

II. SEXUAL TRIVIALISATION AS SEXUAL ALIENATION

II.0 Chapter goals and overview

The goal of the next two chapters is to make a case that our sexuality is inalienable from our humanity, which is an end in itself. To say that humanity is an end in itself is to say that there are morally proper ways for humanity to be. This entails that there are moral restrictions on causal manipulation of humanity. To say that there are moral restrictions on causal manipulation of humanity interprets the Kantian dictum that humanity must not be used as a means only. Making a case that sexuality is inalienable from our humanity is making a case that there are morally proper ways for our sexuality to be. Our reproductive processes are not to be treated as means for any ends we can attain by their use.

Something like my anti-alienation arguments are needed to show that an area of human activity is to be protected from total causal manipulation. Some technically possible alterations of human beings are morally impermissible regardless of the consequences. I differ from stereotypic natural law theories by placing a burden of proof on those of us who claim that some functions of natural processes are not to be causally manipulated. Anti-alienation arguments are ways of bearing that burden of proof.

This chapter examines ways of looking at human sexuality as too trivial to characterize humanity; let alone be a source from which fundamental moral principles and categories are developed. The next chapter, “Sexual Demonization As Sexual Alienation,” examines ways of looking at human sexuality as too “animalistic” to characterize our humanity. That being said, we leave the chapters recognizing that our sexuality shapes our morality and characterizes our humanity.

“Sexual Trivialization as Sexual Alienation” presents concepts and themes developed throughout the book. These include notions of moral harm, moral worth, forgiveness, the semantics of moral judging, the inseparability of reasoning and emotion and critique of cost-benefit reasoning for morality. These are introduced through discussion of topics such as incest, clergy sexual abuse and pornography. Much space is devoted to developing the notion of moral harm because the fact that certain sexual acts are morally harmful prevents separating otherwise trivial harmless acts from what we are. We are moral beings who can inflict a special harm upon ourselves by immoral choices.

II.1 Truth about triviality

Politicians “throw out” large numbers when talking of national debts. That is my excuse for throwing out some large numbers. There are at least a billion violations of the Paternal Principle in every twenty-four-hour period. In the same period there are at least a billion ejaculations in conformity with the Paternal Principle. Perhaps trillions of human sperm cells are spilled out every twenty-four hours. Many will be in the vicinity of the relatively few ova; but many will be far away from any ovum. There will be a few conceptions of which **only** a few survive. Many drives are temporarily reduced while several pleasures are enjoyed. Millions of the violations hurt no one. They are acts of healthy young people enjoying mental and physical pleasures which will all too soon be beyond them. Millions of the violators are people who are otherwise in conformity with laws of morality and their communities. Indeed millions of the violators make valuable contributions to their families and communities. Unfortunately, some of those faithfully obeying the principle are not otherwise model citizens.

Any twenty-four-hour exercise of male sexuality is similar to that of fish spraying sperm cells near eggs or spores drifting down on **spring** days. Except that humans are one of the species

in which this occurs daily: winter, spring, summer, fall. Is not any ejaculation an exceedingly trivial contribution to the natural reproductive process? What could it have to do with morality?

II. Steven Pinker on illusion of harm induced by “innocent incest”

Imagine one of the billions of trivial encounters. “Was it O.K. for them to make love?”

Julie is traveling in France on summer vacation from college with her brother Mark. One night they decide that it would be interesting and fun if they tried making love. Julie was already taking birth-control pills, but Mark uses a condom, too, just to be safe. They both enjoy the sex but decide not to do it again. They keep the night as a special secret, which makes them feel closer to each other. What do you think about that — was it O.K. for them to make love?

“The Moral Instinct,” *The New York Times Magazine*, Sunday, Jan. 13, 2008, Steven Pinker

A psychologist, Jonathan Haidt, posed the question. Steven Pinker, Johnstone Family Professor of Psychology, at Harvard University offers his diagnoses of how emotions confuse our moral reasoning by using¹ Haidt’s question. The ways people confront this question shows Pinker that many people have illusions about moral reasoning. Pinker writes:

Most people immediately declare that these acts are wrong and then grope to justify why they are wrong. It's not so easy. In the case of Julie and Mark, people raise the possibility of children with birth defects, but they are reminded that the couple was diligent about contraception. They suggest that the siblings will be emotionally hurt, but the story makes it clear that they weren't. They submit that the act would offend the community, but then recall that it was kept a secret. Eventually many people admit, "I don't know, I can't explain it, I just know it's wrong." People don't generally engage in moral reasoning, Haidt argues, but moral rationalization: they begin with the conclusion, coughed up by an unconscious emotion, and then work backward to a plausible justification.

Religious condemnation of “innocent incest”

There is no hint that anyone offered a religious condemnation. Pinker does not report whether any people answered Haidt’s question by citing a principle for condemning Julie’s and Mark’s incest. There are people, such as many viewers of EWTN,² who take what I call the parental stance. From a principle like the Paternal Principle, they conclude with a very short train of reasoning that Mark wrongly pursued and attained an orgasm. They do not need to imagine all sorts of harmful effects. Maybe Haidt felt entitled to ignore the pious and puritans. What about romantics?

II.2.2 Romantic contempt for “innocent incest”

He does not consider a reply along the lines that this example portrays a degradation of human sexuality by suppressing the tragic danger and fascination of incest. The danger and fascination is based on its being evil. Perversely, removal of a sense of sinfulness from incest seems to degrade being human by making human sexuality unexciting. Even in our “sexually liberated” age few would dare publicly offer the “romantic” response below as their own judgment although it is expressed in literature.

