

**THE IMPORTANCE OF
MORAL RULES
AND PRINCIPLES**

by

THOMAS E. HILL, JR.



The Lindley Lecture
The University of Kansas
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The E. H. Lindley Memorial Lectureship Fund was established in 1941 in memory of Ernest H. Lindley, Chancellor of the University of Kansas from 1920 to 1939. In February 1941 Mr. Roy Roberts, the chairman of the committee in charge, suggested in the *Graduate Magazine* that

the Chancellor should invite to the University for a lecture or a series of lectures, some outstanding national or world figure to speak on "Values of Living" -- just as the late Chancellor proposed to do in his courses "The Human Situation" and "Plan for Living."

In the following June Mr. Roberts circulated a letter on behalf of the Committee, proposing in somewhat broader terms that

The income from this fund should be spent in a quest of social betterment by bringing to the University each year outstanding world leaders for a lecture or series of lectures, yet with a design so broad in its outline that in the years to come, if it is deemed wise, this living memorial could take some more desirable form.

The fund was allowed to accumulate until 1954, when Professor Richard McKeon lectured on "Human Rights and International Relations." The next lecture was given in 1959 by Professor Everett C. Hughes, and has been published by the University of Kansas School of Law as part of his book *Student's Culture and Perspectives: Lectures on Medical and General Education*. The selection of lectures for the Lindley series has since been delegated to the Department of Philosophy.

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The Importance of Moral Rules and Principles

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In everyday life we take for granted that some rules, such as prohibitions of torture and rape, are important to respect and maintain, and not just because they are incorporated into our legal system. We also show an implicit awareness that rules have a *limited* role in our lives: morality is not all about following rules. Also but less obvious, in our moral deliberations and debates we presuppose that there are more general principles that stand behind our particular moral judgments and arguments. We may rarely articulate our most general principles, but we implicitly appeal to principles when we try to justify our particular decisions and our reliance on certain rules. For centuries moral philosophers have worked to state, refine, and defend their conceptions of the most fundamental and comprehensive moral principles. They and their followers have used these basic principles as guides and constraints in their deliberations about the importance and limits of more specific principles (or “rules”).¹

Many of the disputes within moral philosophy today reflect “in-house” disagreements about whether or not the most fundamental moral standards are expressible in one principle, whether or not they are concerned exclusively with consequences, and whether or not their use together with relevant facts leads to particular moral conclusions that match our ordinary considered judgments. These debates typically take place within a broad area of agreement on the need for moral principles and rules. For example, rule-consequentialists, Kantians, and various social contract theorists all accept the general structure that I ascribed to ordinary moral thinking. That is, all justified particular moral judgments are ultimately based on more fundamental moral principles; sometimes the particular judgments rightly rely on less comprehensive rules (for example, about physical violence, promise-breaking, and fraud); but then those rules must be justifiable by the fundamental principles in the light of relevant facts.

There have always been skeptics about the common assumptions of these “in-house” disputes in moral philosophy, but in recent times the skeptical voices have become louder and more articulate. The voices express a variety of different objections, some more convincing than others. Aristotelians and other theorists associated with “virtue ethics” tend to deny any special significance to moral *rules*, and they do not

appeal to fundamental *principles* to explain or justify their claims about how a virtuous person would feel and act.² Act-consequentialists endorse one basic principle (or goal), but they often deny that this basic principle should serve as our day-to-day decision guide and they insist that more specific rules are at best fallible heuristic guides.³ Most radically, moral particularists (such as Jonathan Dancy) hold that rules and principles are not needed in moral theory and they tend to distort and corrupt moral practice.⁴

As my title suggests, I accept the standard assumptions about the importance of moral rules and principles, but with qualifications that acknowledge some good points raised by skeptics. Much of my previous work has been an attempt to understand Kant's ethical and political thought and to develop a broadly Kantian moral theory. Today I will not comment specifically on Kant's texts but instead sketch a broadly Kantian perspective on moral rules and principles that also draws from David Hume, John Stuart Mill, and John Rawls. I shall distinguish and comment on two quite different issues in the larger debate about *whether* moral rules and principles are important. Then, all too briefly, I shall describe elements of the broadly Kantian conception of *why* certain rules are important and review some common objections. The occasion of a Lindley lecture, I trust, gives me license to offer a wide-ranging rather than narrowly focused discussion.

To preview, the issues to be considered are these:

- (1) Is it morally important to have shared moral *rules* about specific types of problems, rules that are distinct from laws of the state and yet not merely heuristic guides?
- (2) If there are such morally important rules, does their moral authority or the justifiability of particular moral judgments depend on more fundamental moral standards that can be expressed in the form of *principles*?
- (3) If there are such fundamental moral principles, what sort of framework do they provide for deliberation about the content of moral rules, their limits, and the priorities among them?
- (4) If principles and rules are important, how can we respond to common objections to their use and abuse in philosophy and in ordinary decision making?

