

## A Humean Account of What Wrongness Amounts To

Kevin Kinghorn

In this essay I want to argue that there are no facts about the *wrongness* of any action, beyond those facts associated with a Humean-type constructivism. And I want to suggest that the Christian theist should not worry about such an antirealist conclusion, but should instead focus on how theism provides insight into natural facts about the goodness and badness of our actions.

### I. Wrongness versus badness

An important starting point for this discussion is to note that the claim “This action is right (or wrong)” is quite different than the claim “This action is good (or bad).” The twin concepts right/wrong are connected to a number of further moral concepts. If I have done something wrong, it seems I am *guilty* of something. I become a candidate for *blame*; and there now exists some basis for *punishing* me. Further, I will seemingly have failed to meet some *obligation* toward someone, and that person will be entitled to press some claim against me.

None of these moral concepts are necessarily connected to a *bad* action I might perform. Perhaps my act of watching a sitcom marathon is a relatively bad action, as compared to how I might otherwise spend my time. But if this action is a part of my genuine leisure time and I have violated no obligation or infringed on anyone’s rights, then my action will not be a *wrong* action. The point about my sitcom viewing being a “relatively bad” action also raises a further feature of the twin concepts good/bad: namely, that goodness and badness come in degrees. One action of mine can be better—that is, more good—than another action of mine, as when my action of helping two neighbors is better than my action of helping only one neighbor. By contrast, it seems mistaken to suggest that some action of mine could be “more wrong” than another action

of mine. Admittedly, an action might violate multiple laws and fail to meet multiple obligations—as opposed to an action which breaches only a single law or obligation. But the concept of wrongness itself does not admit to degrees in the way that goodness does.

Having briefly sketched some of the differences between the concepts right/wrong and the concepts good/bad, let me emphasize that I would *not* wish to defend a constructivist analysis of the nature of goodness. I think that facts about the noninstrumental goodness, or final value, of certain states of affairs can be established pretty straightforwardly. For sentient creatures (or beings) with a mental life who can experience their lives as going well or not well for them, pleasurable mental states are experienced *as* better than unpleasurable ones. These pleasurable mental states are valuable for the ones who experience them. This point is enough to draw the axiological conclusion that certain mental states have more value—they are better—than others.<sup>1</sup>

This point would also be the beginning of a fuller argument I myself would want to defend about the range of things that have final, or noninstrumental, value. To put my cards on the table, I am a welfarist about the good (i.e., something is only good if it is good *for* someone); and I am a mental statist about welfare (i.e., one’s positive mental states are the only things that noninstrumentally contribute to one’s welfare). While I will not defend these positions here,<sup>2</sup> the broader point I again want to establish is that there are facts about the goodness of certain states of affairs: specifically, facts about what makes people’s lives go well for them.

Although I again think people’s lives go well or poorly for them in virtue of their mental states, this claim should not be mistaken for the constructivist claim about how we, as valuing human beings, confer value on things. The constructivist view is that there are “no moral facts

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<sup>1</sup> Cf. Richard Kraut, *What is Good and Why* (Cambridge, MA: Harvard University Press, 2007), 73: “One can say that it is bad that people feel pain, and then support that claim by saying that it is bad for them.”

<sup>2</sup> My extended defense of these claims about final value is found in Kevin Kinghorn, *A Framework for the Good* (Notre Dame, IN: University of Notre Dame Press, 2016), chap. 2.

independent of the finding that a certain hypothetical procedure would have such and such an upshot.”<sup>3</sup> Or, following Sharon Street, the constructivist view can be seen as one in which moral facts are derived from what does or does not follow from some “practical point of view”: an evaluative standpoint of some creature(s) “who takes at least some things in the world to be good or bad, better or worse, required or option, worthy or worthless.”<sup>4</sup> But experiencing mental states *as* pleasurable, *as* making one’s life go better rather than worse for her, does not involve any procedure. It does not require an evaluative standpoint—other than the trivial point that someone who can experience a pleasurable or unpleasurable mental state is of course someone who can value these things.

Admittedly, mental statism does share with constructivism the view that facts about goodness depend in *some* way on the subjective perspective of individuals. But I again will view facts about (noninstrumental) goodness as facts about the intrinsic qualities of the experiences that sentient creatures or beings have. And since these facts are neither the outcome of some procedure, nor a fleshing out through practical reasoning of what follows from some evaluative point of view, the thesis of mental statism is pretty far removed from constructivist theories.

Mental statism, and welfarism more generally, offers a formal account of goodness. A state of affairs is good if it makes someone’s life go better, rather than worse, for her. And what strictly speaking makes someone’s life go well for her are her mental experiences. As to *substantive* questions about what does lead to pleasurable mental states for humans or other creatures, particularly in the long-term, these questions seem to me key points of ethical inquiry; and I will say a bit more about these questions in the final section. My takeaway point from this

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<sup>3</sup> Stephen Darwall, Allan Gibbard, and Peter Railton, “Toward *Fin de Siecle* Ethics: Some Trends,” *The Philosophical Review* 101, no. 1 (Jan. 1992): 140.

<sup>4</sup> Sharon Street, “What is Constructivism in Ethics and Metaethics?,” *Philosophy Compass* 5 (2010): 366.

section is that there are truths about the goodness or badness of states of affairs—specifically, truths about what makes the lives of sentient creatures or beings go well for them. Accordingly, I think constructivists are mistaken about the nature of these kinds of normative truths. Yet, when we turn to normative questions about *rightness* or *wrongness*, matters are very different.

## II. Our ideas of right and wrong

I noted earlier that facts about the wrongness of some action seem to be necessarily tied to a cluster of other normative facts about whether the actor violated an obligation, infringed on someone else's rights, and stands as a candidate for blame and punishment. If I have committed some wrong action, then I have shirked an obligation toward someone, I have infringed on her rights, and I can properly be blamed and punished. But what exactly is the ontology of an obligation or a right?

Perhaps the moral realist will say: “Whatever their ontology, obligations and rights are certainly not things we merely *confer* on others. Rather, we recognize that others *have* certain rights, that they *own* certain things. Maybe we will disagree about *how* we recognize such things; but surely we all agree that others do have rights and do own things. And we would be violating an obligation toward them if we made improper claim to those things which others own, or have a right to. That is, we would be doing something wrong.”