For classical literature note that incest is a major theme in Richard Wagner’s *Die Walküre* and Thomas Mann’s *The Holy Sinner* (in German *Der Erwählte*), which is a German novel written by Thomas Mann, published in 1951. As a young father the incest incident in F. Scott Fitzgerald’s *Tender is the Night* filled me dread of what could happen in family life. A look at Wikipedia: http://en.wikipedia.org/wiki/Incest_in_popular_culture gives one a long list of contemporary writing with incest themes. A survey of the list is not a look at an aspect of human life which can be dismissed as casually as Mark and Julie dismiss their play.

Classical and contemporary literature with incest themes are not concerned with eugenics. The literature displays in many different ways what incest does to the human spirit. Incest may be glorified but moral defense is not of interest. Indeed for some romantics it is the immorality of incest which shows the cosmic dimensions of human sexuality and thereby the drama of the human condition. One type of romantic condemnation may go as follows.

“What Mark and Julie did was not OK. And they are not OK either. The salient feature of the sexual play of these prophylactic kids is to render their genital activity a totally trivial attainment of pleasure which, incidentally with all of the safeguards, must have been rather dreary sex. What have they done to themselves to make and keep themselves insensitive to what inspires tragedy and lies in the rotten core of so much domestic sexual abuse? They are dead souls. “

II.2.3 Recreational sex and bonding,

Momentarily set aside incest. Folk wisdom, as expressed in two 2011 films,³ *No Strings Attached* and *Friends with Benefits*, uncovers the illusion of trivializing sexuality.

Even amongst those with a very progressive sexual morality, genital sex “creeps into the soul.” Our souls abide “down there.”

Bonding is never trivial. I write very little about bonding beyond supporting life-long monogamous marriage. However, bonding permeates the courting and mating components of sexuality. Bonding is far, far more complex than the male ejaculation component of mating I consider. Bonding is not courting. It is difficult, though, to think of courting without bonding. All the ways of “being in love” are species of bonding. A complete sexuality morality would need to consider regulation of loving. There is darkness in loving and bonding. Think of stalking.

II.3 Medical harm and Pinker’s allegations of an illusion

What is the alleged illusion afflicting those who condemn the incest as wrong without being able to specify any harm? If there is an illusion, I would say there is an illusion of a special type of hidden harm. There is a vague but strong sense that if an act is morally worse than an alternative, there is more harm done by the act than the alternative. In weighing this charge of an illusion let us work with the following definition of “harm:” some physiological or psychological condition such that remedial treatment for it would at least be a plausible candidate for reimbursement by medical insurance. Let us call this “medical harm.” My diagnosis of the illusion is that people are led by their moral judgment that the incest is wrong to feeling that there is some medical harm. Pinker’s diagnosis of a moral illusion needs to be developed before comparing it with my diagnosis.

II.3.1 Misjudgments of the moral instincts according to Pinker

Pinker labels senses and emotions that acts are wrong or repulsive “moral instinct.” For Pinker the moral instinct comprises instincts for sensing threats to fundamental human values such as: fairness, loyalty, beneficial or not harmful, authority and purity i.e., clear distinctions between: clean and unclean, healthy and unhealthy, insider and outsider, etc. In Pinker’s terms a sense that Julie and Mark did something sexually improper is prompted by moral instincts. Pinker admits that the moral instinct judges morally. These moral judgments have what I call the *semantics of moral judgment*.

II.3.2 Semantics of moral judging and the character stance

With a moral judgment people think that what it requires overrides all other requirements, that humans can conform to it, that it is binding on all human beings, that it is positively valuable that behavior conforms to it, and that people deserve some punishment for failure to conform. I add to the aforementioned semantic features which I have gathered from beginning ethic

textbooks: Persons are objectively changed by doing right or wrong. How? Being a person who made such a choice is now part of a description of who they are. In making moral judgments we decide on two types of issues. We consider which acts are right or what we ought to do. We also decide how we ought to be. The semantics of moral thinking is open on the issue of whether or not ought to be is more important than ought to do. So, there can be a choice that ought to be is primary. Such a choice is to take a character stance towards morality which could be contrasted with an action stance. An action stance on morality holds that ought to do, or act evaluation, is primary. A character stance towards morality is crucial for using morality as an antidote to nihilism.

II.3.3 Moral instincts and moral thinking

For Pinker, though, our moral instincts lead us to unreliable moral judgments. Nonetheless, Pinker correctly brings out that the moral instincts are not blind feelings or emotions. Our so-called moral instincts express themselves normatively – with moral judgments.

This clue from Pinker *that moral instincts are inseparable from moral judging is crucial for the theory of natural morality presented in this book*. We will find it facilitating acceptance of the Kantian proposal that only a choice for the sake of what is right has moral worth. Thinking an act to be right is inseparable from having a positive attitude towards it. It is also the basis for setting aside Hume's thesis that reason is and ought to be the slave of the passions. On this theme of the interconnection of thought and feeling, I have been referred to T.S. Elliot's essay on metaphysical poets where Elliot (1886-1965) lamented that some modern poets were failing to think their feelings and to feel their thoughts. I assume that we invariably feel our thinking and think our feeling.

