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The central issue in modern moral philosophy is the question of what acts are morally right, and why. An answer to this question is a theory of the right, and such theories have fallen into three groups.

We may distinguish, in rough terms, between motive theories, results theories and deontological (rule) theories. That is, some moral philosophers hold that an act is right if and only if (iff) it is done from certain motives. Other moral philosophers hold that an act is right iff it leads to the best results. And yet other philosophers say that an act is right iff it possesses certain 'intrinsic' features.

As examples of motive theories, we can cite agapism and existentialism. *Agapism* is the view that an act is right if it is done out of love. The rightness of an act (under this theory) consists not in any features of the act itself, but rather in a feature of the agent: his love for those affected by his act.

Similarly, *existentialists* tend (so far as I can tell) to hold the view that an act is right iff it is undertaken with full commitment, 'authentically,' not 'aesthetically,' or some other such notion. Here again, the rightness of the act depends upon a feature of the agent, to wit, his wholeheartedness.

Rather different are results theories, which include (for example) egoism and utilitarianism. The *egoist* believes that an act is right iff it produces the maximum balance of good over evil for the agent himself. The *utilitarian* holds that an act is right iff it produces the maximum balance of good over evil for everyone affected by the act (including, but not limited to, the agent himself). In both these theories, the rightness of an act lies not in features of the act itself, but rather in features of the consequences of the act i.e., later events to which the act gives rise — namely, the desirability (in a non-moral sense) of those results.

Thus, in both motive and results theories, while the question addressed focuses upon the rightness of the act, the answer involves shifting our gaze away from the act and to either the agent or else later events. In contrast, the deontologist asks us, when assessing an act, to 'look to the act itself,' to focus upon features intrinsic to the act per se.

As examples of deontological theories we should mention four. First, there is *legalism*, which is the theory that an act is right iff it accords with the laws of the agent's society. Next consider *divine command theory*, which holds that an act is right iff God would approve of it. Neither of these forms of deontologism has had many philosophic adherents, but I mention them anyway because discussion of their drawbacks will aid the construction of our alternative theory.

More philosophically respectable is the third deontological theory, Kant's *Categorical Imperative*. An act is right iff the agent can consistently will and would be willing to see the maxim under which his act falls become universal law. Also respectable is *Ross' deontological theory*. Ross' theory consists of an enumeration of a number of putatively self-evident *prima facie* duties (which arise from the nature of the agent and his past interactions with others). An act is right if and only if it accords with the *prima facie* duties (in some fashion never quite made

clear).

Of course, the deontologist's focus upon 'intrinsic features of the act' generally takes the form of devising a rule or rules, whose obligatory ('deontic') nature is independent of the consequences of the actions permitted by those rules. Deontological theories are *rule* theories.

This stands to reason. For, if an act's moral lightness consists in its having a certain special feature F, then a rule suggests itself: Always do F-acts. (An act is right if and onlynif it is an F-act.) Similarly, if an act's moral rightness consists of its having some combination of features F1,.. ., Fn, then this rule suggests itself: Always do acts which combine F1,..., Fn (in such and such a way).

Now I believe that the deontological approach has a certain a priori plausibility, but spelling this belief out is not easy.

As we have contrasted the results, motive and deontological approaches (to devising an adequate theory of the right), the deontological approach seems clearly the most plausible precisely because it focuses upon the act itself. After all, consider the relation between a person's actions and his motives, and the relation between his actions and their consequences. Both these relations seem tenuous in a way that militates against rational appraisal of our actions, in that the links between act and motive and between act and result are beyond what the agent can completely know or control. And this would make moral decision-making inherently adventitious; one's judgments being objectively correct or incorrect would become something he could not be even reasonably sure about.

To make the matter plain, consider again motive theories. They ask us to decide what to do (or — and this amounts to the same thing for our purposes — how to assess another person's decision) on the basis of motives (love, say, or wholeheartedness) and motives alone. But does the possession of a given motive really guarantee the lightness of an act? Can't one imagine, for instance, an authentic/committed /wholehearted Nazi? And can't one imagine a person who hurts others out of love — say, a mother who forces her son into a life that she erroneously thinks is best?

And again, such theories assume that we can be very sure of other people's motives, or at least of our own. But when I see someone (say) being charitable, I have no way of knowing whether his true motive is love or (say) self-aggrandizement. I may see him be charitable when nobody else is around, but does he believe that nobody will ever see his act of charity?