To deny this realist line of thought might be thought to be wildly counterintuitive. Nevertheless, I think the realist position about rightness and wrongness is incorrect. The intuitions to which the realist appeals can be best explained without positing non-natural facts about an action's “wrongness.” Perhaps the best way to begin this discussion is by asking how we humans arrived at the concept “wrong.”

On this question I want to follow J. S. Mill's basic insight into how matters of "expediency" (i.e., matters of how we can flourish as we live together) can easily become matters of moral "necessity." As we assess threats to our well-being and the well-being of others about whom we care, we identify both severe threats to our security and less severe threats. Our negative attitudes toward the most severe of threats leads us to declare that they are not to be done, no matter what might be said in their favor.

Our notion, therefore, of the claim we have on our fellow creatures to join in making safe for us the very groundwork of our existence, gathers feelings round it so much more intense than those concerned in any of the more common cases of utility, that the difference in degree...becomes a real difference in kind. The claim assumes that character of absoluteness, that apparent infinity, and incommensurability with all other considerations, which constitute the distinction between the feeling of right and wrong and that of ordinary expediency and inexpediency.<sup>5</sup>

As we reflect on, and make decisions about, how we should live together, it is of course natural and practically wise to focus especially on those actions that most significantly undermine the things we value (most notably, our well-being). We must settle these matters first before we debate the pros and cons of those actions that affect more peripherally the things we value.

When an action is viewed as a significant enough<sup>6</sup> threat to those things we most value, we agree to sanction those people who perform that action. We convey the idea that this action is not to be done, no matter what might be said for it. Even though, as Mill says, our proscriptions ultimately stem from considerations of "expediency," the language we use takes on a "character of absoluteness." Hence, unlike the incremental language of goodness/badness (in which one action can be said to be better—that is, more good—than another action), the language of

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<sup>5</sup> Jeremy Bentham and John Stuart Mill, *Utilitarianism and Other Essays*, ed. Alan Ryan (London: Penguin Books, 1987), chap. 5, 327-8.

<sup>6</sup> Decisions about when an agreed-upon bad action (e.g., marijuana or cigarette smoking) is bad enough to sanction is of course a frequent public discussion.

rightness/wrongness is binary, with any action considered either as being wrong or as being right (i.e., permissible, or not wrong).

So, from pragmatic considerations of what is good for us and others, we conclude that some actions are not to be done, period. And this is a good beginning point in exploring what people *mean* when they say that “action X is wrong.”

### III. The meaning of “Wrong”

I think it is pretty clear that what most people mean when they say, “That action is wrong,” is typically something like, “That action is not to be done, period.” Robert Adams, in his early writings, suggested that, for many Christian theists, the meaning of “wrong” is tied to the idea of what is commanded by a loving God.<sup>7</sup> That is, for some people the idea that an action might “violate the commands of a loving God” plays a role in their understanding that some actions can be “wrong.” The very meaning of the term “wrong” is grasped (at least in part) by understanding what it would be to violate the commands of God.

I think Adams is probably correct in what some theists mean to convey when they say that some action is wrong. And broadly speaking the meaning of the term “wrong” may indeed have differing associations within different communities. Still, the central concept that gives the term its common meaning is that a wrong action is an action that is not to be done, period. This point remains so even in cases where we recognize that someone is facing a moral dilemma in not being able to avoid a wrong action. For example, we may say, “It would be wrong to break your

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<sup>7</sup> See Robert Adams, “A Modified Divine Command Theory of Ethical Wrongness,” in *Religion and Morality: A Collection of Essays*, ed. Gene H. Outka and John P. Reeder, Jr. (Garden City, NJ: Anchor Press, 1973). For Adams’s later shift submitting that “contrariness to the commands of a loving God” is best seen as a property that explains the *nature* of wrongness, as a matter of metaphysical necessity, see Robert Adams, “Divine Command Metaethics Modified Again,” *Journal of Religious Ethics* 7, no. 1 (Spring 1979): 66-79.

promise to have lunch with Fred today, and it would also be wrong to leave the office anytime today during the current crisis at work.” This is why these kinds of moral dilemmas are, after all, dilemmas. No matter what one does, a *prima facie* case can be made that that action is simply not to be done.

In acknowledging the absolutist character of what people commonly mean to convey, when they declare an action “wrong,” I acknowledge a potential challenge to the antirealist account of the nature of wrongness I will go on to offer. Sometimes the plausibility of antirealism is challenged on the grounds that most people seem clearly to assume that the realist’s facts exist about wrongness. This assumption is shown in the absolutist nature of their statements about wrongness. (The assumption is also shown by, e.g., people’s attestation that actions like human enslavement would still be wrong, even if they and everyone else had been brought up to think differently.) The challenge is thus that the antirealist ends up dismissing most everyone’s shared intuitions that some actions are wrong, independent of anyone’s perspective. And this is then thought to place the plausibility of antirealism into question.

In response, I again state that I am not an antirealist about the nature of *goodness*. In section I I outlined why I think there are facts to be discovered—not merely constructed—about the goodness of certain states of affairs. But I do want to defend the position that, on matters of *wrongness*, the realist’s facts do not exist. And so I will side with J. L. Mackie when it comes to statements about wrongness. At the risk of presumptuousness, I am committed to the following: Inasmuch as people assume the realist’s facts about some actions having a property of wrongness, when they assert that “action *X* is wrong,” people are simply in error.

In offering an explanation for this widespread error, I would focus on the way in which our moral language often really must be absolutist, even if our considerations are ultimately ones of

expediency. In order to build consensus that some actions are not to be done, no matter what might be said in their favor, people in communities agree to use absolutist language when referring to them. Societies cannot function without rules and laws which are thought of in binary terms: one either follows them or violates them. For pragmatic reasons, people cannot constantly perform cost-benefit analyses as they navigate daily life in communities. We all need rules we can simply follow, laws we all agree to keep. And we need to depend on others to do the same.

Importantly, we use absolutist language in the education of our children. With respect to the behavior we deem of crucial importance, we do not want to leave wiggle room. We do not want to invite our children to perform cost-benefit analyses, calculating whether some frowned upon action “might not really be that bad” or “might actually be worth the cost.” The language of good and bad invites these kinds of comparisons of value. But the language of right and wrong (and obligations, rights, and so on) helps us settle things, helps ensure that our children develop habits of good behavior, and in general is useful in educating the next generation and building consensus among us all.