II.4 Alleged illusion of not being utilitarians,

Pinker reviews well known “run-a-way trolley” scenarios in which a choice to save more lives by directly taking a life conflicts with a choice to save fewer lives by evasive action which does not involve a morally repugnant act of directly killing someone. Many people are reluctant, or refuse, to grant that the act saving more lives is the right act. According to Pinker those who continue to hold that the direct killing is worse are afflicted with an illusion. He cites Joshua Greene’s research on brain region activity of subjects deliberating about run-a-way trolleys moral dilemmas. Pinker writes: “the findings corroborate Greene's theory that our nonutilitarian intuitions come from the victory of an emotional impulse over a cost-benefit analysis.” Of the illusion, including the alleged illusion that Julie and Mark must have done some harm, Pinker concludes: “Most of the moral illusions we have visited come from an unwarranted intrusion of one of the moral spheres into our judgments.”

Pinker seems to reason as follows.

1. People who condemn Julie and Mark’s incest do not use utilitarian reasoning.
2. People who condemn directly taking lives do not use utilitarian reasoning.
3. People who condemn directly taking lives have more brain activity in regions associated with emotions than regions associated with deliberation.
4. Therefore, people who condemn the incest and direct taking of lives are letting emotions distort their moral thinking.

Although this is not syllogistic reasoning there are hints of the syllogistic fallacy of undistributed middle whereby (1) and (2) gather together the incest example and the trolley examples as dealing with the same kind of moral problem. More troublesome is the question-begging assumption that not using utilitarian reasoning is a mistake.

In any event, Pinker's diagnosis of an illusion is better characterized as a mistake in judgment. People mistakenly think that their emotionally strong judgment that the acts are wrong is the right judgment rather than what would be concluded from a cool calculation of costs and benefits.

II.5 Counterexamples and illusion of immediacy

The incest and trolley examples call for a methodological reminder. These examples create an illusion that we are called upon to make a decision about a practical matter – indeed, a practical matter which must be immediately dealt with. If we project ourselves into the story, we are confronted with a practical matter which needs immediate action. Of course, though, we are not in the situation of the story. We are outside the story thinking about what we should say about the situation. The actual situation is ourselves considering the example with a view to answering: What we should say about the conduct in the example or what is the best course of conduct? The decision which we are called upon to make is about expressing honestly our thoughts about morality. This does not call for immediate action even if it is a story about a situation calling for immediate action.

Recall the role of examples about torture to undermine strict principles prohibiting torture. A case could be sketched that we can save the lives of millions of people, if we make a terrorist tell where a bomb is hidden by pulling off his fingernails. We have to do this within twenty minutes to be successful. Such examples function to force us into a stance in which we accept torture as, in principle, morally permissible. Is it wise to change quickly a national stance on torture by focusing on examples where a quick decision is required?

In the Julie/Mark example, we are being challenged to take a stance on how to think about sexual morality. In particular, we are being challenged to take the stance that sexual acts,

apart from their consequences, are morally innocent. We realize that we have to think clearly about that on which we need to take a stance and what it should be. Stance taking should be done carefully. This book is a guide to taking a stance on sexual matters.

II.6 Comparison of diagnoses of illusions

Pinker does not characterize the illusion as I did above. For Pinker the illusion is thinking that an act is wrong even if it causes less harm than any alternative. For Pinker the illusion is a mistake about the appropriate moral judgment for the case being considered. For Pinker people do not “see clearly” what the cost-benefit analysis shows. For me the illusion is about moral theory. People are misled either by the questioner or general cultural bias to think that correct moral judgments are always supportable by some cost-benefit analysis.

II.7 Costs and benefits of cost-benefit analysis

To re-open the innocent incest case for moral condemnation, let us evaluate cost-benefit reasoning as the only proper way to reason about moral issues. Cost-benefit thinking is a crucial tool for human planning. The preliminaries to conduct a cost-benefit calculation help clarify alternatives and set priorities. Even in moral matters, it is useful for people who share values and agree on some fundamental moral rules. We simply have to accept that we will work with vague notions of cost and benefit unless we put a monetary label on them. Even when we have prices, the notions of costs and benefits are still vague. Unfortunately, the reliability of cost-benefit thinking is in many cases low. For instance, it is difficult to predict even the economic impact of a sales tax for a fairly small town. Nonetheless, I advocate trying to use cost-benefit calculations for economic matters and for broader issues, even moral issues, for people who share basic values. Cost-benefit considerations are an excellent heuristic for clarifying what is at stake in both personal and social decision making.

Fundamental moral principles are not justified by weighing the costs and benefits of the consequences of compliance, or non-compliance. Nonetheless, I am not a theoretical purist who refuses to consider consequences in moral reasoning. We are animals who get, and respond to, “feedback” from our conscious actions. I conjecture that consequences of behavior cause people to articulate and justify moral principles. Even if we justify a categorical imperative that an act is wrong regardless of the consequences, we respond to consequences to determine how to accommodate violations. In a fuller development of the Kantian moral theory I develop in this book, I conjecture that there would be a categorical imperative: Never ignore the consequences of your choices!

II.7.1 The derivative notion of moral harm

Many violations of the Paternal Principle do no medical harm. Indeed some might be medically beneficial. But “harm” and “wrong” are closely connected terms. So for sexual ethics it is helpful to devote several sections to linking “moral harm” with “moral wrong.” Amongst other things, this permits upholding the moral importance of male orgasms while admitting their biological triviality. Any single orgasm is trivial in the propagation of the human species. Of course, the physiology is, as almost all biological processes, an intellectually impressive process the understanding of which is far from trivial.