The situation is no less problematic with my own self. Given the undeniable capacity of people for great self-deception, for denying to themselves their true motives, does it not seem unlikely that a motive theory of the right will enable us to make moral judgments and decisions with even a fair chance of being objectively correct?

A similar objection can be raised against results theories. Suppose I wrestle with a decision, thinking about all aspects of the act and its content, and finally deciding upon a course of action. But now suppose wholly new events (unforeseeable at the time of my decison-making) intervene to cause my act to have unpleasant consequences. According to the results theories, my act is wrong, morally wrong — though not through anything I was responsible for or had control over.

But again, doesn't this make it unlikely that I could ever make decisions and judgments about other people's decisions with reasonable hope of being sure of objective correctness? Surely it is more plausible to peg decision-making to the act itself. We can then say of the above situation: “Look , I did the morally right thing. It just didn't work out.”

In sum, if deontological theories really do focus on the intrinsic features of the act itself, then they are likely (not automatically, mind you, just likely) to be more conducive to secure

moral judging than the results and motives theories, which focus on things only adventitiously connected with it.

The problem is: deontological theories do not focus on the act itself.

Consider the divine command theory, for instance. In looking at God's approval or disapproval, we are manifestly not looking at a feature intrinsic to the act, but instead one intrinsic to God. Again, in legalism, in looking at the agreement between the act and the laws of the agent's society, we are not viewing a feature of the act so much as a feature of that society (its collective approval, codified more or less explicitly in some legal code) or of that society's legislators.

To carry the point further, Kantian theory in the end asks us not to view any feature of the act per se, but instead asks whether the situation in which the maxim under which that act falls is universally adopted (supposing it can be) would meet with the agent's own approval. The point applies as well to Ross' theory, which in the end ties the rightness of an act to the approval of plain men of common sense.

Indeed, the foregoing suggests that so-called deontological theories are more aptly named *approval* theories: an act is right if and only if it is approved by some group or other. This group—whom I shall refer to as 'the arbiters'—may be an actual group of people, or merely an imaginary group, and may be mortal or divine, depending upon the particular deontological/approval theory in question.

Thus unmasked, do deontological theories still retain an a priori plausibility over results and motive theories? I believe that they do, but the explanation of this a priori plausibility requires a bit more discussion of the notion of 'approval.'

After all, consider the paradigm of practical reasoning: a case being decided in a court of law. The arguments, the reasons pro and con, are presented to a set of arbiters for their ultimate approval or disapproval: the judge and the jury. It is not necessarily a bar to our being able to take the moral point of view—i.e., to judge seriously and with the prospect of our careful deliberation leading us to objective truth—that our deliberations and our decision must meet with the approval of a certain group. Indeed, quite the contrary: that our judgments must meet with the approval of others can be an aid to our securing certainty, if the arbiters provide help in checking any errors in our reasoning.

But this depends crucially upon who is to do the approving. For instance, the reason that legalism is untenable as an ethical theory is that it is very possible that the legal system of the agent's society is wicked. Hence, from the legalist point of view, any German who harbored a Jewish family in the time of the Third Reich would have been behaving immorally; but such is clearly not the case.

Put another way, the legalist theoretician tells us that an act is right if and only if it meets with the approval of the actual society of which the agent is a member. Yet it is clearly possible and not historically uncommon for a total society (or at least its legislators) to be completely wrong in their ethical beliefs. This makes the equation of the approval of the agent's existing society to the rightness of his acts not a plausible line of ethical research.

So it appears that while it is certainly agreeable to common sense that making a reasoned judgment in some way involves appeal to the approval of others, this way must be spelled out. Otherwise, the relation between the approval and the rightness of the act would be as accidental as the relation between (say) the act and its consequences.

Thus, the key to carrying out a satisfactory deontological research program is figuring out who it is our moral reasoning and resultant decisions must meet the approval of. To address this

problem, let us examine in detail the more plausible deontological theories, focusing upon the arbiters posited by each.

The divine command theory holds that an act is right iff it is approved by God. But of course this theory faces a number of large problems.

There is the metaphysical problem of establishing God's existence. After all, if God does not exist, then this theory entails that all things are permitted — not a pleasant prospect to imagine. There is also the practical problem of figuring out what God approves of — which prophet or holy book do we select?