My answers, not surprisingly, will be (1) we need specific moral rules, (2) justification presupposes more general principles, as illustrated in a Kantian account of practical reason, (3) one sort of deliberative framework can be drawn from Kant's basic moral principles, (4) common objections show the limits but not the unimportance of moral rules. All of these issues are

controversial. My aim here is not settle the disputes but to sketch a view of moral rules and principles worth taking seriously.

I

Moral Rules Are Needed

For convenience, I use the word “principles” for general comprehensive moral standards and the word “rules” for norms regarding specific types of act. The distinction is somewhat artificial and imprecise, but it is not uncommon in philosophy (for example, among rule-utilitarians).⁵ It simplifies exposition, and nothing important depends on the labels. Apart from its convenience in marking a certain distinction, the word “principles” in some respects would be preferable to the word “rules” when speaking of fairly specific, substantive, derivative, and often implicitly qualified moral norms such as “One ought not to lie.” The word “rules” may remind us too much of strict, narrowly focused regulations imposed by institutions – tax codes, dress standards, graduation requirements, and the rules of poker, baseball, and so on. Such associations naturally make us resist talk of *moral rules* because we take morality to be less formally structured and context relative than these other practical rules. Nevertheless, for present purposes, the term “moral rules” may serve as a handy label once we understand more fully what is intended and try not to rely on misleading analogies with other sorts of rules.

In saying that we need moral rules, what I have in mind, more specifically, is that there are strong moral reasons for endorsing, following, and supporting the general acceptance of norms or standards requiring or forbidding certain rather specific kinds of conduct. Examples would be “rules” against lying, promise-breaking, incest, rape, assault, torture, and murder. Moral rules, as understood here, refer to rather specific types of conduct but are wide-ranging in application. That is, they are not regulations that make sense only within a classroom, only within the jurisdiction of a particular city or country, only for doctors or social workers, and so on. Some would say that to be a *moral* norm of any kind, the norm must universal in that it applies to everyone at all times and places; but my terminology is not meant to be restrictive in this way. Moral rules, for present purposes, are quite wide ranging, if not universal, do not depend for their authority on particular institutions and legal jurisdictions, and are ultimately justifiable by basic moral principles that also explain the limits of their application. Moral rules, as understood here, are not merely the “maxims” that Kant says conscientious individuals can test and adopt in proper moral reflection.⁶ They are norms that should be socially taught,

supported, and enforced beyond their place in the law, and they should serve as constraints on public as well as private deliberations.⁷

In *Utilitarianism*, John Stuart Mill presents a strong case for respecting and socially supporting certain rules or “precepts” of justice, such as fidelity to promises, honoring moral and legal rights, and judging impartially.⁸ Long experience, he argues, has shown that such precepts not only tend to promote the general happiness but are virtually essential to a minimally decent level of well-being in any society. They are normally “wrong” to violate because compliance “can be exacted like a debt.” This means that the basic moral principle, for him the principle of utility, not only recommends following the rule but calls for its enforcement by law, public opinion, or at least (socially developed) conscience. The precepts are rules of justice, according to Mill, because (unlike, say, precepts of charity) they also assign *rights* to individuals. Rights are important to respect and enforce, but they are not free-standing moral norms. Rather, rights are derived from the basic moral principle: they are legitimate claims as defined by rules without which societies could not achieve even a minimal level of happiness.

In my view, Mill’s utility principle is not an adequate standard for assessing moral rules, but otherwise there is much wisdom in his account of the social role of moral rules and the need to justify them by more basic principles. From David Hume we can draw further lessons, especially about how to think about exceptions to moral rules. Mill allowed that even the precepts of justice admit of exceptions, but he left scholars much room to debate how we should conceive of the exceptions. Are the precepts, as act-utilitarians say, merely rough summaries telling us what the utility principle usually prescribes when applied directly to particular cases? Or are the precepts, as rule-utilitarians say, useful but strict limits on what individuals may do in pursuit of the general good?

Hume was not, properly speaking, a utilitarian of either kind, but he gave reasons why within certain limits we should obey and enforce certain systems of rules, such as rules of justice and promise-keeping, without regard to whether or not conformity is beneficial in each particular case.⁹ These systems of rules tend to be mutually advantageous, he argued, generally better for each of us than abandoning them or revising them to allow exceptions whenever someone thinks (even rightly) that she could do more good by deviating from the rule. Such rules may have implicit “built-in” exception clauses, for example, one should keep promises *unless* the person to whom one promised releases one from obligation and *unless* unforeseen circumstances undermine the point of the promise. Most rules leave an area of indeterminacy about what counts as an exception, but they could not serve their function *as rules* (as op-

posed to mere heuristic guides) if they allowed an *all purpose exception* for every time deviating from the rule was judged, rightly or wrongly, to do more good in the particular case.