I propose a derivative sense of “harm” so that a conclusion about what we think is harmful may be derived from a judgment that something is wrong. Doing the right act or being the right kind of person is good. Bringing about what is good is, by definition, beneficial. Doing a wrong act or becoming the wrong kind of person is bad. What is good is better – more beneficial – than what is bad. So to bring about what is wrong incurs the cost, or harm, of getting less than what is better. This can be said without there being any calculation of benefits and costs

to reach the judgment of wrongness. This derivative sense of “harm” is appropriately called “moral harm” since it is derived from a moral judgment that something is wrong. I suggest that our shame and guilt about past torture, slavery and racial discrimination indicates that there is a notion of moral harm. We who have done these things have inflicted some harm on ourselves.

The importance of this notion of moral harm, and a correlative notion of moral good, increases throughout the book as it emerges as having more than verbal or “spiritual” status. As a case is made that morality, and especially how we ought to be, is in our nature, moral violations can be appreciated as damage to our nature. Conscious choices to conform to moral principles can be regarded as benefits to our moral character. I would like to specify some negative sense that goes with the thought of moral harm. In the previous chapter when I set aside justifying moral laws on the basis of sentiments about voluptuousness, I granted that an effective moral prohibition needed both a thought and sense of wrongness. Because of my assumption that there are no pure thoughts apart from any sentiment, I assume that there are negative sentiments associated with recognition of moral harm brought on oneself by immoral choices. However, I am not a phenomenologist philosopher who assumes that we can discover universally held sentiments by introspection of our own thoughts and feelings. I suggest, though, that a sense of confusion and lack of direction because of being uncontrolled by law broadly characterizes this sentiment of moral wrong. In my own case, it is an awful sense of being ungoverned that comes from actual or imagined medically harmless violations of the Paternal Principle which is my feeling of their wrongness. Nonetheless, it is not the feeling of them being wrong that makes them wrong. Their wrongness is derived from their being in conflict with the principle.

II.7.2 Moral harm and cost-benefit calculations

Once a moral harm is derived from a moral judgment, it could be used in cost-benefit calculations. However, in general, it is confusing to use moral harm in cost-benefit calculations. Reference to moral harms would add moral controversy to the very difficult problems of calculating costs and benefits. Also it would be very problematic to rank order moral harms since it is unclear how wrongness comes in degrees. When I write of cost-benefit analyses, I understand the costs and benefits to be identified independently of moral judgments, unless otherwise specified.

Sometimes moral harm needs to be taken into consideration. This can usually be done by placing constraints on cost-benefit calculations. For instance, considering the costs and benefits of maintaining Social Security payments, the costs and benefits of euthanizing every person over ninety is “off-the-table.” That is morally unacceptable. As a society we will not inflict that moral harm on ourselves. Also there are situations where it is useful to pay attention to moral costs when cost-benefit calculations are being made. One such situation arises when intelligent and well informed parties disagree seriously about the results of the calculations because at least one party is considering moral costs not recognized by the other. This situation is illustrated below in analyzing how Pope Benedict XVI challenges condom distribution as effective in combating AIDS. Another situation arises when one party wants to warn the prevailing consensus on what is, all things considered, most beneficial by reminding us that serious moral harm is being overlooked. This is how I interpret my **pro-life** activities. (Of course, abortion inflicts extreme medical harm on the unborn human being.)

The theoretical issue about whether or not cost-benefit analysis suffices for moral judgment must be confronted. The major alternative view on sexuality I confront in this book I call the progressive stance. The hallmark of the progressive stance is use of cost-benefit analysis

for sexual morality although the cost-benefit calculation may be constrained by considerations of justice. This book confronts the theoretical issue by making a case that the parental stance on sexuality is a better antidote for nihilism than the progressive stance. I do not confront the issue by considering how moral intuitions guide us to make principles from examples.

II.7.3 Moral harm of “innocent incest”

As noted above, Pinker does not report whether any people answered Haidt’s question by citing a principle for condemning Julie’s and Mark’s incest. Suppose that some condemned it by citing the Paternal Principle. Suppose further that Haidt pushed them to justify their answer with the challenge. “How can you say Julie and Mark did something wrong? Nobody suffered any harm and two people had some fun.” It requires a type of “tough-mindedness” to respond: “The harm they did was to act in a way people ought not act. The harm was doing what was wrong.” Is this answer OK?

To be sure the sense of harm is the derivative moral sense noted above. However, it is legitimate to use “harm” in this derivative sense to challenge someone who dismisses the possibility there can be victimless crimes or “sins.” We charge them with begging a crucial question by assuming all wrong acts are harmful in some fairly definite physical, psychological or social way; perhaps along the lines of the working definition of medical harm specified above. A crucial question is still open: Are acts wrong because they are harmful or are acts harmful because they are wrong?

I concede that the notion of “moral harm” is not universally recognized. However, intelligent people are able to understand what is being proposed. Whether or not there is moral harm has been an open question since at least Plato had Socrates propose in *Gorgias* that it is better to suffer a wrong than to do a wrong. Are there no occasions on which it is better to suffer a medical wrong than to do a moral wrong?