Most important from our point of view, however, is the objection raised long ago by Socrates. If an act's being morally right simply amounts to its being approved of by God, then God cannot be said to be moral, except in the trivial sense that He approves of what He approves of.

Now, Socrates' objection is generally felt to be devastating, but only against the divine command theory. However, the same objection can be generalized into a probe which can be used to examine any deontological theory. The general Socratic challenge is this: if an act is right iff it meets with the approval of a certain set of persons [P1,..., Pn], then it makes only trivial sense to say that these persons are themselves agents who choose the right. For to say that P1,..., Pn are themselves moral (that they choose the right) is only to say—if the theory is adopted — that they approve of what they approve of.

We can put this probe another way. Suppose Socrates had been a Manichean, that is, had believed that God and the Devil were equally powerful, omniscient, and so on. Then he might have asked the holder of the divine command theory: Why select God and not the Devil to be the arbiter in your theory? (It can't be because God is good.)

In a like manner, we might demand of any approval theorist: Why do you select the group [P1,..., Pn] and not some other group as the arbiters of right conduct? And you cannot reply that you selected them because they choose the right.

Kant's theory is as subtle as it is famous. I assume that it is familiar to the reader, only stating it here in rough terms. An act is right, this theory goes, iff the maxim under which it falls is such that the agent is both able to will consistently, and is in fact willing, to see it adopted by society as a universal law.

The problems with such a theory are profound. To begin with, the agent may have certain peculiarities which may lead him to will maxims into universal law of an undesirable sort. For instance, a sadomasochist might will “hurt others when you can get away with it” into universal law; a very arrogant man might will “never help others” into universal law.

Moreover, acts can be described in different ways, hence fall under different maxims — some of which may be universalizable, and some of which may not. Thus the act (e.g.) of taking someone else's car may be variously described as “stealing” or as “teaching others not to get too attached to physical objects.”

Kant's theory is an approval theory, but where the person who does the approving is the agent himself, or more exactly, a counterpart of the agent, a person exactly like the agent except for having a desire to create universal law.

Viewing Kant's theory as an approval theory allows us to restate the first objections to it thus: Why pick this person (the counterpart of the agent, the agent as universal lawmaker) rather than another as the arbiter of the decision? What reason can be given? (Certainly not that the counterpart agent chooses morally, chooses the right.) And this, we see, is just the Socratic probe.

We finally consider the theory of W.D. Ross. This theory is deontologism with a vengeance, the heart of the theory being the enumeration of an indefinite number of prima facie rules of obligation. One's actual duty is to be determined by examining the situation and those prima facie rules in a manner Ross did not clearly elucidate.

Indeed, this latter feature is the standard objection to the theory: we are given no way to pick our actual duty out from amongst the conflicting and contending prima facie duties. Thus Ross' theory fails the first requirement of a theory — it doesn't tell us which acts are right and which are wrong.

But a second objection can be brought to light if we ask in what way Ross' theory is an approval theory. Ross, after all, focuses almost all his exposition on the delineation of the *prima facie* rules.

However, the notion of an arbiter emerges in his discussion of how the prima facie duties are discovered. Ross held that the “plain man,” the average person (and the philosopher who is able to set aside his conditioning, and rely on his common sense), will immediately agree on certain general duties as being self-evident, as needing no proof.

Thus Ross regarded the plain man's moral judgments about prima facie duties in the same way positivist philosophy of science regarded direct observation statements; viz. as being the incorrigible foundations upon which any theory had to build. The arbiters here are in fact the set of plain men, to include the reader if he but stick to his common sense.

Now the Socratic challenge can be posed again: Why choose this group as arbiters? Why say that the common man's opinions are constitutive of the right? (Again, we are forbidden the circular reply, “because his judgments are morally right.”)

More precisely, what the common men of a society take as self-evident definitely changes over time. Ross himself, for instance, took it as self-evident that we have a prima facie duty to ensure that wealth is distributed according to merit. But I very much doubt that the ordinary man of today would even regard that position as being true, much less self-evident.

Reviewing what we have said about the divine command theory, Kant's theory and Ross' theory, it is clear that any deontological theory must deal with two problems. First, it must give us some understanding of 'practical reasoning'. That is, it must tell us how we are to arrive at our moral decision on the basis of rules or morality. Kant owes us a description of how we are to describe our contemplated action, and under what maxim it falls. Ross owes us a description of how we are to arrive at the actual duty, given the prima facie duties.