So we readily adopt the absolutist language of right and wrong, even while our ultimate concerns—as well as the ultimate justification of our proscriptions—are expedient matters of what is good or valuable. Do the realist’s facts exist about some actions having the property of wrongness? I will go on to argue against this view. But it is really not that surprising that there should be the widespread assumption—even if typically an uncritical assumption—among those who use the language of “right and wrong” that some actions *really are wrong*. This is what we have been told since childhood; and perhaps our moral educators were wise to do so. Nevertheless, this itself does not provide good evidence for the realist position on the nature of

wrongness. A plausible, antirealist story can be told about why people are in widespread error in thinking that the realist's facts about wrongness exist.

In this section I have been exploring the *meaning* of “wrong,” as that term is typically used. In going on in the next section to analyze the *nature* of wrongness, we will be looking for the formal conditions under which an action would qualify as a wrong one. (There is also the substantive question of which actions occurring in the world meet these conditions.) Put another way, we are looking for the kinds of facts that would make the statement “X is wrong” a true (or false) one. The meanings of descriptive terms can often serve as clues as to the nature of the things being described. But this is not always the case. A descriptive claim like “That dress is blue” does not give us insight into some property of blueness the dress has; rather, it turns out that the existing facts about the dress itself include only properties having to do with the absorption and reflection of various light waves.

I have acknowledged that, when people make the claim “X is wrong,” they generally mean that “X is not to be done, period.” But my claim is that, in the case of our analysis of wrongness, the meaning of the term can mislead us about the nature of wrongness. The common meaning can suggest that there are stance-independent facts about some actions: they have the property of “wrongness,” which humans might discover (and which are not the result of any human construction.) But I want to argue that there is no good reason to suppose that there are such facts—and that the facts that *do* exist about wrongness are something like Humean constructivist facts.

#### **IV. The Nature of Wrongness**

My central claim about the nature of wrongness involves the idea of sanction. I do not mean “sanction” in the positive sense in which a licensing board authorizes or gives permission for some event. Rather, I mean “sanction” in the negative sense of punishment or penalty, as when the United Nations imposes sanctions on some rogue nation.

Admittedly, the line between permissible actions (with no intent to sanction) and punishable actions can at times become fuzzy. Suppose a parent has encouraged his children to spend their free time reading rather than watching television. But suppose also that the children have been given an afternoon of leisure time, with the parent agreeing that the children have the final say in what activities they may pursue. In making this agreement, the parent of course conveys the intent not to hold it against the children if their actions are not as good as the parent might like. If the children in our example frequently choose to watch sitcom marathons over reading during their leisure time, the parent may inevitably then relate to the children as individuals who do not generally use their leisure time in the wisest manner. And this might at some point blur the line between (merely) frowning upon a bad action and sanctioning the children for their action.

As another example, merely frowning upon cigarette smoking is not the same as prohibiting it by law (with accompanying threat of punishment). However, if cigarette smoking remains legal, but is accompanied by a growing list of disincentives (exorbitant taxes on purchases, an exemption for insurers from having to cover smokers, and so on), then the public policy line becomes blurred between viewing smoking as a bad act and viewing it as a wrong act with accompanying punitive sanctions. Nevertheless, the distinction itself between permission and prohibition is clear enough, even if in some cases it becomes difficult to say when permission ends and aspects (like punishment) of prohibition begin.

My central claim is that facts about the wrongness of some action are reducible to facts about some individual's or group's intent to sanction those who perform that action. I use "intent" here in the sense of intending to do something in the future, rather than in the sense of performing an intentional action. Following Mill's basic insight of how matters of "expediency" can take on the "character of absoluteness" when they are judged to be of utmost importance, individuals or groups may declare that some action which crucially undermines something they value is "not to be done, period." That is, they may declare that that action is "wrong."

When a person or group of people conclude that some action is "not to be done, period" they are not merely forming a belief about some fact—in this case, a fact about the way in which an action undermines something they value. They are taking up a particular normative stance toward those who perform this action. Specifically, they are forming an intention to sanction those who perform the action. A parent may comment that watching a sitcom marathon during the entire stretch of his child's leisure time really "ought not to be done" (in the sense of being a bad action). But if he were to put his child on notice that watching will amount not only to a bad action, but also to a *wrong* action, it is the threat of sanction that would introduce this new kind of normative force.

What other language might we use to convey the absoluteness of our position that an action is not to be done, on threat of sanction? There is of course the language of an action being *wrong*. We also use the language of *ownership*. We say that someone "owns her house." And we use the language of *rights*. We say that a homeowner is one who alone "has the right" to use the home as she sees fit. Are there facts, as affirmed by the realist, about the homeowner and her relationship to the house, which onlookers merely recognize? I think it much more plausible to

say that any facts about “ownership” or “rights” are reducible to facts about who stands ready to sanction those who would interfere with a person having the final say in how that house is used.

Suppose a stranger shows up at the house in which I currently live. He claims that he is going to turn the house into a wax museum. I object and insist that it is *my* house. I am the one who owns it. I have a right, which the stranger does not have, to decide how the house is used. But how do I defend my claim against the stranger? Well, I produce a government-issued deed to the house. What does this deed represent exactly?

One answer would be that the government recognizes some non-natural property I have: the property of “having a right” to the house. Or perhaps it is a relational property, one of “ownership,” that exists between the house and me. This realist story would also include a non-natural property of “wrongness” being attached to the action of interfering with my exercise of my right to the house. On this story, the government deed is (at least largely) a recognition of these facts.

But my contention is that, when a person or group of people conclude that some action is “not to be done,” they are not in the first instance forming a belief about some deontic fact. They are taking up a particular normative stance toward those who perform this action. Specifically, they are forming an intention to sanction those who perform the action. A government-issued deed to a house represents the government’s intent to sanction those who interfere with the deed holder’s use of the house (based on the government’s consideration of expediency). When I confront the stranger who wants to turn the house into a wax museum, I show him my deed as a way of saying, “The enforcement arm of the governing body who gave me this deed stands ready to sanction—including forcibly stopping and punishing with fines or jail time—anyone who

interferes with my use of this house. And I am going to appeal to them if you persist in challenging my use of it.”