II.7.4 The moral harm of flouting cost-benefit calculation

Might people who hold that cost-benefit calculation is the fundamental way of making moral judgments accept the following? If they would, that would indicate acceptance of the notion that there is a type of moral harm based in the nature of how humans ought to be. In this case, the “abused” component of our nature is our economic rationality. It is possible for a person to engage in a cost-benefit calculation and choose a less than the best alternative on a whim or some hunch “Oh, what the f---, let’s do it anyway.” This flouting of economic reasoning might be how “people escape from prisoners’ dilemmas.” I suspect some young men have entered years of imprisonment because of imprudent choices expressed with such a phrase.

A few philosophers even dismiss the possibility of cost-benefit calculation being used in moral reasoning. Grisez, Finnis et al. have argued that cost-benefit calculation cannot be moral deliberation since, for them, moral deliberation has to offer alternatives for choice. They hold that once a cost-benefit calculation is made the choice of what is best must occur. See Ch. IX of their *Nuclear Deterrence, Morality and Realism*⁴. I disagree. Recognition of an alternative as best is different from choosing it. Causality amongst peoples’ mental states is statistical. If there is deterministic causation for what we desire, believe and choose it lies at the physiological level. Suppose then someone decides by cost-benefit calculation that a certain act is not most beneficial but nonetheless chooses it, that person made a wrong, or irrational, choice. In addition to the excess harm resulting from the wrong choice, there might be additional harm. The additional harm is the acting contrary to the way a rational being ought to be. There may be a moral principle that the way a rational being ought to be is to choose the most beneficial act. Is there a Pinker type moral instinct that feels repelled by and condemns whimsical or willful imprudence?

A theme developed throughout the book is that to avoid postulating moral laws as existing in some sort of “platonic” heaven, we need to postulate our human nature telling us in our human reasoning how certain features of being human ought to be. The issue for this book is whether or not to postulate our sexuality as one of those features.

II.7.5 "Moral harm" as tool for resolving ambiguity

This example is dated. However, it is easy to find examples in current events where it is helpful to consider whether people are arguing about medical consequences, moral consequences or both. During the preparation of this book, Pope Benedict XVI visited Africa in March 2009. It was reported that he claimed condom distribution programs are not effective for controlling the spread of AIDS. I take seriously what the pope says on faith and morals. When he speaks *ex cathedra* on these matters I accept what the pope says. How should I interpret his reported claim about condoms and AIDS reduction? The notion of moral harm helps uncover ambiguities.

II.7.5a Ambiguity of "bad consequences"

Benedict XVI was not speaking *ex cathedra*. He was speaking in an ordinary way about sexual policies. In our ordinary way of speaking of acts and practices we express disapproval by saying that it won't work or it will have bad consequences. But it is very easy to be confused about what is meant by “bad consequences.” It could mean “bad” without any moral judgment used for deciding what is bad. Or “bad consequences” could be used so that moral standards are also relevant for deciding what is bad. For instance, in a discussion of whether or not a type of pornography is bad, some might hold that whether viewing it has bad consequences we should look at only medical conditions such as bodily tissue damage or clinical psychological trauma done to the viewer or people the viewer interacts with. Others might hold that inciting the viewer

to masturbation, regardless of whether or not masturbation does any medical damage is a bad consequence because masturbation is a sexual immorality.

II.7.5b Medical harm and default sense of “bad consequence”

Despite the ambiguity in “bad consequences” public conversation tends towards accepting the medical standard for “bad.” It is as if “bad medical consequences” is the default meaning for “bad consequences.” Nonetheless, confusion on how to evaluate claims remains. Some of the claims seems as if they would be decisively refuted by the facts if the default meaning is used. This is the case for a claim that condom distribution does not effectively hinder the spread of AIDS. What about a claim that considers moral harm from condom distribution? Sexual promiscuity would be such a moral harm. Facts must be gathered to determine the truth of a claim that on the whole condom distribution does not reduce the bad consequences of AIDS cases *and sexual promiscuity* as much as some other program. Prior to factual considerations, I think that it is likely that facts will support the claim that on the whole condom distribution does not reduce the bad consequences of AIDS cases *and sexual promiscuity* as much as some other program. The pope is best interpreted as making the claim about AIDS and sexual promiscuity.

II.8 Sections elaborating on moral harm

The argument of this book is that some acts, especially many sexual acts, are harmful because they are wrong. The harm is that the acts lead us away from being the kind of sexual being we ought to be. Here is a terminological remark. Because some of the “harms” are defined by reference to how we *ought to be* the moral outlook of what I call the character stance is *deontological*. In a deontological moral theory a notion of obligation is more fundamental than notions of value. So, contrary to Pinker, I present a view of morality based in our natures in

which our moral instincts properly give us direction on how we ought to be. Our moral instincts also include a capacity to feel offended by acts and ways of being.

II.8.1 Moral harm vs. moral offense

Our sense of offense is not the kind of moral harm about which I am talking. A sense of offense by itself is not a reliable guide to what is wrong. A moral instinct gives rise to the sense of offense and the normative thought that the act is wrong. The normative thought tells us what the moral harm is. The moral harm is acting contrary to the norm expressed in the instinct. The sense of offense provides a stimulus to think more carefully about what if anything is wrong. However, the sense of offense is not the harm because the sense of offense may diminish after repeated exposure to the wrong act while the instinctive judgment of wrong remains. The harm is derived from the judgment of wrong. An example illustrates distinguishing moral harm from moral offense.

