorical Imperative**

This section and all the sections on Kant presupposes some familiarity with Kantian moral philosophy. Significant familiarity is not assumed. Such familiarity might come from

reading Kant's *Foundations of the Metaphysics of Morals*, a segment on Kant's moral philosophy in history of philosophy course or even an on-line reference source such as Wikipedia.

Review a statement of the universal law version of the categorical imperative<sup>1</sup>. *Act only on those maxims which you can at the same time will to be a general law of nature.*

The following adaptation shows how I have developed my moral reasoning under the influence of Kant. I exhibit a fundamental principle I have come to use in moral justification. For many years as a teacher, academic philosopher and someone who wants to “get it right” about morality I have fumbled with using Kant's universal law version of the Categorical Imperative. I applied it using the “bottom up” technique described below. This bottom up approach tended to portray Kantian reasoning as some type of Rule Utilitarian reasoning. Neither Kant nor I accept any type of utilitarian reasoning for basic moral issues. So I abandoned using the universal law version of the categorical imperative when I focused on sexual ethics. This turning away from the universal law version made me uneasy since so much of my thinking about morality has been influenced by long acquaintance, if not deep understanding, of Kantian writings on morality. Kant thought that the universal law version was of primary importance. I shall propose that the universal law imperative is of primary importance for testing or evaluating the proper personal principles or maxims for character development. *It is not of primary importance for either discovering the universal moral laws or which particular acts are right.* Note that the imperative focuses on having proper maxims. Maxims are a crucial element in character.

As I struggled to articulate my argument for the Paternal Principle assuming teleology in nature as Kant did, I formulated the methodological guideline of considering how nature would have us choose in a troublesome area if nature had determined us to choose in a trouble free way

which promoted the function of an important system. I thought “this is Kantian!” I call this the “top down” technique when I develop it below. If this technique has value and has roots in Kant, give Kant credit. Otherwise, take it for what it is worth.

John Rawls used what could be called a “top down” approach to construct a Kantian theory of justice<sup>2</sup>. The “top down” method has been influenced by what I think to have been one of the best philosophy books of the twentieth century. Put yourself behind a veil of ignorance about the horrors of male sexuality with only knowledge of its salient function: reproduction. Reproduction includes the mate selecting in courtship, the fertilization phase of mating plus the child rearing in a male female union. We can find other functions for human sexuality. But it is not capricious to consider a study of human sexuality as primarily a study of human reproduction. How might you choose to have males use their sexuality? This is basically the strategy I used in my rhetorical argument for the Paternal Principle in the previous chapter.

However, my “top down” methodological guideline comes with no assumption that this method brings us closer to how reason ought to be used. It is only a heuristic for developing persuasive rhetorical appeals. My interpretation is that Rawls thought that assuming ignorance about how goods and services are actually distributed would lead us to see how reason would have them distributed.

### **V.1.1 The “bottom up” technique**

This procedure, which perhaps I caricaturize, is either supposed to uncover the correct universal moral laws or determine which particular acts are obligatory, forbidden or permissible. When instructed to act only on maxims which we can at the same time will to be universal laws of nature, we are tempted to proceed “bottom up” as follows. Formulate a maxim for an act we

think of performing. Generalize this maxim. Consider whether or not we can will the generalization to be a law of nature. What is the procedure like schematically?

- Formulate a maxim: I will do A in circumstances C for sake of G.
- Generalize: Everyone in C does A for the sake of G.
- Test whether or not the generalization can be chosen as a law of nature.

The test phase presented huge interpretative problems. It seemed that there would be only two barriers to choosing the generalization as a law of nature. One barrier would be that everyone acting that way would have bad consequences for human beings. Using this barrier would reduce the Kantian reasoning to Rule Utilitarianism as J.S. Mill observed in his essay on Utilitarianism. The other barrier would be finding the generalization logically inconsistent. To find logical inconsistencies in generalizations requires all sorts of special definitions. I have consumed many hours of my life trying to rephrase generalizations as contradictions. If I ever came close to succeeding in getting a contradictory generalization, the argument lost rhetorical force because of the verbal distortions required.