The second problem any deontological theory must address is the Socratic challenge. Given that a deontological theory is an approval theory, a theory which selects some actual or imaginary set of arbiters (whose approval makes our decision morally right or wrong), what justifies our choosing that group as arbiters? This second problem is all the more pressing because it is one that tends, to get overlooked. It is my intention to outline (in what follows) such a theory.

Let us begin by asking what set of arbiters we should choose. Our theory selects as the set of arbiters the set of ideal researchers. That is, we select the set of ideal counterparts of the human race, fictional investigators who are bereft of all motives except for the desire for truth and justice — or more precisely, the truth about what is just. Further, we conceive these counterparts to be blessed (or cursed?) with an infinite life span and have sufficient resources to support their moral inquiries.

That such a group of judges is nonexistent is no more a mark against our theory than is the fact that people don't as a rule seek universal law a mark against Kant's theory, or than is the

fact that everybody has been corrupted by at least a little philosophy (so that there are no truly 'plain' men) a mark against Ross' theory.

The reader should note well that this imaginary group (of ideal moral researchers) is the counterpart of the entire human race in its entire history, including the future. The only differences between the imaginary arbiters posited by our theory and the actual human race are that real humans are possessed by a number of drives besides seeking justice (indeed, some lack that desire altogether), and secondly that the real human race will probably manage to make itself extinct, bringing to a rapid end all research, moral and scientific.

To be fair, there is yet another difference between the human race and the arbiters dreamt of in our moral philosophy. Our arbiters are conceived of as continuously existing through an infinite span of time. The human race, even if it manages to survive indefinitely, would still be composed of different individuals as time passed — new persons being born and coming of age of reason, older ones dying off. Since beliefs evolve over time, this means that our arbiters can compare their beliefs at any time with their beliefs at any earlier time. But actual humans are notoriously unable to comprehend the belief systems of earlier people, a phenomenon any historian of science is well acquainted with. The human race (alas) does not have a collective memory; in its stead we have at most feeble written remnants of earlier periods, ill preserved and imperfectly understood.

Having selected our set of arbiters, we must next address the Socratic challenge, why that set and not some other? Perhaps the answer will emerge if we contrast our set of arbiters with the sets posited by other deontological theories. To begin with legalism, we say that that theory chose as arbiters either the actual society of which the agent is a member, or else the set of legislators of that society. But of course the problem is that the moral views of a whole society (and still more of the legislators of that society) may be wrong.

However, in our theory the arbiters are not some members of some particular society in some particular epoch of its history, but rather what that (or any) society would be were it to be composed of ideal researchers inquiring over an indefinite period of time. And the errors of one epoch would eventually be recognized as errors in some later epoch.

Or consider the divine command theory. It posits an omniscient being as the sole arbiter. But there is the problem of conceiving of such a being. (Note that there is no analogous problem for our theory; it is quite easy to imagine people just like ourselves, who always have a goal that we only sometimes have, and who live indefinitely.) Moreover, there is the problem (the original Socratic challenge) of why we would worship (as opposed to merely fear) God if the divine command theory were adopted.

Our theory faces no such problem, because we don't say the arbiters are good, or right, or even that they would be good or right were they to exist. Much less do we worship them — they don't exist anyway, and our theory frankly admits that.

As against Kantianism our theory has merit. The problems with Kantianism we said were twofold. First, Kant's theory does not tell us why the arbiter selected (the counterpart of the agent, i.e., the agent as willing his maxim into universal law) could be depended upon to judge right—he might, after all, be a very strange individual (irrationally overconfident, say, or sadomasochistic). The second problem is that Kant's theory does not tell us how to describe acts and how to decide which of the many maxims under which a given act falls is the one to which we apply the universalizability test.

About the second problem, more will be said later. But as regards the first, note that our theory doesn't face any analogous problem, because our arbiters include the counterparts of

everybody who now exists, has ever existed or will in fact exist. Thus we don't have to worry about a strange person who is willing to see a maxim universalized that nobody else would, for it is the interactive judgment of all the arbiters (not just one) which counts.

Finally, reconsider Rossian theory. Again, we saw that there were two basic problems, one Socratic and theoretical, and the other practical. To begin with the former, why assume that the plain men of a given society (or all the people of that society stripped of all philosophic preconceptions) would be right in their judgments? The second problem is that of deciding what our actual duty is among the contending *prima facie* duties.