Kantians do not assess moral rules by either the utilitarian standard of aggregate welfare (“the greatest happiness”) or Hume’s standard of utility (what tends to be mutually advantageous), and so they are not engaged in the special debates between act-utilitarians and rule-utilitarians. Nevertheless, the broader lesson from Hume should be acknowledged in any moral theory – that is, there are good reasons, stemming from our basic moral concerns and our human condition, to develop, respect, teach, and socially enforce certain rules, apart from the law, even if following the rule in each particular case is not always most beneficial. These reasons include, for example, the fact that maintaining such rules, as more than optional heuristic guides, can help to *coordinate* our individual acts and encourage morally desirable behavior by giving needed *assurance* of others’ compliance. Beyond this, shared moral rules become incorporated into our practices and help to shape morally valuable forms of life. Also, criminal law is often an ineffective, costly, clumsy device for deterring and preventing undesirable behavior. Legal systems sometimes fail to address egregious moral offenses when they should, and yet they become oppressive when they try to criminalize every serious moral offense. There is a need, then, not only to reinforce good laws, but to go beyond law by teaching, internalizing, and socially supporting more informal moral rules against violence, abuse, betrayal, and other offenses. The reasons need not be only forward-looking considerations of future benefits and harms. Kantian values of human dignity, mutual respect, moral integrity, solidarity, and even hope may underwrite certain moral rules as guides and constraints that are to some extent independent of legitimate concern for future consequences.

A full and direct defense of the claim that we need moral rules (as understood here) would be long, complex, and no doubt controversial. It would require specifying the particular moral rules to be defended, then articulating and defending the basic moral principles or values from which the argument proceeds, and also citing evidence for whatever empirical claims the argument requires. That is obviously not a short term project. In the next sections I propose a few preliminary steps – first, in section II, I explain how, at least in Kantian theory, particular facts become reasons to act insofar as they are aspects of a more fully expressible rationale that appeals to basic rational principles, and then, in section III, I sketch some elements of a framework for thinking about moral rules, drawing from basic Kantian principles. This illustrates how in a Kantian theory we might try to identify which moral rules are important and why. Finally, in

the concluding section IV, I review a few familiar objections to reliance on moral rules. These are good objections to some extreme views – and apt warnings to all of us – but they do not, I think, undermine the qualified defense of moral rules sketched here.

II

Moral Rules and Particular Moral Judgments Presuppose General Standards

Radical moral particularists, such as Jonathan Dancy, are not simply concerned to warn against the reliance on substantive and specific moral rules of the sort we have been considering. They have a deeper point, sometimes presented as metaphysical: that is, particular moral judgments do not depend for their validity on any general moral principles. The “reasons” that determine what we ought to do are particular facts, in a cluster of other particular facts, that ground the ‘ought’-judgment without the help of general standards. A particular reason in a given context, for example, might be “Robin needs help now,” though a person’s needing help is not a reason to help in all contexts. Moreover, there may be no correct generalization about when we ought to help. What is a positive reason in one context may be a consideration that is indifferent or of the opposite valence in another rather similar context. A particular fact is a reason only if certain other facts (“enablers”) are present and still other facts (“defeaters”) are absent. But again, in Dancy’s view, there are no true or useful “principles” to indicate reliably when a cluster of facts (“reasons,” “enablers,” and absence of “defeaters”) constitutes, all considered, a case that we ought to give (or deny) help. The claim is not just that principles tend to be unreliable heuristic guides, but that they offer no “ground” or “justification” for either mid-level rules or particular judgments. Ultimate principles are not needed and they serve no purpose.

Other moral theorists who are less radical (or less clear and explicit) hold similar views. Those identified with “virtue ethics” may concede a limited role for principles learned at “mother’s knee” in the process of a child’s moral development, but deny that these, or any principles, play an important role in the deliberation and judgment of virtuous adults. They also tend to deny that *principles of conduct*, as opposed to ideals of character, have a significant role in moral theory as explanations *why* a virtuous agent would make a decision, say, to help a friend, in particular circumstances. If we have the moral virtues, we will “see” or somehow wisely judge what to do, but the judgment is not a “conclusion” from grounding “principles.”