Let me illustrate with an attempt to condemn male masturbation. The male masturbator's maxim could be formulated as: I will privately stimulate myself to orgasm when I have a strong desire for the sexual pleasure and do it for the pleasure. A generalization could be: Every male who desires an orgasm for pleasure privately stimulates himself. The human condition is filled with misery. However, little of this misery is clearly linked with all of the masturbation which occurs. Theories that masturbation causes earthquakes are not well supported. There is no hope for a consequentialist barrier to accepting the generalization. One can start defining "masturbation" to try for a contradiction. Try "performance of a reproductive act for a nonreproductive goal." Now the maxim runs: I shall perform a reproductive act for a

nonreproductive purpose. A generalization runs: Everyone should perform a reproductive act for nonreproductive purposes. The generalization is not yet a logical contradiction. To get close to a logical contradiction we might try to redefine terms so that we can get a generalization along the lines of: Everyone performs every reproductive act for nonreproductive purposes.

I do not read the last generalization as a logical contradiction. My point here, though, is not to find a logical contradiction in some generalization of some masturbator maxim. The point is that looking for such contradictions is torturous, futile and an unconvincing way to argue for a moral principle.

### **] V.1.2 The “top down” heuristic**

The “top” consists of idealized laws for important but troublesome systems of human life in which for all that we know humans have causally restricted but causally undetermined choices about exercises of their inclinations. For me the paradigm of such a system is sexuality. But there are other systems such as food intake, acquisition of goods and services, and rage reaction. Here I will focus on systems or areas Kant considers: general prudence, promising, talent development and cooperation.

Schematically the idealized laws specify that people select acts to satisfy inclinations of a system which promote the propose of the system and do not impede the purpose of the system. Recall from the previous chapter that the purpose of a system is a function of the system selected by moral thinking as the obligatory end of the system. I argued that the idealized law for human male sexuality would have males seeking orgasms only under the conditions of the Paternal Principle. The “top down” procedure is used to justify claims about the correct universal moral laws, which acts are in principle right or wrong, and provide a foundation for testing principles for character development, viz., maxims. How is this technique related to the categorical

imperative: Act only on maxims which you can at the same time will to be a universal law of nature?

Note that the universal law version tells us the kind of maxims we are supposed to have. It does not directly tell us about finding universal moral laws or determining which acts are right. It tells us about the personal principles or maxims we should have for forming our character. Acceptable maxims are those compatible with principles obtained by the “top down” procedure. For instance, a typical masturbator’s maxim is inconsistent with the Paternal Principle.

A challenge to any interpretation of Kant on his Categorical Imperative is to see whether or not it agrees with Kant’s applications of it to suicide, making a lying promise, developing talents and cooperating with others.

### **V.3 Kant’s four examples from his *Foundations of the Metaphysics of Morals***

The idealized laws for these systems can be stated rather imprecisely because Kant in fact only considers egregious conflicts with such laws. From the “top down” perspective Kant’s four examples are “no brainers.” The laws for the areas of prudence, talent development and cooperation would describe some mean or balance and we constantly have to think about the conditions in which we live to specify a mean or balance suitable for our time and place. Kant does not need to bother formulating the law for the areas since the maxims for the conduct considered would conflict with any plausible law.

Consider a system called “self love” or general prudence. The function of this system for avoiding pain and seeking comfort is to continue life with a balance of pleasure and pain conducive to a continuation of life. Most of the troublesome choices are those for pleasure which lead to long term pain and shorter life. Developing proper choices in this area is very difficult and takes constant effort throughout life. However, action on an inclination to avoid pain which

involved the termination of life would clearly conflict with the idealized law. The idealized law might read: Nature should cause people to choose pleasure and to avoid pain to seek under the circumstances in which they are a comfortable continuation of life.

For the system of making promises to get others to act for our benefit as well as their benefit is one in which choices to deceive are very troublesome. Here the idealized law is simple. Nature should cause people to make only promises they can reasonably keep and then keep them. A maxim of someone who plans to make a promise he won't keep clearly conflicts with this law.