The ultimate warning I issue to the stranger is thus that it will be *bad for* him if he persists in challenging my use of the house. And in general I would want to make the case that the normative force we feel when confronted with an action we think we “ought not to do” can always be spelled out in terms of a desire to avoid missing out on some valuable state of affairs.<sup>8</sup> Contra Kant, categorical imperatives always turn out to be hypothetical imperatives. While I do not have space to defend this claim, what I want to draw attention to at present is that I do not ultimately challenge the stranger by reminding him that the government holds the same belief I do that I “own” the house or that using the house against my wishes would be “wrong.” I remind the stranger of the publicly declared intent of the government—revealed in laws and enforcement penalties—to sanction anyone who uses the house against my wishes.

Is there something *beyond* these facts about others’ intent to sanction? Are governing bodies recognizing some non-natural facts about rights and ownership and wrongness—and then announcing their intent to sanction as a response to these facts? Perhaps it will be suggested that what the government is recognizing is simply the (natural) fact that I have signed a contract to repay some person or some bank; and *this* is what gives me the non-natural property of having a right to use the house. My response is that it is fine to maintain that the government’s intent to sanction is in response to my signing a certain contract. I would simply add that the ultimate explanation of the government’s intent to sanction is that, by doing so, something crucially good is preserved: namely, an agreed-upon process for any family to be able to have the same roof over their heads for present and future purposes they may have. But what I would argue is

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<sup>8</sup> My fuller defense of this claim can be found in Kinghorn, *A Framework for the Good*, chap. 3.

unnecessary is the claim that my signing a contract generates any non-natural properties—such as “wrongness” or “rights” or “obligations.” Such properties are superfluous to a story of how I can come to have a deed to a house, as well as what role this deed plays in a disagreement about how the house is used.

Admittedly, it is common to talk in terms of my “right” to the house, and my “owning” a house, and it being “wrong” of someone to use my house against my wishes. But as we saw in the previous section, Mill has offered a plausible explanation of this kind of deontic language. As we seek jointly to adhere to (and to communicate to our children that they should adhere to) certain practices that are crucial to our living well together, it is useful to employ language that communicates absoluteness. Although the ultimate explanation of our language lies in considerations of “expediency,” the language of *good/bad* invites comparisons of value. It invites negotiation. (“Yes, others have told me that this action is bad, but is it really *that* bad? Perhaps, for me, *not* doing the action would be even worse.”) So, in order to settle decisively the matters crucial to our well-being, we adopt the language of rightness/wrongness (and other deontic terms), which is absolutist in nature. This is our way of settling matters and building consensus. “That action is simply not to be done, no matter what might be said in its favor.”

My claim is not that we should remove deontic language from public policy discussions. I think such language is very useful, particularly the language of “rights.” In advocating practices I believe we should all agree to (for reasons of expediency) concerning how to live well together, I may well take a public position that people have a right to various freedoms, that they have a right to a living wage, and so forth. Mill’s explanation of our deontic language need not be taken as an indictment that moral philosophers who side with him are insincere in continuing to use this language in public policy discussions. But in terms of the nature of wrongness—the moral

facts that would make the statement “this action is wrong” true and not merely useful—I will stand by my reductionist account that the facts available to us are facts about some person’s or group’s intent to sanction those who perform this action.

There are at least two main advantages to this reductionist account of what moral wrongness amounts to. First, it preserves the conceptual connection that wrongness has to the cluster of other concepts mentioned at the beginning of section II. If we say that someone has committed a wrong action, we think of them as having violated some *obligation* toward someone, as having infringed on her *rights*. On my account, all these deontic terms simply express that, according to someone, the action is not to be done, on threat of sanction. As to the connections to blame and punishment, there is no mystery at all why a “wrong” action is necessarily tied to the idea that the one who performs it is subject to blame and punishment. To say that someone acted wrongly simply *is* to take up the normative stance that we (and/or others) stand ready to sanction the person through such measures of blaming and punishing.

In addition to preserving the conceptual connections between wrongness, obligations, rights, punishment, and so forth, my account of wrongness also has the obvious benefit of ontological parsimony. A realist account of some non-natural property—wrongness—is ontologically extravagant by comparison. Later on, I will address the objection that we do need to suppose such a non-natural property if we are to make sense of our shared moral intuitions. But for now I note that, if my account survives this kind of objection (and I think it will), then ontological parsimony is a significant advantage.

## V. Constructivist facts about wrongness

So is the account of wrongness I have offered a kind of constructivist account? In some sense I think it is, though it will very much be a Humean version of constructivism. It is Humean in that the evaluative standpoint from which a person forms an intent to sanction is the standpoint of that individual. Of course, it may be the case that others also stand willing to sanction those who perform some action. So there can be agreed-upon *social* sanction. And there may be reason to suppose that, because of our shared human nature, we should expect there to be widespread agreement about the kinds of things which individuals will proscribe. But the similarities that may exist among individuals' evaluative starting points, as well as among the circumstances that affect their decisions to sanction or not, are contingent ones. A person's intent to sanction is not the result of any supposedly ideal evaluative standpoint nor the result of any hypothetical procedure. An intent to sanction stems from an individual's own particular standpoint, her own particular evaluation that some action is so bad that she stands ready to sanction those who perform it.

While this view is obviously very Humean in its emphasis on individual standpoints, the account of wrongness I have offered is not a matter of equating a person's statement "action X is wrong" simply with a *desire* the person has that this action not be performed. There is inevitably a *process* of some kind—a procedure, if you will—in moving from a desire to an intent to sanction. Typically, this process will involve weighing the anticipated gains and costs in terms of value. After all, sanctioning others who perform some action comes at a cost. Certain valuable outcomes are compromised. Most obviously, there are the resources and time expended administering punishments, as well as the fractured relationships between ourselves and those we sanction. Yet, in proscribing some action, we judge the costs of *not* proscribing the action to be

even greater. (Again, all this can occur at a societal level or at an individual level, though I will continue to focus on the way it occurs at an individual level.)