Much of this sounds right as description or phenomenology of ordinary moral judgment, and it reflects reasonable doubts about a purely “legalistic” morality that would treat all moral problems as if they can be resolved by reference to a determinate system of primary rules, and further rules for interpreting those rules, and so on. Relevant moral considerations, as they say, cannot be determinately “codified” to tell us what to do in every conceivable circumstance. Beyond these undeniably good points, particularists and virtue theorists tend not only to avoid but to deny the value of theoretical investigations of the general grounds for particular moral judgments. Why, for example, does Robin’s suffering in a particular case constitute a reason for the moral judgment that I should help her? For practical purposes, of course, there may be no need for further comment; but the philosophical issue is whether we may reasonably ask for further explanation of *why certain facts are reasons* in a given context – an explanation that is not just a more specific description of the context but a general explanation of what facts constitute reasons and why.

Radical moral particularists and virtue theorists are not the only philosophers who rest content with their unexplained intuitions about what is a good reason to act in a particular context. In fact it is an increasingly common trend to assume that “a reason to do X” just means “a consideration in favor of doing X” and that this is a primitive notion that cannot be further explained. Further, it is assumed that whether a particular fact is a good reason, or stronger reason than some other, must be left to intuition case by case.¹⁰ Particular reasons are regarded as basic and in need of no further explanation. Rationality, then, is simply a matter of responding appropriately to the best particular reasons in each case. It is important to note the order of explanation that is implicit in this view. That is, the quality and strength of reasons is to be determined intuitively case by case,¹¹ and then being practically rational or reasonable is defined, in effect, as acting on the best reasons. The issue is not, of course, whether to be rational we must respond appropriately to particular facts, for no one would deny that. It is whether particular reasons can be identified and weighed independently of principles of practical reason or whether, instead, such principles partially explain why certain facts are reasons in a particular case.

All of these philosophers reject an ambitious *project* that was at the core of Kant’s philosophy. Whatever we may think of Kant’s conclusions, his work remains of interest because he set himself the task of finding and defending basic principles of rational choice, principles that explain why some particular facts are good reasons to act and others are not. His primary ambition was to find and defend rational principles of

moral choice, but in the process he offers an interesting account of instrumental rationality. Rather than argue directly that particular reasons presuppose general principles, I want to use Kant's theory to illustrate one non-particularist way of explaining this relation. What is most dissatisfying about the particularists' position is that, having shared their intuitions about what particular facts are good reasons, they deny that further philosophical questions are in order. But, we wonder: what explains why these particular facts, not others, are good reasons to act? What do the good reasons have in common? What explains the normative force or authority of the facts alleged to be reasons?

Here I can only sketch some structural features of the Kantian account.¹² What matters for present purposes is not so much the content of Kant's proposals but the challenging idea that what makes certain particular facts reasons is determined by their role in a rationale that is grounded in principles of rational choice.

A. Reconstruction of Kant on reasons and rational principles: general remarks

An initial problem is that Kant does not express his ideas in terms of "reasons" in the way that is common in everyday discourse and current philosophical fashion. We hear much from Kant about rational principles and objective and subjective "grounds of the self-determination of the will," but these do not translate readily into familiar talk of "reasons for action." So here is my suggestion.

Propositions about what we ought to do, both general and specific, are essentially statements about what it is rational to do (and contrary to reason not to do). "Ought" expresses *objective principles*, that is, principles a fully rational person would follow, but in the special vocabulary of *imperatives*, which includes "must," "bound," "obligated," "constrained," and so on. So long as we are dealing with what Kant calls *imperfect wills* that can follow rational requirements but might not, the transition from a valid statement about what is rationally required to "oughts" and "imperatives" is more or less automatic. So, leaving aside this special vocabulary of constraint, let us look at the structure of arguments to a conclusion that reason requires a particular act or otherwise limits our options for choice. There are at least two patterns, one characteristic of hypothetical (non-moral) imperatives and the other of categorical (moral) imperatives.

B. The pattern for hypothetical imperatives

The basic presupposition is a general principle of rationality: (HI) *Fully rational persons, acting in a fully rational way, will take the necessary and available means to the ends they will or else revise or abandon their ends.*¹³ In other words, we ought, if we persist in holding

to an end, to take the required means when opportunity arises. A controversial assumption here is that we can give up or suspend any contingent end when we have reason to, even if our desire for the end persists. (Kant says that we have our happiness as an end by natural necessity,¹⁴ but his theory implies that we can suspend the pursuit of happiness on any occasion when it conflicts with moral requirements.) Note that the "ought" here does not "detach" to yield any unequivocal prescription. It always leaves an option: One ought, when one has an end for which available means are necessary, either take the means or abandon the end. That is, these are the only rational options even though confused, self-deceiving, and weak willed persons may try to avoid both. Although there is a kind of irrationality in balking at taking the necessary means to a persisting immoral end, this does not imply that it is rational to take the means. The only rational option is to abandon the immoral end. The means-end principle here may be regarded as an implicit standard of rational decision making.¹⁵