Most of us are blessed with various talents we could develop. Most of us are also afflicted with inclinations to take it easy and not push ourselves beyond the first few easy steps of doing things. So talent development is another system of human nature which is "screwed up" by human choices. If we had nature cause people, especially our children and grandchildren, to develop their talents we would will that there be a law of nature leading them to develop their skills in a balanced way. Clearly, the maxim of a person who chooses to develop no talents whatsoever conflicts with such an idealized law.

Cooperation with others is a "system" whose function is to have people bring about what they cannot do individually but which is necessary for at least a reasonably tolerable human life. An idealized law is hard to state precisely because an on-going discussion on how to organize societies concerns getting a balance between individualism and cooperation. However, the maxim of an extreme individualist who chooses not to cooperate at all clashes obviously with any idealized law for this area.

## **V.2 Various Kantian themes**

I hope the preceding links my way of arguing with Kant's and gains some support thereby. These sections are really only suggestions. Full development would require a chapter

and turn this book into a book on Kant. Those uninterested in Kant may skip to the section below on methodological topics.

My arguments make no appeal to any authority; let alone Kant. Kant's stance on sexuality is not mine. He takes what I would call a rationalist or dualist stance.<sup>3</sup> Nonetheless, brief remarks on some Kantian themes is a way of acknowledging a debt to Kant. I understand myself as giving a "Kantian" defense of the Paternal Principle. As already noted, a "Kantian" argument certainly is as legitimate in the Western secular "marketplace of ideas" as any approach.

### **V.2.1 On the satisfaction of following a principle**

I propose a "Kantian" good to be attained by right action. This good however is not the satisfaction one might feel by knowingly choosing what is right. Choice of conforming sexual behavior to a pattern for sexual restraint cannot be properly interpreted as choice of one type of satisfaction amongst other. If so interpreted the pattern would be followed if doing so fit into an overall system of satisfactions more satisfying than any other system; otherwise it would not be followed. To be sure, thinking of conforming to the pattern as giving a moral purpose to life is occasionally satisfying. However, choice of such a pattern of restraint is logically inconsistent with choice of a pattern of choosing the best overall system of satisfaction. The choice of a pattern of restraint includes at least one categorical imperative along the lines: For some X in no circumstances is it permissible to do X regardless of the consequences of not doing so. The choice of choosing the best overall system of satisfaction holds: For *all* X there are some circumstances in which it is permissible to do X because of the consequences of doing so.

### **V.2a Adaptation of Kantian notion of a good will**

What is the good of following a principle? The good is a good will.

To adapt Kant's term, I am alleging that being a person of good will is a condition which should be pursued before all others. Having a good will is not a satisfaction. Why pursue a good will? Having a good will makes one worthy of being happy. Being worthy of being happy is an antidote to nihilism.

I do not argue that overcoming nihilism is good in the sense of being satisfying. Indeed rejecting nihilism can be deeply distressing. When rejecting nihilism requires an obligation not to commit suicide regardless of the pain to be avoided by suicide, the prospect of a meaningful life by doing your duty to keep living is dreadful.

If a reader cares about overcoming nihilism that is sufficient for my arguments about how to work at overcoming nihilism to be taken seriously. If a reader does not care about overcoming nihilism, then there is just one more person, amongst millions, who are not about to be persuaded by my arguments. Of course, if I come to believe that nihilism is incorrect, then I believe that those who do not care, after thinking about it, about overcoming nihilism are mistaken. So I disagree with H. G. Frankfurt who proposed caring is fundamental for having a significant life<sup>4</sup>. Failure to care can be a mistake.

Addressing those who can at least appreciate a concern with overcoming nihilism, I make a case for principles about what is right so that we can aim at being right as our prime concern. Of course, for me, it goes without saying that one would try to salvage as much as possible of other concerns while satisfying the prime concern.

### **V.2.1b Adaptation of Kantian notion of moral worth**

For those who do not care about having a good will, moral action has no worth by itself. Moral action is worth while as a means for attaining other conditions for human happiness and satisfaction. For those concerned with developing a good will moral action has worth for

developing moral character. When you have a solid moral character you choose what is right because it is right. So for those pursuing a good will moral action can have worth for its own sake. Simply being right is worthwhile. Let us say that a choice of an act or way to be has moral worth if it is chosen amongst other things for the sake of developing a good will. It has worth for morality itself. Put another way: “moral worth” means has worth for building a good will.