I say all this is *typically* what happens because there may be times when a person proscribes some action without giving much reflective consideration to valued goals or opportunity costs. A person might feel outraged upon hearing of some human exploitation practice, and resolve at once to stand against, with threat of sanction, anyone who would perform such an action. But we must be careful here to distinguish: (1) forming a quick and minimally reflective intent to sanction a person who performs some action; and, more broadly, (2) reacting to a person because of a negative attitude toward the person or action she performs. The second scenario is consistent with an impulsive lashing out at a stranger who accidentally steps on one's toes while jostling for position on a crowded subway platform.

But this second scenario would not amount to forming an intent to sanction. *Some* kind of minimal, reflective process is involved in forming an intent to sanction others. In the previous section I stressed the distinction between (merely) thinking some action *bad* and taking the additional step of proscribing that action on threat of sanction. Getting from the former to the latter inevitably involves some process of deliberation, even if a very quick judgment about competing values. As mentioned earlier in this section, there is always some cost—some value lost—in proscribing an action and in following through on sanctions. But of course the reason we consider proscribing some action is that we feel there is some *other* valuable state of affairs that is in danger of being lost if we do *not* take up this normative stance against that action. Thus, in forming an intent to sanction those who perform some action, there is a process in which one makes comparisons of value and arrives at a judgment about which value(s) to pursue.

What all this points to is that an analysis of the nature of wrongness cannot be reduced merely to an examination of the *desires* a person has. We will need to look at the process which led to the person taking the particular normative stance of intending to sanction. Is this enough to make the account of wrongness I have offered a constructivist account?

I will understand the constructivist as providing a particular kind of to answer the question, “Is this moral statement correct?” And on this question there will *sometimes* be constructivist facts that make people’s statements about wrongness correct. One may wonder how the account of wrongness I have offered might possibly leave room for statements capable of being *true*. After all, I have stressed that, in calling an action “wrong,” we are fundamentally taking up a particular kind of normative stance: we are forming an intent to sanction those who perform that action. And an *intent* to sanction does not seem to be the kind of thing that could have a truth value.

Yet, in my discussion of wrongness I have noted that there *is* practical judgment involved in moving from (1) a negative attitude toward some action, to (2) proscribing that action—and correspondingly in moving from (1) having a negative view of others who perform that action, to (2) intending to sanction others who perform it. In fact, it turns out that there are quite a number of judgments that will typically be made. As a starting point, one will need to be an individual who already values things, judging that some things are better (i.e., more good) than others. From that evaluative starting point, one will need to make the judgment that some action crucially undermines something that is of significant value. One will need to judge that the badness of that action is actually so significant that, in the effort to preserve this value, one should commit to sanctioning those who perform that action. In making this judgment, one will also need to have judged that the inevitable cost (i.e., the inevitable loss of something of value)

of sanctioning others is not significant enough to override the anticipated value of proscribing the action on threat of sanction.

So there are a number of judgments here of which we can ask: Are these judgments entailed by the person's evaluative standpoint? Do they follow from the person's practical point of view? Sometimes there will be correct answers to these questions. And it will be constructivist-type facts that make the answers correct.

I think that in *some* cases there will be no single correct answer. For example, in some cases the cost of sanctioning others (with this cost coming in the form of fractured relationships, large expenditures of resources, and so on) might add up to a loss of very significant value. Perhaps it then becomes a difficult judgment whether the cost of sanctioning is worth the anticipated gain. And perhaps there simply is no correct answer to this matter, no judgment that necessarily follows from the person's evaluative point of view. It would be wildly implausible to claim that there is some single formula that allows us all to make comparisons of value in any and all cases—e.g., by using a hedonic scale in which all pleasures and pains can be compared, and by assuming that pleasure and pain are the only things of value. Comparisons of value will not necessarily yield a single “correct” answer. Thus, a person might reasonably reach a judgment one day about which state of affairs is more valuable—and then reach an opposite conclusion a minute later. There is nothing necessarily irrational about that, no way of saying that one or the other judgment was entailed by the person's evaluative standpoint. So, in *some* cases a person's evaluative standpoint does not necessarily entail a particular judgment as to whether she should proscribe some action on threat of sanction.

However, in *other* cases such a judgment would indeed seem to follow from her evaluative point of view. As a general point, although comparisons of value are not always clear cut from a

particular point of view, sometimes they are. For example, a parent may want to enroll her daughter in a ballet school. There may be a terrific school one hour away and a mediocre school five minutes away. Is it worth the daily two-hour commute? We suppose that going to the better school will make possible several valuable goals the parent has for her child. Yet, the long, daily commute will come at the expense of *other* valuable goals the parent has for her child. In making an all-things-considered judgment about comparative value, the parent's cost-benefit analysis may not yield an obvious result.

But what if we suppose that the terrific school is five minutes away and that the mediocre school is one hour away? In this case, given the parent's system of values, a judgment becomes easy. In fact, it would be irrational for the parent to choose the mediocre school, given the system of values we suppose she has. She does make a comparison of value as she considers the option of the mediocre ballet school. But there is only one conclusion she could reach which is consistent with the proper use of practical reasoning. The conclusion that she should enroll her child in the better ballet school is entailed by, it necessarily follows from, the evaluative standpoint we suppose her to have.

Regarding the judgment that a particular action is not to be done, on threat of sanction, in many cases it may be that this normative stance really is entailed by a person's evaluative standpoint. The cost of sanctioning is perceived as minimal, and the perceived value in ensuring that the action is deterred is huge. In these cases it seems right to speak in terms of whether a person's normative stance of intending to sanction is a *correct* one—where correctness is again a matter of being entailed by the person's evaluative standpoint. Given the account of the nature of wrongness I have offered, my statement, "That action is wrong," can never be true in virtue of some realist fact. But in making this statement I am taking up a normative stance of intending to

sanction those who perform that action. And this normative stance may (in some case) be entailed by my evaluative standpoint.

In sum, constructivist-type facts may sometimes be available in assessing the correctness of a person's judgment that an action is not to be done, on threat of sanction. Given that an action's property of "wrongness" amounts simply to the property of having been proscribed by some individual(s) on threat of sanction, there are no stance-independent facts about wrongness that could make a person's claim that "action X is wrong" a correct judgment. But there are certainly constructivist-type facts about what follows from the evaluative standpoint of that individual(s). So my conclusion from this section is that the facts available to us, as we analyze the nature of wrongness, are facts associated with a Humean-type constructivism.