The Target corporation has a “gay friendly” employment policy. Such a policy offends me but after due thought and deliberation I judge it to be morally permissible. Once when I was returning a defective camera the appearance of the courteous and competent young man who served me at a Target service desk highly offended me. Lip-stick and pinkish red fingernails made me avoid eye contact. Still, I do not think that his dressing as he did was immoral. I did not judge hastily by assigning high probability to a suspicion that he engaged in homosexual acts when off-duty. I judge that those acts are morally wrong. The moral judgment flashed through my mind without any sense of offense. Perhaps if I had to witness some of those acts, I would have a sense of offense. However, if I happen to witness the paradigmatically morally proper sexual intercourse of a recently married young couple, I might feel offended or negatively disturbed in some hard to describe way.

II.8.3 Moral harm and victimless crimes

In my opinion there are wrong acts in which no one suffers any harm beyond the occurrence of acts and conditions which are not as they ought to be. There is nothing for which anyone should receive reimbursement for medical treatment. If to be a victim is to suffer some injury for which a person needs treatment, there are victimless wrongs where the wrong may not be a crime. The perpetrators of some victimless crimes suffer moral harm. For instance, a pimp, in a municipality outlawing prostitution, who treats his girls well incurs moral harm.

I am not so sure that there are victimless crimes where “crimes” means acts which should be illegal. Of course, there are in fact victimless crimes in our several communities. I am not developing my social and political philosophy in this book. So I will not be addressing carefully questions about criminalizing sexual wrongs which are primarily, if not totally, moral wrongs. My bias is toward decriminalizing sexual immorality which harms no one physically or psychologically. However, I am not a libertarian who holds that we have no business trying to use the power of law to help us becoming morally better. I disagree with Kant who wrote “Woe to the legislator who chooses to use force to implement a constitution directed towards ethical ends⁵.” See sections on the clergy abuse scandal below which make me uncertain about a sharp demarcation between moral harm and other harms.

The role of law in sexual morality is what I call a dimension of a stance. Along a dimension, people taking the same stance may reach different judgments about particular issues. People sharing a stance may consider moral harm in their cost-benefit considerations since they agree on fundamental questions of right and wrong. Unfortunately, people sharing a stance may differ about the degrees of moral harm since degree of moral harm is also a dimension of a stance. For instance, along the parental stance people

could support criminalizing all male homosexual behavior, only that between man and a boy under fourteen or only that between a man and a boy under seven. A boy younger than seven would, I think, most likely suffer more than moral harm.

II.8.3 Moral harm and forgiveness

To support accepting a notion of moral harm consider how it might help a bit to clarify forgiveness. What is accomplished by forgiveness? Forgiving does not remove medical harm. We could say that a *perpetrator* of an assault brought a moral harm upon *himself*. The moral harm was doing to the victim what ought not have been done. The perpetrator inflicted medical harm on the victim. Suppose the victim has the authority to absolve the assailant of the moral harm. Of course, the victim has not the competence to remove with words the medical harm suffered. The victim could say to his or her assailant, “I forgive you for what you did to me although you still have to pay for the damages.” I wrote ‘suppose the victim has the authority’ because forgiveness requires authority. Some might argue that only a social body such as a court can forgive. Here is not the place to continue exploration of forgiveness. I am only suggesting that it might be helpful to look at forgiveness as removing the moral wrong incurred by a moral wrong doer.

I shall not pursue this suggestion further. If it is helpful, intelligent people can use it in their conversations in which they will modify the notion to fit the issues they are discussing. With respect to introduction of new concepts or alterations of old ones philosophers should only suggest new characteristics. Laying out a complex and detailed analysis is, in my judgment, a preposterous effort to micro-manage everyone’s conversation. I hope the planned internet extensions of this book lead to further clarification, development and application of these notions.

II.8.4 Kantian interpretations of moral harm, moral benefit, moral worth

In these next three subsections, I am presenting my interpretations of Kant's notion of a good will and moral worth. I am using them to develop the argument of this book. They are not contributions to Kantian exegeses. Readers not concerned with philosophical details may want to skip to the section below titled "Moral harm and clergy sexual abuse."

II.8.4a Moral good

Just as moral harm is derived from a judgment of moral wrong, a notion of moral benefit or good is derived from a judgment of moral rightness. For instance, if I judge that it is morally obligatory for me to declare out-of-state purchases on my State of Ohio income tax so that I pay Ohio sales tax, then my choosing to do so is a moral benefit or a moral good for me. Doing so is a financial good for the state. (The State of Ohio asks residents to declare out of state, usually on-line, purchases. The state's ability to track such purchases is weak.) To choose what is right because it is right or to choose to refrain from what is wrong because it is wrong is to have a moral good. As we move to discussion of moral worth, it is useful to remind ourselves that "worth" is a relative term. So we need always consider what it is for which something has worth.

II.8.4b Moral worth,

Are moral goods worth anything? It seems that before a moral good is attained there must at least be the choice to do what is right. Is not everything worthwhile in morality already attained by right choices and right acting? Derivation of the notion of moral good opens the possibility of finding significance for human life in human morality. It transforms, by recharacterization, morality from rules to be obeyed to a good to be pursued and possessed. Now, by choosing to try to be the kind of person who chooses what is right because it is right we can

understand ourselves being in a lifelong pursuit of good whose pursuit cannot be criticized. Pursuit of such a goal gives our lives a meaning because we have something to live for.