### **] V.2.1c Overrating moral worth**

Moral worth is important but the term tempts us to overrate it. In severe nihilist temptations when nothing seems to matter to be able to choose simply to go on living because it is right gives a sense of something that matters. Also it is important to aim at having a good will so that we can have the character to withstand nihilistic temptations. Unfortunately, the term suggests that there is some sort of divine or moral score keeper who gives us a positive score when a choice has moral worth and zero or a negative score when it lacks moral worth. Part of this picture is that our life has value depending upon our score. This picture is not worth taking seriously even if tempting. As I see it, the aim of a person who has felt the threat of moral nihilism is to have development of moral character as a pervasive “background concern” but choose to go about daily life trying to get what you want keeping in mind the restrictions of morality. To choose to live within the restrictions of morality is to choose what is right, viz., moral restrictions, because it is right.

### **V.2.1d Schiller challenge to moral worth**

Mention of Kant provides occasion to comment on a challenge presented to the notion of recognizing choosing what is right because it is right as a fundamental motivation. There is a challenge which can be called the Schiller challenge. As would be expected there is a vast literature on Schiller’s challenge. I apologize for not surveying this literature to find out who else

has written more or less what I present. The challenge runs as follows. Many acts whose choice for an area make up being the right kind of person for that area are not properly chosen and done unless they are motivated by a natural inclination for human happiness and satisfaction. For instance, beneficial acts for a man's wife or children are not properly done if not motivated by an inclination to benefit them. A choice and performance of an act because it is right is not a choice and performance motivated by a natural inclination for human happiness and satisfaction. So, in so far as a person chooses what is right because it is right that person is not rightly performing the acts for that area. Even worse the person is defeating the goal of being the right kind of person for the area because he is following a practice of not properly doing the right acts for the area.

As I analyze this challenge I interpret it as a fallacy of division. The challenge illegitimately projects what is true of a whole on its parts. The choice of what is right because it is right is for the whole of one's choices and actions. As noted above when the question arises of why be the right kind of person in all areas, the answer is that one will thereby be choosing and acting rightly. The motivation for trying to have a good will is to be right. When we get to particular areas part of the problem of trying to choose rightly is trying to develop proper natural motivations. If you try to develop a natural inclination because it is right to choose in accordance with that inclination, you do not fail to be motivated by that inclination.

A man has a duty to develop and maintain sentiments of love for his wife. One wise way to perform this duty is to express verbally sentiments of love. There can be valuable feedback from the language of love. Duty is a "backup" for love. It keeps one serious about maintaining love and keeps one faithful when love is fading or absent.

Also I should note that choosing to be the right kind of person because it is right to be that way is the end of secular reasons. Additional reasons for being the right kind of person lead to religion. Morality, which is reasoning, is not itself a religion within the limits of reasoning.

### **V.2.2 Maxims & general principles**

I claim to use a Kantian justification procedure for justifying principles. As is well known Kant emphasized maxims when discussing justification. Act only on maxims which you can at the same time will to be a universal law. As I brought out above, I do not use “maxim” in justifications as it is generally thought Kant used them. Nonetheless because of so much attention to Kant, I tend to use ‘maxim’ in my discussions of morality. So, I elaborate on how I use "maxim." With respect to pursuit of sexual satisfaction, maxims are articulations of attitudes towards attainment of sexual satisfactions. By translating attitudes into individual principles for acting they are suitable for evaluation by the Paternal Principle.

Men may use the Paternal Principle to guide both their choices of particular acts as well as practices for building their character. When individual men apply it to themselves to guide their particular choices and character formation it is a maxim. *Maxims* are rules individuals formulate for themselves. In this case, formulation of a maxim is instantiating a general rule to oneself. But not all maxims need to be obtained by instantiating a general principle. A person formulates a maxim to express a plan of action to attain a desired end. For many people many actions are not guided by maxims. We choose as “the spirit moves” us on that occasion. However, let us assume enough stability in choices so that we can say that a person’s has an attitude toward satisfaction of an inclination. For example suppose there is a married man who has brief affairs with women who are attracted to him although he has not pursued them aggressively. He has an attitude that since male sexual drive is so strong he cannot be expected to

resist women who indicate a willingness to have sexual intercourse. As a maxim his attitude can be articulated: I am entitled to have sexual intercourse with any willing women. His maxim is a principle in conflict with the Paternal Principle.