As before, I defer discussion of the second (the practical) problem until later, when I discuss practical reasoning. About the first, however, we can quite readily show that it does not arise from our own theory. This is because our theory does not concern itself with the moral deliverances of the common sense of any particular epoch in the history of any particular society, but rather with the moral deliverances of the collective common sense of mankind itself — or (to repeat), what mankind would be like were it solely concerned with moral judgments, and could it but live forever.

Having thus compared our theory with the other chief approval theories, we are now in a position to answer the Socratic challenge directly. Why select the set of arbiters we did? Precisely because there is no other set to choose. We can select subsets of this set, as legalism, Kantianism and Rossianism have done, but there is no assurance that the subset will not be quite atypical. The only way to guarantee that the arbiters' various idiosyncrasies are checked, balanced out as it were, is by including all of them in the set.

On the other hand, there is no authority beyond the collective judgment of the ideal counterpart to the human race. For truth—if the notion makes sense at all—is something which the human race could eventually have (or discover.) Not, mind you, 'will have': the human race is in actuality not much interested in truth, scientific or moral, nor will it survive forever. We may collectively never reach the truth on any given matter. But 'the truth' on any given matter must be something that creatures like us, except being more serious and more lasting, could reach collective agreement upon.

Having selected our set of arbiters, we now need an account of what Aristotle and Kant called “practical reasoning.” I equate practical reasoning with dialectic — for reasons which will become clear as we go along — and I believe that recent work done in formal dialectic gives us a way to approach these matters.

I beg the reader to put aside any negative connotations he may associate with the term “dialectic.” The word surely does smack of turgid Hegelian metaphysics, not to mention sinister Marxist politics. But as I (and a number of other recent writers) use the term, it merely refers to the logical analysis of information-seeking dialogues. That is, formal dialectic is just the study of interactive research reasoning, the dialogues that take place between researchers in a given domain of science.

By way of fleshing out the phrase 'formal dialectic,' let's examine a few of the basic concepts thereof.

Two such notions are fundamental: the notion of a **commitment-store** and the notion of a

**rule of procedure**.

We visualize an information-seeking dialogue as the product of a research game in which the goal of the participants is to maximize their information about the subject at hand, to be achieved by obeying certain rules. But research into anything, be it a trivial matter such as (say) the location of an object hidden in a room, or a deep matter such as the structure of subatomic

particles, requires that the participants in the game initially share certain beliefs, and change these shared beliefs during the game only in a way jointly agreed upon. People who share absolutely no beliefs couldn't even begin to engage in research.

As the game proceeds, beliefs get added or deleted from the shared belief system, which we call *the commitment-store*. These additions and deletions are governed by certain rules, the investigation of which constitutes the soul and essence of dialectic.

Actually, there are two sorts of rules governing any dialogue/research game. Within any round, i.e., at any point during the dialogue, the participants are governed by the cannons of logic, of course. A participant may not assert something and at the same time assert its negation. If a participant establishes '' and 'if , then β,' he may rightly conclude 'β;' and so on for the other rules of logic.

However, governing the evolution of the rounds are other rules, “logical” only in a very broad sense. These rules, which we term *procedural rules*, can be formulated in terms of what can be added to or deleted from the shared commitment-store. For information-seeking dialogues, such truly dialectical rules include:

* No participant can ask a question which presupposes the denial of anything in the commitment-store.
* A statement may be stored in the commitment-store only if all participants agree to it.
* A statement can be established only by a logical (in the narrow sense) argument, the premises of which must be elements of the commitment-store.
* The same question cannot be raised again after it has been answered.
* If a legitimate question has been raised, the participants must answer it, either on the basis of elements of the commitment-store, or else on the basis of new information jointly agreed upon.

The delineation of all the rules of governing research is a task which will require a considerable amount of scholarly work, and such work is only just getting under way.

But as interesting as formal dialectic is, how does it apply to practical reasoning? After all, formal dialectic analyzes the product dialogues of a number of researchers seeking to maximize information about physical reality. How is that similar to the practical reasoning involved in determining your actual duty in any given situation?