To argue explicitly from the basic principle to a particular conclusion, we would need at least two further premises. (i) *Person P wills end E.* (For example, I will to finish writing these remarks in time to present them.) And (ii) *Means M is necessary and available for P to achieve E.* (For example, I must and can work enough hours to finish in time.) The conclusion is the conditional particular judgment: (iii) *If fully rational and acting in a fully rational way, P will take means M or abandon the end E.* (For example, if sufficiently rational, I will put in the work hours or give up the plan to present the paper.)

Setting aside for now problems and refinements, let us turn instead to the supposed structure of moral judgment.

C. The pattern for moral (categorical) imperatives.

Again, an explicit reconstruction would begin with a general principle about what is supposed to be universally rational: (CI) *Any fully rational person, acting in a fully rational way, will act in such a way that it satisfies the supreme moral principle, the content of which is expressed in the various formulations of the Categorical Imperative, all of which say in effect "Always do or avoid A (an act of a specified type), independently of whether it promotes your happiness or serves your other contingent ends."* (Here my concern is with structure, not content, but, expressed cryptically, for Kant himself the acts prohibited would be (a) acts on maxims that cannot be willed as universal law, (b) acts that fail to treat humanity as an end in itself, and (c) acts contrary to the principles of legislators in kingdom of ends.¹⁶) The general principle might be applied in stages, involving derivative moral principles and "rules," but the most direct applications would proceed as follows. After the general principle,

we would cite the complex particular facts of the case that (we judge) make the case fall under the principle: (i) *Person P is in a context to which the general principle applies and P can do A.* (For example, the guard's torturing the prisoner for amusement is not treating him as an end, and he could refrain.). From these and the general principle (CI), an explicit rationale would draw the particular conclusion: *If P is fully rational and acting in a fully rational way, P will do A.* (For example, it is not rational for the guard to torture the prisoner).

I call adequately specified bits of reasoning along these two patterns *rationales*, but I do not suppose that what we ordinarily count as a reason, even a sufficient reason, for an act needs to make explicit reference to all the background assumptions in the fullest statement of a reconstructed rationale.

A reconstructed rationale might take into account intermediate principles, for example, principles of the sort Kant presents in *The Metaphysics of Morals*, principles that are supposed to apply broadly in recurrent human conditions.¹⁷ Politics and law aside, these are mostly expressed in terms of "thick concepts" – self-improvement, beneficence, gratitude, respect, and friendship. The idea is that such principles are supported by ideas inherent in the supreme moral principle, but their application calls for experience, knowledge of local conditions, and judgment that cannot be governed by further rules. Also these intermediate principles typically prescribe ends to adopt, leaving much room for individual choice.¹⁸

D. Where in these patterns are the "reasons" for action?

Kant does not write of particular "reasons" in the way that is common now, but here is a suggestion. What counts as "the reason" for doing something in ordinary conversations is partially relative to context in a way analogous to ordinary causal explanations. What might be called "the fullest explanation" of the outbreak of a fire might include the careless dropping of a match, its falling on combustible material, certain wind conditions, the absence of rain, many other background facts, and certain causal laws or relevant generalizations. Observers talking about "the cause" of the fire might mention any of several factors, depending on what they assumed their audience knew and what they considered most relevant to their concern – for example, responsibility for the fire, prevention of similar outbreaks, or surprise that it could have occurred. So "the cause" might be that the normally careful park ranger absent-mindedly dropped a match, or that contrary to the hearer's assumptions it hadn't rained in a year in that area, or that the stuff on which the match fell was surprisingly flammable. Perhaps in most cases, the salient factor will be of the same kind, but there seems to be no guarantee that this is so. Philosophers might come along and try to force a division of these factors into

Dancy's categories of "contributory reasons," "enablers," "intensifiers," and absence of "defeaters," but the analogy suggests that we are still talking about pieces of a fuller explanation that has causal laws or relevant generalizations at least in the background.

The suggested analogy is that what we count as "the reason" in explaining why an action was instrumentally rational presupposes general principles and can vary with the context in a similar way. If you are wondering why I drove to town and were unaware of my plans, I might explain as my reason, "I intend to make dinner for many guests tonight." Or, if you assumed I had all the necessary ingredients already, I might say, "The reason was that I had no milk or flour." If you were wondering why I did not walk to town as usual, I might say, "The reason I drove to town was that I have injured my leg." If you imagined I was going to town out of duty, I might just say, "I needed some things for what I planned to do tonight – and, despite the extra trouble, I decided not to change the plans." All of these are particular facts, but they are reasons because they are especially salient features of a possible fuller rationale that we might give – one that includes HI or other principles of rational choice. For practical purposes, of course, we usually do not need to articulate the basic principles, and in moral theory we do not need to treat them as explicit premises of arguments rather than implicit rules of inference.