### **V.2.3 Maxim associated with the Paternal Principle**

The maxim for an individual instantiating the Paternal Principle can be expressed as follows. This maxim is an instantiation of a principle which I argued above a reasonable person would will to be a universal law of nature for human male's sperm dispersal.

*To satisfy my sexual desires I will intentionally attain a sexual climax only in sexual intercourse open to conception with a consenting woman to whom I am bound by a life-long monogamous marriage contract. In addition I shall: (1) intend to cooperate with my spouse to protect and promote the lifelong natural development of any conception resulting from this intercourse(2) strive to appreciate with her the natural value of our sexual satisfactions and cooperate with her to enhance those satisfactions*

### **V.3 Methodological topics, Using facts & consequentialist reasoning**

These closely related topics concern using factual claims in philosophy and fundamental moral reasoning. I am especially worried about reliance on factual claims. If I have learned anything from the study of philosophy, it is that making factual claims without careful weighing of the empirical evidence, in light of the best scientific theories available, is a fatal philosophical error. Usually when one does so, one is factually wrong. But in any event, one is doing bad science and no philosophy. Inconsistencies are, of course, undesirable in intellectual work. However, inconsistencies can be quickly eliminated with distinctions and qualifications, albeit, frequently, at the price of trivializing claims. Ideally a philosopher would choose the zero tolerance level on use of empirical data. The philosopher would present only *apriori* truths, i.e.,

truths which can be known prior to or independently of any factual claims. That is an ideal which cannot be reached without reduction to trivialities. Yet, it is worth pursuing when philosophizing. This is especially true in moral philosophy because a fatal error in moral philosophy is to move from: *X is factually* this way, so *X ought* to be this way.

The most serious critique of this book is whether I ever make an *is* to *ought* inference. Perhaps this claim is cryptic: At the most fundamental level I rely on pragmatic arguments to move from reality to *ought* non-inferentially.

### **V.3.1 Facing natural facts**

Sex education is called telling children “the facts of life.” Whatever one may think of that euphemism, it reminds us that talking about sex is talking about facts. Talking about sexual morality is, of course, talking about sex. So it is unlikely that all facts about sex can be ignored in discussing sexual morality. Can we assume and even use factual claims without having significant points of morality rely for support on poor social science and inaccurate descriptions? What are some of my philosophic tactics for avoiding drifting into topics which require empirical investigation?

#### **V.3.1a Factual claims accepted as factual background unless challenged**

Consider two assumptions made in discussions of sexual morality. (1) Men and women are sexually attracted to each other. (2) Cultures through time and around the earth have a wide variety of beliefs, attitudes and practices with respect to sexuality. These are only two of a vast number of empirical claims which simply have to be accepted as background information. They are common sense claims.

Not all assumptions are simply common sense claims. Even if it was established by pre-historic scientific investigation, the widely accepted intercourse theory of conception was not

established by direct common sense observation. Some of this background information has been acquired through serious scientific investigation. For instance, belief that there are genetic differences between males and females is not a common sense belief. I concede that factual background assumptions have influenced my work; although I am not exactly certain about their influence. The empirical background assumptions are, then, more than assumptions needed to carry on any significant conversation. They include topic specific claims which are used to develop the line of argument.

A way to accommodate these background factual claims is to admit that they are assumptions. If they can be significantly challenged, then I may have to address those challenges to support my work. However, I add that the assumptions I make are, in my opinion, very unlikely to be challenged as part of a challenge to the views that I am proposing. I use them, then, as factual claims which may be important for the development of my position but which are not important for the defense of my position. There is one type of assumption which is important for my view. I assume that neuropsychology will not justify something like Hume's thesis that reason is the slave of the passions.