The answer is that practical reasoning is like research reasoning in its goal, structure and character, however dissimilar the content of each. In other words, while interactive research involves reasoning about scientific matters, and practical reasoning involves reasoning about moral matters, the two types of reasoning are similar in those three key aspects.

After all, what is the goal of all practical reasoning? It is to ensure that justice for all be done, to “give every man his due.” Ross' key insight serves us well here: a human being is not some kind of moral atom, unrelated to other people (as the egoist has it) except perhaps as neutral beings whose well-being he ought to promote equally (as the utilitarian has it). Rather, a man is part of a web of social relations to others that makes him the unique person he is. He is an atom only to the extent he is bonded to a multiplicity of other atoms.

And Ross is right that out of these relations (teacher to student, mother to daughter, friend to friend, and so on) arise certain *prima facie* duties which it is the function of practical reasoning to reconcile. That is the *raison d'etre* of the moral point of view.

We might note here that results theorists disagree with our thesis about the goal of moral judgments. Results theorists often urge that the institution of making moral judgments about ourselves and other people is just a social institution like any other, and so exists for the same reason that any other social institution exists: to promote the well-being of society.

This objection is fallacious. It confuses the goal of the participants in an institutional activity with the social goal of (or reason for) having that institution and hence is a kind of genetic fallacy. The purpose of the institution as a whole may indeed be (as the results theorist has it) to promote the well-being of society, but the goal of any participant in any particular act of moral decision-making is to judge correctly, which means giving each person involved his due.

This goal, to wit, discovering which action will best give each person his due, is in fact just the goal of discovering the truth of justice. And discovering truth is the goal of scientific research as well.

Similarly, the character of practical reasoning is the same as that of research reasoning: interactive, rather than solitary. We tend to talk to others and seek to bring their past experiences to bear on our present dilemmas. One would no more be able to make a reasonable moral decision without consulting others (or at least reviewing the work of others) than he could do worthwhile scientific research entirely by himself.

The point is entirely general. Both the concept of 'knowledge' and that of 'obligation' are societal notions. I learn what I know from—or at least with the help of—others. And I owe what I owe because of my interactions with others. Moreover, my claims to knowledge of this or that are meaningless unless society eventually honors me (or would eventually honor me) with the credit. And my claims about what I owe (or don't owe) are not my subjective property, but instead must meet the eventual approval of society.

Finally, practical reasoning is similar to research reasoning in that very dialectical structure we examined earlier. In moral reasoning, no less than scientific research, we must begin with some shared beliefs. And we store or delete statements in our shared belief in accordance with shared rules — some logical (in the narrow sense), some procedural. And it is these rules which the scholar ought to analyze.

To gain some insight into practical reasoning, let's examine two mundane cases. The first is an imaginary traffic-court case in which a man accused of speeding has a dialogue with a judge. I talk about this case to bring to the fore certain features of the commitment-store and rules of procedure. (Indeed, it seems to me generally true that legal proceedings are the very epitome of practical reasoning.) I will then look at a dialogue between two salesmen to see how similar features arise in ordinary life.

**Case 1**: A man S has been cited for speeding near a school. He is contesting the citation, feeling that since the students were all within locked gates, he was justified in travelling at the speed he was.

Initially, the joint commitment-store of S and the judge J contains (among other things) these laws concerning proper speed:

* L1: Never travel faster than road conditions permit.
* L2: Unless otherwise posted, the speed limit is 25 mph on all surface streets.
* L3: Near a school in session the speed limit is 15 mph.

Of course, these laws are all defeasible. One cannot exceed 25 mph on a surface street not otherwise posted; however, if one is bleeding to death and must get to a hospital, or has been ordered to pursue another vehicle by a uniformed officer, or some other such unusual event, the law is defeated.

In addition to the commitment-store, J and S share a lexicon which governs how events may be described. All speeds are given in miles per hour, and that phrase is operationally defined by both speedometer and radar gun. Note that this lexicon can change. For instance, it might be discovered that radar guns are inherently inaccurate, in which case that device would no longer be used to establish vehicular speed.

J and S also share a principle of law (not a law, but a rule governing the application of the laws). Namely, if several speed-limiting laws apply in a given case, one is obliged to travel at the lowest indicated speed. We might then see the following exchange (divided into rounds) take place.

(R1) J: Where were you when you received the citation?

S: I was cited for speeding driving north on De Soto Avenue, near Sutter Grade School, for doing 25 mph.