In a similar way, perhaps, "the reason" as ordinarily understood for what one morally ought to do might vary with context but presupposes the possibility of a fuller justification that (perhaps boringly) identifies all the relevant factors that we can think of, including the basic principle to which we are appealing. So the reason might be "she needs help," or "the doctor was out of town," or "she saved my life last year," or "it would be an even and more callous and dangerous world if no one would lend a hand to others in distress," or "she is a terrorist suspect, but also a human being." On this picture, in theory a moral judgment regarding a particular case depends on a complex set of background assumptions, immediately salient facts, perhaps some derivative and qualified moral principles, and ultimately presupposed general ideas about what moral justification is or ought to be. The latter perhaps rarely figure in ordinary moral arguments, but Kant set it as a task to articulate those background assumptions. In fact Kant's ambition went beyond finding the general principles that explain why particular facts are moral reasons. He also thought he had the elements of a unified theory of rational choice, one which would support his belief that compelling moral reasons always trump merely prudential ones.¹⁹ Sceptics may doubt that either project can succeed, but, especially regarding the first and more modest ambition, final judgment seems premature.

III

A Broadly Kantian Perspective on Moral Rules

Let us suppose for now that specific moral rules are needed and that they are based on more fundamental moral standards expressible as principles. Moral theories offer competing conceptions of what these basic standards are. In Kantian, rule-consequentialist, and contractarian theories these conceptions can be understood as different frameworks for thinking about what moral rules are needed, how they should be interpreted, and what (if any) exceptions they allow. A broadly Kantian framework may be drawn from Kant's idea of moral legislation in "kingdom of ends" and, to some extent, from his later ideas of "original contract" and ideal political legislation.²⁰ To the dismay of some of my Kantian friends, this makes the framework for assessment of moral principles similar in structure to John Rawls' theory of justice. Strict fidelity to Kant's texts would not underwrite this reconstruction, but arguably it reflects the spirit, and some of the letter, of Kant's moral philosophy. In any case, my project is to draw from and extend some of Kant's ideas, not to reflect them with full historical accuracy.

The basic idea is that particular moral reasons depend on general moral principles, and moral principles are conceived as determined by what rational autonomous persons, in an appropriate deliberative situation, would accept or "legislate" for themselves and others. Without the Kantian terminology, the core idea is that justified moral constraints and guidelines are those that reasonable, relevantly informed, and mutually respectful people would agree to as standards for their practices and personal interactions. One might try to develop this idea into a meta-ethical alternative to various forms of intuitionism, naturalism, and expressivism, but for practical purposes it is best seen as just a way of thinking about principles that brings together various factors relevant to their moral assessment.

This approach invites many specific questions, but here I will only mention a few points. First, the deliberative framework requires that in assessing principles the "legislators" appropriately set aside their particular personal preferences,²¹ but they rely on certain values that we (at least Kantians) might argue are rational for any *human being* (at least when considered apart from particular context and attachments).²² These presumably would include a rational interest in continuing to live, in having freedom and opportunity to choose and pursue personal ends, in avoiding the severe pain and suffering to which all human beings are averse, and, more controversially, in relating to rational persons in ways

that respect our mutual rational capacities and dispositions. Second, while any broadly Kantian ethics would be primarily concerned with how we regard and treat the people that we directly encounter and affect, it cannot reasonably be indifferent to how we may influence future conditions. Our moral decisions are not determined by any idea of aggregate welfare over time, but arguably Kantian values include proper respect for past generations and hope for future ones. Third, although the most abstract moral thinking (in the “kingdom of ends”) may articulate ideals for a perfect world in which everyone conforms to moral principles, obviously practical deliberation must address the real problems generated by non-compliance due to ignorance, weakness, and malice. Rational people may prefer to live by the ideal principles of a more perfect world, but reasonable adjustments must be made when that world is impossible. Finally, disagreements in applying the Kantian framework, like disagreements in application of any theory, are to be expected, but that need not negate its value as perspective for thinking about what we can conscientiously do and recommend to others.