### **V.3.1b Generalizations guaranteed by explicit stipulation**

I assume that the people for whom I propose a sexual morality recognize rules for inhibiting expressions of sexuality and recognize the intercourse theory of conception. As a philosopher I hope to be addressing all human beings. However, I simply cannot assume that all people live, or have lived, in cultures where there are rules, with semantics of moral rules, inhibiting expressions of sexuality nor that all people accept the intercourse theory of conception. Structurally the situation is as follows. I want to use a generalization of the form All As are B. I am not, though, entitled to assume as unchallengeable background All As are B. I address this

problem by stipulating the generalization to be: All As, which I am talking about, are B. For instance, instead of claiming "All people accept the intercourse theory of conception," I claim "All people who hold a stance on sexuality, accept the intercourse theory of conception." I think the context in which such stipulations are made will show that not much of interest about sexual morality is lost by restricting myself to a subclass of the human race. However, the sense of speaking universally about humanity is lost.

### **V.3.1c No physiological facts or psychological facts about reproduction *per se* are crucial for my case**

Because conception, fetal and embryonic development and finally birth are theoretically, as opposed to observationally, connected with sexual acts, we may locate them on the periphery of sexuality. I am not denying that the physiology of human conception, intrauterine development and extra uterine development played a significant causal role in development of human sexuality. My claim is that people's theories about these causal factors do not play a significant role in sexuality. The point is that I assume that all humans we talk about live in cultures where it is believed that sexuality is connected with reproduction in the ways now obvious to the human race and that this belief is true. However, no special knowledge or beliefs about the physiology of reproduction are assumed. So if Aristotle held a different theory of fertilization than we do, he could still take the same stance towards sexuality as a contemporary. Also there are no general assumptions on the beliefs and attitudes of individuals about reproduction. Such beliefs and attitudes are called dimensions – variable components- of a stance on sexuality. For instance, the attitude about the connection between sexuality and conception may be different in a typical male from that of a typical female who still have the same stance towards sexuality and morality. For some people it may be a dim to nearly non-existing

connection while to others it may be one of the most vivid thoughts they have when thinking about sexuality and fear of pregnancy may suppress desire.

### **V.3.1d Avoiding factual claims by avoiding condemnation**

By choosing not to charge alternative stances with actually promoting sexual wantonness etc., I avoid making hosts of empirical claims. Charges of decadence might be question-begging because they would assume the correctness of the parental stance for which I am arguing. Also charges of decadence require careful sociology and accurate journalism. I am not prepared to do that empirical work. The result is a book on sexuality which might be rather dull.

### **V.3.2 Avoiding factual claims by avoiding consequentialism**

I do not establish the Paternal Principle by arguing that people will *in fact* be better off by following the Paternal Principle. I do not argue that people will *in fact* overcome nihilist despair by taking the character stance. I argue that the character stance provides a way of looking at reality that should in theory overcome nihilism. I recommend trying it. But I cannot ignore the place of consequentialist reasoning in reasoning about practice. In morality we deliberate and in deliberation we ask “What if I did that?” “What if people did that?”

### **V.3.3 The dimension of consequentialist reasoning**

Use of the term “dimension” introduces the topic of the **final** chapter. Dimensions of a stance on sexual morality are topics in sexual morality about which holders of a stance may disagree. Holders of the parental stance may disagree with each other about the extent to which issues of sexual morality may be settled by consequentialist reasoning. The final chapter explores this dimension in greater depth.

Despite the theoretical challenges to using consequential reasoning as the fundamental way of reasoning for morality, it is a human strategy for influencing public opinion in public

reasoning. There are issues on which people with different stances do not have to invoke their stance but can simply focus on good order and hygiene. For such issues a partial disciplined consequential reasoning is good enough.

### **V.3.4 Partial consequentialist reasoning,**

There are two prerequisites for people with different stances, viz., different sexual moralities, to reason together as consequentialists. First there needs to be agreement upon admissible alternatives to evaluate. Second there needs to be agreement on what in a consequence counts as good and what counts as bad.

The first prerequisite is the most important. Some stances find some alternatives morally unacceptable regardless of the consequences. Acceptance of same-sex marriage is morally unacceptable to holders of the parental stance. Given the meaning of “marriage,” acceptance of same-sex marriages is acceptance of homosexual relations as morally permissible. Holders of the parental stance could argue as consequentialists about various civil union arrangements. Some parentalists may find them morally tolerable for a greater good. Recourse to a notion of morally tolerable immoralities is, also, a dimension of a stance.