If morality is to give our lives meaning in this way, we have consciously to pursue this goal. Our choices and actions have worth for giving our lives moral meaning when we consciously pursue this goal. Of course, we can pursue this goal without always being conscious of pursuing it. Only from time-to-time we need to reflect that the goal of our lives is to become the kind of person who chooses what is right because it is right. On the occasions when we transform our morality into a means for having a goal for life, we can say that our choices and actions have *moral worth*. The choices and actions have worth for giving our lives moral meaning. Moral goods have moral worth for an existential condition.

II.8.4c Kantian example of moral worth

Consider Kant's example. A shopkeeper provides correct change to a child whose mother sent him to the store. The shopkeeper's choice and act are morally right. Suppose he gave correct change because it is a good business policy. We could conclude that there is a moral good for him but that he is not interested in it. The moral good is not worth anything to him. He has not pursued a moral good but a social good. Suppose he gave correct change simply out of habit or because he wanted. Again there is a moral good for him but he is not interested in it. Suppose, perhaps amongst other reasons, he gives the child correct change because it is what he is supposed to do. He has a moral good because he chose what is right. This moral good has moral worth for him to realize that he is being and becoming the right kind of person. He may not make use of the moral worth of his moral good – may not “cash in” its moral worth – for the sake of having a sense of a moral purpose for his life. If he “cashes in” his moral good he gets “paid” with a sense of his human dignity.

II.9 Ontological status of moral harm & moral good

This is a philosophical section on what there is – on ontology. The next section addresses the issue of clergy sexual abuse.

To accept the legitimacy of talking about moral harm I do not think that we need to assume more than we assume in daily life when we talk about bone fractures, nerve damage, illegal acts and broken promises. In so far as these events occur in individual human beings they either are, or are correlated with, physiological states. At least nothing said here about moral harm requires abandoning an assumption that the thinking and feeling processes of individuals correlate with physiological processes. However, it is difficult to identify what we think and feel with thought and feeling processes of individuals. In conversation we use concepts of bone fractures, nerve damage, illegal acts and broken promises. We talk about proposals that the wealthy should be taxed at a higher rate than poorer people and a feeling of dissatisfaction with the way the economy is headed. These concepts, thoughts and feelings we use in spoken and written conversations are universals. The same concept, thought or feeling can be shared by different individuals and be applied to different objects, events or episodes. I do not know how to correlate universals with episodes in individuals brains. So, I assume what Karl Popper called a “third world” and locate moral harm in it. Popper wrote:⁶

“My main argument will be devoted to the defense of the reality of what I propose to call ‘world 3’. By world 3 I mean the world of the products of the human mind, such as languages; tales and stories and religious myths; scientific conjectures or theories, and mathematical constructions; songs and symphonies; paintings and sculptures. But also aero planes and airports and other feats of engineering.”

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Admittedly the mere label “world 3” does not clarify what it labels. Labeling adds nothing to understanding the composition, order and connection of whatever it is. The label calls attention to a need for metaphysics; it does not provide it. I provide very little metaphysics. However, my remarks, especially in my case for the Paternal Principle, about the rhetorical status of my argument and my development of a pragmatic justification for taking a parental stance place requirements on any metaphysics of world 3. In anticipation of these later remarks I note that I take a conceptualist position on the universals in world 3. This means that universals are not objects for which we have identity conditions independent of our thought. For instance, in a conversation about moral harm there is nothing apart from what the conversants are thinking to determine whether or not they are thinking of the some “thing” when they use "moral harm." Concepts are the invention of conversations. Even if world 3 is invented, my whole argument presupposes that we can discover right and wrong ways for some of these inventions. That is why I need to use pragmatic arguments.

II.10 Moral harm and clergy sexual abuse,

Consider the following parody of the Julie/Mark case.

“ Fr. Julio Cordone, **thirty-three**, is traveling in France on summer vacation as a guide for a group of parishioners. Fr. Julio is almost like an older brother to Mark, age 13, who is accompanying his parents on the tour. One night while discussing the difficulties of fighting temptations to visit internet porn-sites, Fr. Julio and Mark decide that it would be interesting and fun if they masturbated each other. They both enjoy the sex but decide not to do it again. They keep the night as a special secret, which makes them feel closer to each other. What do you think about that — was it O.K. for them to have sex? “

Here we can imagine people sputtering about abuse. Some attorneys could persuade juries to place a million dollar cost on its correction. There are many facets of the painful Catholic clergy abuse scandals of the late twentieth century and early twenty first century. Here I want only to comment on two mistakes about moral harm. I focus on the homosexual cases.

II.10.1 Moral harm and medical harm

The first mistake is to separate moral harm too sharply from emotional and social harms. I tend to make this mistake. Many bishops, who acted as I might have, regarded the homosexual acts as moral wrongs. In a religious context moral wrongs can be interpreted as sins. By focusing primarily, if not exclusively, on the moral wrong or sins, it is easy to overlook how entwined with other harms moral harms may be. It is also easy to overlook how factors other than immoral choices led the priests to their behavior. So, it is not surprising that some bishops basically asked the priests to confess their sins, do penance and amend their lives in a new parish. They tended to ignore the boys because they probably had not even sinned. The sexual acts were grievous matters. But the other conditions for mortal sin most likely were absent. The boys were under the pressure of the abusing priest, they did not have time for sufficient reflection and opportunity to give full consent of the will.