Now, moving beyond abstract theory building, let me summarize briefly a cluster of Kantian values that may have independent appeal. These include the idea that a practice is morally permissible only if it is, in principle, justifiable to all those affected by it. This is a familiar theme in contractualist theories, such as Scanlon’s, but, as noted, in a Kantian version, it is the requirement that the practice be compatible with the principles that could and would be endorsed by rational, autonomous moral legislators who properly value their own humanity and humanity in each person. The proper valuing of humanity includes, in part, accepting that persons have a basic worth that is not subject to trade-offs, like commodities with market value. Although hard choices often must be made, the justification cannot be that the value of persons is commensurable so that, for example, fundamentally two are worth twice as much as one, one hundred worth ten times more than ten, and so on. To be a human being is to have a status that must always be respected, in oneself and in others. The status imposes limits on how each person *may be treated*, even in the pursuit of good ends; and it constrains what each *may do*, even to ameliorate the treatment of others. In the Kantian version, this status of human dignity is not earned and cannot be forfeited, though our acts may be worthy or unworthy of it. The *particular* rights and responsibilities inherent in that status, and their *more specific* implications and limits, need to be identified, or constructed, through practical reasoning that takes into account in an appropriate way the interests and perspective of each person.

In the Kantian view, as also for many others, certain strong presumptive values are presupposed in morally appropriate assessment of principles. All too briefly, these include the importance of allowing each person to live as a rational autonomous person in conditions of mutual respect. This corresponds to traditional values of respecting life and liberty, and avoiding practices that are deceptive, manipulative, and degrading. Apart from these primary constraints on how one may treat persons, arguably a proper deliberative perspective also values positively the ability of every person to pursue and achieve their (morally permissible) personal ends. Thus, not only must we refrain from mistreating others (for example, by murdering, deceiving, or humiliating them), we also have some reason to promote others' happiness, both by preventing others from mistreating them and by supporting them in their (permissible) projects. Note that we have here two quite different sorts of moral concern, and these can apparently be in tension: *first*, each person has strong moral reason *not to do* anything to persons that is incompatible with a basic respect for their humanity, and *second*, each person has moral reasons, of varying strengths, to promote others' happiness by preventing mistreatment of them by others as well as by offering other sorts of aid. Kant often gave absolute priority to the first concern over the second – for example, refusing to allow lying to a person in order to prevent another from being murdered.²³ We may doubt, however, both whether Kant had adequate grounds for this absolute priority in his basic theory and whether his position about lying is actually required by the priority.

Setting aside details of Kant interpretation, the important point is that moral perspectives even remotely similar to Kant's hold that, in the idiom of the day, morality *is not all about* producing desirable results, not even about promoting outcomes that Kantians should seek and hope for. Often the end is good, but the means are unacceptable. Our acts do not simply affect the future; they treat people, well or badly, *now*. Moreover, the moral quality of what we do often lies in the values that we *express* by our choices, where expressing a value is *putting into it practice*, not merely trying to communicate or make a gesture. Expression, in this sense, is especially important to the moral virtues of integrity, respect, solidarity, and hope.

What I have suggested here is just a bare sketch of a possible Kantian perspective for thinking about moral rules, but it is perhaps enough to show, for those familiar with rule-consequentialism and other theories, that there are some distinctive features of the Kantian perspective. Most strikingly, rules are not evaluated solely by reference to good outcomes to be produced. The Kantian perspective incorporates values (aspects of human dignity) that arguably constrain the pursuit of the general welfare

and other goals that, in themselves, would be worthy.²⁴ For purposes of thinking from the Kantian perspective these values associated with human dignity are stipulated, but of course in another context they may be challenged and defended. Contrasts with various forms of contractualism and contractarianism may also be evident, but cannot be so easily summarized.

IV Some Common Objections

Finally, let us review some common objections, theoretical and practical, to the use or abuse of moral rules.

(1) *Rules are no substitute for good judgment.* Sometimes those skeptical about using moral rules make a general procedural point that no one should deny. That is, even the best rules need to be interpreted and applied with good judgment, and we cannot keep giving rules for interpreting rules, and further rules for interpreting those rules, endlessly. As Aristotle warned, we should not expect more exactness than the subject matter affords. The warnings are easy to forget, perhaps especially because many of us were initially attracted to philosophy because, like mathematics, it gave hope of precision in areas where confusion and indeterminacy are common. But “all or nothing” thinking is unwise in philosophy, as elsewhere, and even seemingly determinate rules need to be applied judiciously. In my view, the role of moral rules is important, but limited. We need good rules *and* good judgment. Both require practical wisdom and other virtues of character.