## **VI. What is at stake for the Christian theist?**

Given that the collection of essays containing this one focuses on constructivism in relation to religious ethics, I want to turn to some of the implications my account of wrongness has for the theist. I will engage with Christian theists, though most of the discussion could be adapted to other forms of theism.

To put my own cards on the table: I am a Christian moral philosopher. And from my own discussions over the years, I am quite aware that my antirealist conclusions about wrongness will not sit easily—at least initially—with most Christian moral philosophers. There is a prominent strand of Christian apologetics that starts with the purportedly obvious existence of objective moral facts and moves to the conclusion that only God can account for the existence of such facts.<sup>9</sup> As I will discuss in section VII, I think Christian apologists can point to stance-

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<sup>9</sup> For a good, recent presentation of this moral argument for God's existence, see David Baggett and Jerry Walls, *Good God* (New York: Oxford University Press, 2011).

independent facts about *goodness/badness*, which provide evidential support for the Christian description of God. Yet, if the claims of the previous two sections are correct, there simply are no stance-independent facts about *wrongness* to which the Christian theist might point as part of a framework of objective morality.

In this section I want to consider a broad kind of objection to the constructivist-type account of wrongness I have offered—particularly because it is an objection many Christian theists will no doubt want to raise in defending certain themes they have wanted to emphasize. Before considering this broad objection, I want to remind the reader of the two significant advantages of my account of the nature of wrongness. First, my account of wrongness preserves the necessary connection that exists between wrongness and other concepts such as blame and punishment. If a community proscribes some action with the intent to sanction those who perform it, then violators of that proscription will automatically acquire a social standing within the community: they will stand as guilty within the community, worthy of blame and punishment. No explanation is needed as to why a recognition of (stance-independent) facts about wrongness should move us all to want to blame or punish others who perform a wrong action. Our agreement that an action is wrong simply *is* our taking up a normative stance of intending to sanction (in such forms as blame and punishment) toward those who perform that action.

Second, my account of wrongness makes no appeal to non-natural properties. Other things being equal, ontological parsimony counts in favor of a theory, in comparison with other theories. If we have no compelling reason to affirm a non-natural property of “wrongness,” then our fallback position should be to suppose that such a property does not exist. Gilbert Harman has pointed out that, in scientific observations and judgments, presumed facts (e.g., the existence of protons) do help us explain a scientist’s observations (e.g., of a vapor trail). But as Harman

then noted, we do not need to appeal to some (stance-independent) fact about the “wrongness” of an action in order to explain our reaction to, e.g., a cat being set on fire and our subsequent judgment that this action ought not to be done.<sup>10</sup> A purported property of wrongness becomes superfluous in explaining why it is that people proscribe certain actions.

Why have some moral philosophers concluded that stance-independent facts about wrongness do exist? Typically, the claim is that, contra Harman, our reaction to certain states of affairs *cannot* in fact plausibly be explained without appealing to some property of wrongness which we recognize. Sometimes thought experiments are offered in support of this claim; and I will consider a standard one later in this section. But the claim is often defended by insisting that it should just be intuitively obvious to anyone that such facts exist. Consider the way in which David Baggett and Jerry Walls contend for facts about the wrongness of certain actions: “It’s wrong, for example, to torture innocent children for fun, and we plainly recognize it....Reflection yields legitimately difficult questions in ethics, yes, but a great many ethical truths remain obvious.”<sup>11</sup> But is it really obvious that an act like torturing a child for fun has some realist property of “wrongness?” I do not at all see how this point is supposed to be obvious.

Let me quickly add that, of course, I find such an act reprehensible and repulsive. I for one will volunteer my intention to sanction anyone who would do such a thing. (And we should keep in mind that “sanction” need not refer to refined chastisement; severe forms of punishment and retribution fall under the umbrella of “sanction.”) I am also reassured to note that our society stands ready to sanction—and sanction severely—anyone who would perform such an act. And I

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<sup>10</sup> See Gilbert Harman, *The Nature of Morality* (New York: Oxford University Press, 1977), 6-7.

<sup>11</sup> Baggett and Walls, *Good God*, 9.

think it easy to construct a case, from the Christian perspective, that God stands ready to sanction anyone who would perform such an act. Surely these declarations are sufficient to convey that I take the horrifically bad act of child torture as seriously as anyone else. What is added if I declare, “Also, such an act is just plain wrong!”? Perhaps people may commonly expect to hear such a declaration from anyone who views child torture with the utmost seriousness. And a person’s reluctance to make this public declaration may, for some people, signal that the person somehow feels ambiguous about the topic—as though there exists a “grey area” in which child torture might not in all contexts be intolerable. But this is decidedly *not* my reason for resisting the declaration. (At least, I would resist the declaration in the context of offering a philosophical analysis of wrongness; I may agree with the declaration in public policy discussions, as a way of building consensus.) My reason, again, is that there are no (stance-independent) facts that would make such a declaration true.

Baggett and Walls follow C. S. Lewis, William Lane Craig, and other Christian apologists in insisting that humans share a sense of fairness, of justice, of right and wrong that is not reducible to the kinds of considerations of “expediency” that Mill suggested. Lewis noted the way we commonly phrase our arguments: “How’d you like it if anyone did the same to you?”; “That’s my seat, I was there first”; “Give me a bit of your orange, I gave you a bit of mine”; “Come on, you promised.” He insisted that the appeals here are “to some kind of standard of behaviour which he expects the other man to know about.”<sup>12</sup> Indeed, the act of quarrelling itself “means trying to show that the other man is in the wrong. And there would be no sense in trying to do that unless you and he had some sort of agreement as to what Right and Wrong are.”<sup>13</sup>

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<sup>12</sup> C. S. Lewis, *Mere Christianity*, revised edition (New York: Harper San Francisco, 2001), 3.

<sup>13</sup> *Ibid.*, 4.

Lewis's favorite example involves the sense of *fairness* all people (ex hypothesi) seem to have, even young children.