Agreement on what is good and bad may be difficult because some accept a notion of moral harm. Moral harm is damage done simply by a wrong act performed or by weakening the moral character of someone. However, explicit recognition of moral harm can be hidden with suitable terminology. For instance, parentalists think that an adult who seduces boys between seven and fourteen inflicts psychological damage on them as well as moral harm. (Seven marks the traditional age of reason after which a person is capable of choosing a moral wrong.) There is moral harm because the seducer tempted them to choose what is wrong. A progressive covers

both types of harm with a term such as “abuse.” A parentalist can accept the general term “abuse” to evaluate with progressives’ policies for preventing such child abuse.

I close with a few observations on limits of consequentialist reasoning.

### **V.3.5 Limits of public consequentialist reasoning**

I began writing this book with a goal of showing that a reasonable case for traditional sexual morality can be offered in the secular “market place” of ideas. As I have been working on this project, I have come to realize that this imagined market place of ideas with high standards is an illusion. The respectful way to argue in this market place is to be honest, clear and “proof read” your arguments for fallacies.

The initial intention of public reasoning is to get the best policy for the community. So, *prima facie* public reasoning is consequentialist. An interesting article on the limits of consequentialist reasoning even by idealized scientists is “The Machine That Would Predict the Future,” by David Weinberger, *Scientific American*, December 2011. The author’s conclusion is that the best we can hope for is highly intelligent people – “nerds talking with nerds” – re-evaluating predictions in light of outcomes and new theories (models) which reflect these outcomes.

The following is my perception of partial consequentialist reasoning in the broad public arena. This includes input from the media, blogs and all the information, and misinformation, sources of the libraries and internet. Partial consequentialist reason has the following features. For more specific contexts such as courtrooms, legislative assemblies and boards such as the Federal Reserve the situation may be better.

There are implicit, but sometimes hard to articulate, restrictions on the temporal and spatial ranges of consequences to consider. How far ahead do we look? How far afield do we

look? There are vague standards for evaluating consequences. How bad is it? There are restrictions, which can be moral, on admissible alternatives to consider. There are “local categorical imperatives” for the context. Some alternatives cannot be selected regardless of the consequences. The standards for determining what the consequences might be are not very rigorous. They are not those of the social sciences. Anecdotal evidence with hasty generalization and appeals to pity, viz., “stories” are accepted, even if not respected. Sketching out scenarios under which one slightly bad thing leads to very bad thing, viz., “slippery slope “ is regularly used. The fallacies are frequently exposed but they do not go away. Significant parties in the debate frequently opt out of considering consequences by demanding that we stop because such-and-such is “the right thing to do.” Consensus, in a short run, is seldom reached. There needs to be a resolution procedures such as a vote or court decision. But resolution procedures are not always available and not always accepted. Unresolved conflicts need not become violent if the parties can muddle-along with a peaceful coexistence. The historical record suggests that violent conflict resolution will not go away. Disputes about sexual morality are unlikely to lead to war. There are alternatives in discussion of sexual morality which are unacceptable for holders of some stances. For instance, a holder of the parental stance will not accept same-sex marriages. Legalization of same-sex marriages does not justify rebellion or even civil disobedience. It’s so frivolous! However, I am not so sure about what reaction holders of any of the four stances might have if their community, controlled by autocratic gangsters, permitted, licensed and promoted tourist use of child prostitutes of both sexes. That might justify rebellion. So, readiness to “go to war” is a dimension of even sexual stances.

This sloppy, by scientific and critical thinking standards, style of reasoning is not as unreliable as it sounds from my characterization. Perhaps when it results in good decision, other

factors besides the rhetorical have played a significant causal role in formation of public policy. I fear that sometimes public discussion leads to very bad policy. However, there is no where else to go.

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<sup>1</sup> AA IV 421

<sup>2</sup> *A Theory of Justice*, Harvard, 1971

<sup>3</sup> See Kant's *Theory of Virtue*, AA VI 426-427

<sup>4</sup> *Taking Ourselves Seriously & Getting It Right*. Stanford University Press. 2006.