II.10.2 Blindness to moral harm & exaggeration of medical harm

I believe that some critics of the bishops and advocates for the bishops have not recognized that they also want to talk of moral harm in these cases. For instance, some might implicitly hold that homosexual behavior is immoral and a young boy led into the practice of homosexuality is also led into a life in which he suffers moral harm. However, if political correctness conditions make moral condemnation of homosexuality difficult, the moral harm recognized in homosexuality may be interpreted as emotional harm and thereby the emotional

harm is exaggerated. If I am correct about this, the exaggeration has been an error which has been monetarily very expensive for my Church.

II.11 Sexual trivialization, pornography, sexual alienation

The innocent incest example suggested that sexual activity that many condemn is simply play; great fun but nothing serious.

Consider some excerpts from a light-hearted review⁷ of three pornographic books. The main book under review is Nicholson Baker's *House of Holes: A Book of Raunch*⁸. Let us read a few passages from her review. She writes: "A world of universal arousal is common enough in pornography, but Baker has fully realized its comic possibilities – specifically, the possibilities that a roomful of horndogs offers for the use of deadpan comic understatement,..." She adds later: "Each chapter's miniplot hinges on whether and how a character will reach orgasm, and most chapters end in florid exclamations of pleasure." And then she notes: "at the House of Holes: there's a hotel where every room has a Sex Now button that will summon an aroused person – male or female –ready to serve at your pleasure,..."

We can call this "raunchy pornography." (In the last chapter on dimensions of stances towards sexual morality, I will express a hope for raunchy art and literature which is not pornographic.) If sexual play can be so much fun with no one getting hurt why should anyone be upset by it? Since, in fact, sexual activity is generally very pleasurable and is usually pursued for pleasure, the examples suggest that by setting aside all other troublesome factors they portray the essence of sexual activity. Thus by considering such examples for moral reflection we are paying attention to what is essential in sexuality. But sexuality so considered is a type of pornography. Even if we are enticed by pornography we also despise it. At least we do not think being a "porn

star” in fact or fantasy is essential to being human. So trivializing sexuality as raunchy porn is to distance what we really are from exercises of our sexuality. This is sexual alienation.

When I use the editorial "we" in a phrase such as "we do not think being a porn star in fact or fantasy," I am urging readers not to think this way as opposed to describing how people actually think. I have some confidence that my urging finds some sympathy in most readers.

II.12 Focus on progressivism,

Progressivism is the main target of my critique. So I close this chapter with sketching how my stereotype of progressivism both trivializes and demonizes sexuality. This sketch is filled out in my later critique of the moral philosopher Peter Singer.

II.12.1 Sexual trivialization and progressivism

Sexual trivialization is a constant temptation for the progressive stance. The progressive stance typically uses cost-benefit reasoning for sexual morality. A requirement for using cost benefit analyses is that the acts to be evaluated by their consequences are, apart from their consequences, cost free and beneficial. However, since paradigm sexual acts are so closely connected with attainment of pleasure, there is a temptation to regard them as essentially attainment of a benefit. Thus by themselves they cannot be condemned. Some progressives, as I diagnose the reviewer just cited, tend to place high value on raunchy pornography as showing something fundamental about sexuality.

II.12.2 Demonic sexuality and progressivism

However, progressives need not simply trivialize sexuality. Some progressives may take a realistic look at the whole of human sexuality and decide that it is a blight upon humanity. The little “horn dog” grows up to be a “hound from hell.”

In their anthropomorphic moments when they personalize the natural selection process they regard nature as a demonic power which evolved and drives human sexuality. However, a demonic power is nonetheless morally innocent. Progressives, who are sexual nihilists, can demonize sexuality. This demonization of sexuality can be associated with the “dark” pornography of Marquis de Sade and the varieties of pornography available on the Internet the downloading of which can lead to serious jail time.

One of many lessons we should take away from this chapter is a suggestion to harbor a type of suspicion. If we are troubled by some sexual practice, e.g., masturbation, and try to dismiss our concern by interpreting the practice as unimportant and not mattering, be suspicious of our rationalization.

In the next chapter, we consider sexual demonization as a way of holding sexuality to be morally innocent but alienated from us because we are moral beings. What goes on in dark pornography is pushed far away from what we really are.

¹“The Moral Instinct”, *The New York Times Magazine*, Sunday, Jan. 13, 2008, by Steven Pinker,

² Eternal Word Television Network, A Catholic TV network, See <http://www.ewtn.com/>

³*No Strings Attached* is directed by [Ivan Reitman](#), Distributed Paramount Pictures, January 2011, *Friends with Benefits*, Directed by William Gluck, Distributed Screen Gems, July 2011

⁴ Clarendon Press, Oxford 1987

⁵ See *Religion within the Limits of Reason Alone*, AA VI 96

⁶ THE TANNER LECTURE ON HUMAN VALUES

Delivered at The University of Michigan April 7, 1978 Accessible on line:

<http://www.tannerlectures.utah.edu/lectures/documents/popper80.pdf>

⁷ “Coming Attraction,” Elaine Blair, *The New York Review of Books*, Vol LVIII, No. 14 Sept. 29, 2011

⁸ Simon and Shuster. The other two books are Nicholson’s *Vox*, Vintage and the *Fermata*, Vintage