Whenever you find a man who says he does not believe in a real Right and Wrong, you will find the same man going back on this a moment later. He may break his promise to you, but if you try breaking one to him he will be complaining "It's not fair" before you can say Jack Robinson.<sup>14</sup>

Lewis submitted that cultures from around the world understand the binding force of the "laws of human nature." The reason they are considered *laws*, Lewis reasoned, is "because people thought that every one knew it by nature and did not need to be taught it."<sup>15</sup>

Before assessing Lewis's claims, let me note what is at stake in the current discussion. The premise that people share an intuitive sense of right and wrong does not of course establish that stance-independent facts about right and wrong exist. But a shared sense of right and wrong might be taken as evidence for these facts. So now my assessment of the claim that people share this intuitive sense: I think that further reflection on the research of social scientists casts doubt on this presumption that people do have the kind of shared sense of justice and of right and wrong that Lewis thought obvious.

Admittedly, as Kristján Kristjánsson notes, a common conclusion which social scientists have often sought to draw from their research is that there exists among humans a "universal sense of (or for) justice."<sup>16</sup> Such a conclusion would certainly support Lewis's line of argument. Yet, conclusions about humans possessing a sense of justice cannot be drawn without normative import from the social scientists conducting their studies. Kristjánsson explains, "There is no

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<sup>14</sup> Ibid., 6.

<sup>15</sup> Ibid., 5.

<sup>16</sup> Kristján Kristjánsson, *Justice and Desert-Based Emotions* (Aldershot: Ashgate, 2006), 111.

non-evaluative royal road to understanding what justice means, be it for children or for adults...[No] empirical theory of justice can avoid resting on a normative premise.”<sup>17</sup>

Kristjánsson discusses several leading theories of social scientists about how humans develop their sense of justice.<sup>18</sup> He observes how, inevitably, “normative considerations steer the design and interpretation of empirical research into the development of justice conceptions by providing assumptions both about what counts as a conception of justice in the first place (and what does not), and about what counts as a better (or worse) conception of justice.” Seemingly, social scientists who have charted the moral sensibilities and development of humans from childhood through adulthood “have normally gone about their business in the conviction that they are merely trading in empirically discernible facts about human growth.” The problem, as David Carr has also convincingly shown, is that “any such facts are entirely fictions.”<sup>19</sup> Social scientists do not record purely descriptive facts about people’s development of a sense of justice and fair play. They construct questions and interpret answers through pre-existing lenses of normative terms and concepts.

Thus, e.g., when assessing William Damon’s stage theory of the development of justice conceptions in children, Kristjánsson observes:

What we notice at once is the primacy-of-justice thesis: all conceptions of resource allocation must be justice conceptions; all distributive principles just be justice principles (or as Damon would put it, principles of ‘positive justice’). But why presume that other moral concerns, such as pity, benevolence or utility, cannot play a role here also, or even non-moral ones, such as pure self-interest?<sup>20</sup>

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<sup>17</sup> Ibid., 117.

<sup>18</sup> Especially William Damon, Martin Hoffman, and Melvin Lerner. See Kristjánsson, *Justice*, chap. 4.

<sup>19</sup> Ibid., 116-17. See David Carr, “Moral Education and the Perils of Developmentalism,” *Journal of Moral Education* 31, no. 1 (2002): 5-19.

<sup>20</sup> Kristjánsson, *Justice*, 117.

So how could a social research project reach conclusions about people's moral sensibilities, drawing merely from the empirical data of people's responses to, e.g., resource allocation? Such a project would have to avoid privileging any particular framework of ethical concepts; and it would have to avoid presupposing a theory about human motivation. Such a project seems quite a daunting task.

A purely empirical fact which, I think, probably *can* be established is that people from an early age have an understanding of *proportion*. If an adult gives a form of preferential treatment to one child over another, the slighted child will be quick to pick up on this fact and will typically feel un-affirmed, marginalized, and indeed very hurt. More generally, children from the earliest age are deeply affected—positively or negatively—by relationships that are harmonious or strained. As they grow out of infancy, children seem to have a keen sense that certain practices (e.g., refusals to share; refusals to reciprocate acts of kindness proportionally; refusals to consider others' well-being) fracture a healthy group dynamic and in general undermine the well-being of themselves and/or others.<sup>21</sup> And of course children will in general react strongly to anything they perceive as undermining their own well-being and the well-being of others toward whom they have affection. These facts about children's needs and desires seem a plausible basis for explanations about children's reactions to the kinds of behavior Lewis mentions. If so, then this explanation is preferable to the more complex (in terms of metaphysical types) explanation Lewis offers involving a non-natural "moral law" which children and adults recognize.

When Christian theists (and others) point to our purportedly shared recognition that many things are "right or wrong," they actually seem very often to be pointing to our shared recognition that many things are "good or bad." We react negatively to stories of abuse, torture,

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<sup>21</sup> Children unfortunately are sometimes *too* keen to identify such practices with competitive attitudes sometimes emerging in desires, not simply for proportionality but, instead, for *more* than others receive.

injustice, and oppression—often declaring, as Walls and Baggett indicate, that such things are “clearly wrong.” We judge that they should not be done, period. But instead of reacting to some property of “wrongness,” it seems that we are reacting to the extreme badness of such events. We recognize their extremely harmful effects on individuals and communities. We view them as *so* bad that they are not to be done in any context; the matter is not up for debate. But again what we are actually recognizing is the way in which they are *bad* for individuals and communities.

One standard objection to my explanation of our intuitions here is that there are some cases in which a person would not necessarily be *harmed* by some action, even though we recognize that action as clearly wrong. The critic here will appeal to thought experiments of the following kind: “Consider a doctor who places a patient under general anesthetic and molests her in her unconscious state. Suppose she remains unaware of what has happened, so that she does not experience harm of any kind. Though the abuse was therefore not *bad* for her, we are still morally outraged and recognize that the doctor’s action was clearly *wrong*.” The particulars of this thought experiment might be changed in various ways by the critic, but the general strategy is to find cases in which we view an action as wrong but not necessarily as bad for anyone. And this of course would undercut the view I have defended that we view an action as wrong because we view it as extremely bad for us and for others.

My general response is that our intuitive reactions to the kinds of cases the critic raises are not reliable guides in reaching the conclusion the critic wants to reach. The thought experiments suppose that we can set aside considerations of goodness and badness. But I am very pessimistic that we can do this in the manner the critic envisions. In the example above, we react strongly against the doctor’s action because we recognize how harmful such actions of abuse are. We are aware of how childhood abuse, even if one’s memories are repressed or forgotten, can continue

to have terribly damaging long-term effects on a person's emotional state, ability to form trusting relationships, and so forth. We immediately think of an abused person as one who has unquestionably been demeaned and degraded. I would suggest it is very difficult—probably impossible—genuinely to set aside all our considerations of how the abused patient might be negatively affected, so as to imagine for the sake of the example that she is “not harmed” in any way.