(R2) J: The citation indicates that you measured by radar as going 30 mph.

S: But my speedometer read 25 mph.

(R3) J: Was there any traffic sign posted?

S: None.

(R4) J: Was school in session?

S: Yes, but Sutter is one of those new reform schools which lock all the gates during the school day.

Note that in R1, S attempts to store his statement that he was traveling at 25 mph, but J will not agree to it (in R2). In R3 on the other hand, the statement that S wants to store actually does get stored (becomes a 'fact'). This suggests a rule procedure: a statement will be stored in the joint commitment-store if and only if all the participants agree.

(R5) J: In cases such as this, we normally allow a variance of 5 mph in the accuracy of your speedometer. We shall establish your speed as having been 25 mph, not the 30 that the citation reads.

S: Thank you.

(R6) J: However, there is ample precedent for denying your claim to exemption from L3 because the school had locked gates. Several other courts have held that even in such situations, because of the possibility of the children scaling the fences, the 15 mph limit is valid. Fine will accordingly be set on the basis of exceeding the speed limit by 10 mph.

S: Thank you.

In R5, the key fact of the speed travelled is established (stored). But in R6, the judgment goes against S anyway, since the facts in his case are seen to be similar to other cases in which L3 was held to not be defeated. The rule used here is just an inductive rule of analogy—after the facts have been established.

This is a paradigm of practical reasoning. The participants in that dialogue first try to agree on the facts and relevant rules (laws), then search for similar cases that have been decided in a consistent and reasonable manner. Next, consider this dialogue between two car salesmen, A and B.

(R1) A: My last sale is really eating at me.

B: Why? You sold that guy a turkey nobody else has been able to unload, and the boss was really impressed with your salesmanship.

(R2) A: Yeah, but the car was a real lemon. That guy has a couple of kids and he needed a better transportation car—but what I talked him into buying is really going to cost him.

B: Look—the guy had eyes. He could see what he was buying.

(R3) A: Ah, c'mon. I blew so much smoke at him he couldn't tell night from day. Then I took him into the closing tank where Mike and Pat worked him over till he bought the damn thing.

B: Yeah, I see your point. But that's the way any car gets sold. You really have to make the fish bite. No tuna ever volunteers to jump into the boat by himself!

(R4) A: Oh, I know that. I know that to sell any product you have to manipulate the buyer. But I really stuck this guy...

B: Then I guess what's bugging you is the fact that the car was trash.

(R5) A: Yeah, that must be it.

B: Maybe you should do what Joe did—start selling news. I mean, if it really bothers you to sell trash, move over to the showroom. They're looking for a good salesman anyway.

(R6) A: You know, that's not a bad idea. Looks like I owe you a beer.

Here, A and B initially share the belief that the car was a lemon. B attempts (in R2) to store the statement that the customer knew what he was doing, and hence (presumably) A shouldn't worry about the situation. (This indicates that A and B share a background belief, a rule to the effect that if a person knowingly buys an inferior product, the seller is excused from responsibility.) But A refuses to store B's claim (R3). A and B then tacitly agree to store the statement, that A manipulated the customer into buying the defective car.

In R3 and R4, A and B explicitly agree to store the statement, that manipulation of prospective customers is not wrong. The other feature of the act—that the car was known by A to be defective—begins to dominate the deliberations, prompting B's suggestion that A change over to selling new cars only. (Note that A and B both assume that the new cars the dealership sells

are not defective.) Here again, a past case enters into the decision, B's suggestion being based on analogy with “what Joe did.”

While A and B have hit upon a resolution of A's moral dilemma, it is only against the shared background beliefs that manipulation of others is not inherently immoral, and that the new cars sold at the dealership where they work are in fact good quality products. A can become more sure of his choice by discussing it with others with a less similar background. To the extent A seeks to expand the dialogue, A approaches more closely the ideal moral arbiters postulated by our theory. He would be seeking to correct any defects in his commitment-store by isolating them in dialogues with others.

Indeed, this sort of dialectical process provides a new way of understanding Kant's notion of making one's moral decisions *'sub specie aeternitatis*.' For to the extent one widens his moral dialogues to include more and more diverse participants, seriously attempting to use their insight to augment his own and their foibles to counterbalance his own, the more likely it is that his decisions would indeed be such that an ideal community would tend to converge to agreement with them. And it is precisely that which constitutes eternal truth.