Anyone who considers the critic's example will agree that the patient's dignity and worth has not been protected. The question is how to spell out this point. The critic's interpretation amounts to the suggestion that our outrage stems from our recognition that the doctor's actions have some non-natural property, wrongness. But it seems at least as plausible to suggest that our outrage stems from our inability to shake the feeling that damage was inevitably done to the patient, that some of her strongest desires and hopes about how she wants to bond physically and emotionally with other people have been permanently undermined. If this is at all right, then again ontological parsimony should lead us to reject a non-natural property of wrongness as part of the simplest, best explanation of our moral intuitions.

Without the appeal to the realist's facts about wrongness, Christian theists will not be able to generate certain kinds of moral arguments for God's existence. Nevertheless, the Christian theist can still offer distinctive insights into what I take to be the most interesting kinds of moral questions. These questions involve the dual concerns: What does the good life consist in? And how do we attain it?

## **VII. Non-constructivist facts about the good life**

I do not want to suggest that questions about what God has proscribed are *uninteresting* ones. Yet, I think they should only serve as pointers to what the *most* interesting questions are. I recognize that the ethical frameworks proposed by Christian moral philosophers often assign a central role to what God has commanded (or, conversely, proscribed). However, I would suggest that such questions are interesting mainly because they are, in a sense, derivative of the questions I am claiming to be the most interesting ones.

Divine commands seemingly serve three broad purposes. First, God's commands help us identify good states of affairs and how to attain them (as well as bad states of affairs and how to avoid them). Here divine commands serve much the same role that J. S. Mill ascribed to societal laws: they indicate what is viewed as crucial for people's well-being. To ensure that people's lives are going well for them, we must of course do more than merely refrain from murdering, cheating, lying to, and exploiting others. But these are a few good starting points. And God's general commands about such matters point us to essential ways we must relate to one another, if we are to live well together.

Second, divine commands help reveal to us the shape which our relationships with God are to take, along with the points at which breaks in the relationship will emerge such that steps will need to be taken to repair the relationship. There may be scope for creative give and take within the relationship into which God invites us—a relationship where we can be co-creators with God as we join him in his ongoing work. Still, divine commands establish the parameters of the kind of relationship into which he invites us. If we respond in ways outside the parameters of this relationship—i.e., if we do that which God has proscribed—then some cost will have to be absorbed. (Such is the nature of any broken relationship.) God will need to forgive the refusal (or, at least, the failure) to relate to him on the terms he has invited people to relate to him. And

someone will need to provide a means of reparation, if it is needed to restore the relationship.

This is not to say that, by obeying all of God's commands, we immediately establish fully mature relationships with God and others. Participation in such relationships may require growth over time. It is just that, if no commands of God are broken, there will be no need of reparation and forgiveness along the way.

Third, God's commands reveal the kinds of measures he intends to take as he draws us into maturing relationships with himself and with others. The various ways in which God draws us into these relationships may fall under the broad categories of "positive" encouragement and "negative" chastening. God's proscriptions, accompanied of course by the intent to sanction, give us an indication of the kind of "negative" prompting that is in store for us if we perform what God has proscribed, as God continues his broader goal of prompting us to turn to him.

In outlining these three roles played by divine commands, I assume the theological starting point that God's ultimate goal in relating to us is to draw us into perfected relationships with him and with others. It is through these relationships that we attain our highest flourishing as humans. God's commands, like all else God does in relation to us, are thus aimed at drawing us into this good life God wants for us. *These* are the questions—about what the good life consists in, and how we can attain it—that are of utmost importance. And divine commands again serve as one means God has to point us to answers to these questions about the shape of the good.

My contention is that Christian theists who are concerned about "objective morality" should focus on facts about how all humans flourish. Neuroscience and other disciplines can certainly help in this endeavor. But Christian theology offers what I think are penetrating insights into how we humans can and cannot flourish in the long run. Christian theology offers a beautiful vision of the kind of life—marked by perfected relationships—God makes possible for all people.

There are broad paradoxes that must be unpacked: e.g., about the way in which we must “lose” our lives in order to “find” the much richer lives God makes possible for us. Wisdom is needed to discern which of life’s pleasures have diminishing returns and which have ever-increasing returns, leading to our highest flourishing. Christian theology has much insight to offer into these facts about the human condition, about what the good life consists in, and about how we can attain it with God’s help.

A Christian account of the good life will have perfectionist elements to it. There are particular ways in which all humans, as divine image bearers, will flourish in the long run. The Christian picture of heaven, where our perfected, ever-deepening relationships with God and with others will continue for eternity, depicts this ideal. As a very general (and perfectionist) rule, our lives will be going well for us inasmuch as they approach this ideal. Christian theists might point to everyday observations—such as the irreplaceable role that loving, mutually self-giving relationships play in our mental health—as evidence that the Christian depiction of perfected relationships does in fact align with our highest long-term flourishing.

Christian theology also makes claims about the definite way in which this ideal can be achieved—a path which involves a commitment to benevolent pursuits and a submission to God’s coordinating control. Again, the Christian theist can point to everyday examples as evidence for these claims. We all experience the need for, and power of, forgiveness. And even while we are attracted to a picture of perfected, loving relationships, where life-diminishing experiences of resentment and distrust and alienation can gain no foothold, our experiences show us all too well that we cannot hope to attain this ideal if left to our own resources.

While I have suggested that the Christian theist has much to say about the shared human condition, I should also acknowledge the differing ways in which people do flourish, depending

on their particular gifts and callings. Indeed, the Christian saints are known as much for their idiosyncrasies as for what they have in common. Still, whether facts about all humans or about a particular human, there are facts about goodness to be discovered (and not merely constructed): facts about what the good life consists in and how it can be attained.

These questions about the good are the ones I have suggested as the most interesting for Christian theists (and for everyone else). Perhaps by acknowledging that constructive facts about *wrongness* are the only facts available to us, the Christian theist can more readily focus on an articulation of those truths about the good life that do not admit to any human construction.

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