(2) *Rule-worship is irrational.* Act-utilitarians raise the objection, usually against rule-utilitarians, that it is irrational *rule-worship* to follow a rule in a particular case if no one actually benefits. Is this a valid objection to the broadly Kantian conception of moral rules suggested here? To accuse someone of *rule-worship*, I take it, is to charge the person with a kind of idolatry – worship of something unworthy of that attitude. No one, surely, is guilty of literally worshipping rules, but the charge is fitting sarcasm for someone who, when challenged to defend his rigid adherence to a dubious code, has nothing to say but “*Rules are Rules.*” Sarcasm and exaggeration aside, the underlying point of the charge is that one need not follow rules, even generally useful ones, *unless one has a sufficiently good reason* to do so. According to standard act-utilitarian theory, the only sufficient reason to act as a rule prescribes is that doing so in the particular case maximizes utility or expected utility; for example, it promotes or is reasonably expected to promote “the great-

est happiness.” *Given their assumption*, no rule is worthy of being followed when it would (predictably) do more good, all considered, to break it. Their major objection to rule-utilitarians was that the rule-utilitarians seemed to share the assumption that the ultimate goal of morality is to maximize utility but still insisted that we should stick to generally useful rules even in particular circumstances when doing so does not actually benefit anyone.

This is an old debate the details of which need not detain us further. What is important here is to see that the disputes about *rule-worship* are really about whether there are sufficiently good *reasons* for having moral rules and adhering to them in various particular circumstances. Kantians, like everyone else, should agree that we should not stick to rules without good reason. The real issue is the deeper one – from what perspective do we determine whether there is good reason for having a given rule and, if so, whether there is good reason to allow for certain exceptions? Kantians reject the utilitarian assumption that these matters are to be determined from a perspective exclusively focused on maximizing (expected) utility. Any reasonable moral theory, in my view, should grant that moral rules often admit of exceptions and do not govern all aspects of life. A broadly Kantian perspective is a way of reflecting on the reasons we have for both rules and exceptions, not a perspective that endorses “rule-worship” understood as blindly following rules without good reason.

(3) *Morality is not all about social rules*. Socially taught and sanctioned moral rules, the kind of primary concern here, limit our options in some specific ways but are not relevant to all choices. Few in this audience, I trust, are tempted to rape, incest, fraud, theft, murder, and assault, but we know many others are. Moral rules against such things are important, but there is no reason to suppose all of life should or can be governed by socially sanctioned rules. Some moralists may talk as if everyone should be made to conform to a comprehensive list of such rules conceived as fitting and sufficient for all situations, and some philosophers, perhaps inadvertently, encourage this unfortunate idea. My suggestion, to the contrary, has been just that there is a limited, but important, role for *some* socially supported moral rules, namely, those that can be justified from the broadly Kantian perspective briefly described in the last section.

(4) *Moral thinking is not all about systems of possible rules*. This is an objection to the idea that moral thinking should *always* be a two stage process – using basic principles or values to identify an ideal code of conduct and then applying the rules of that code to particular situations. The objection now is not that life is over-burdened with socially enforced prohibitions. The concern, rather, is that philosophers construe moral deliberation as if it must always be about justifying and applying an ideal

system of rules that may exist only in our thoughts. Richard Brandt and Brad Hooker, for example, hold that right and wrong are determined by what an “ideal moral code” would prescribe, the ideal code being that possible code the general acceptance of which *would* maximize aggregate welfare. Also, in the second part of *The Metaphysics of Morals*, Kant outlines a system of intermediate principles that express “ethical” requirements regarding individual conduct. These are more specific than the basic moral standard expressed in several formulations of the Categorical Imperative, and they are apparently meant to be somehow derivative from that basic standard. The derivative principles are not presented as rules to be socially maintained and enforced, but as thoughts to guide and constrain individual decision making. (In fact, contrary to his reputation, Kant strongly opposed moralistic social pressures to make people good, arguing instead that the sanctions for wrongdoing should be primarily legal punishment and individual conscience rather than public opinion.) Like Brandt and Hooker, then, Kant proposes to justify an “ideal” set of intermediate ethical principles to guide individual deliberation regardless of whether the principles are in fact socially taught and enforced. Thus, although their theories differ in other respects, Kant might be suspected along with Brandt and Hooker of picturing all moral deliberation as a matter of consulting an ideal system of rules. If so, the worry is that “moral thinking is not all about rules, not even about ideal systems of possible rules.”

Again, the critic’s concern is a legitimate one, but its force and scope are limited. For one thing, the moral theories in question make use of the idea of ideal rules (or intermediate principles) in a philosophical explication of what morality requires, but this does not imply that we need to be always thinking about the rules and principles when deciding what to do in particular situations. Furthermore, although Hooker and Brandt write as if full and explicit moral justification of actions must always appeal to rules of conduct, this is not my broadly Kantian view and (arguably) not Kant’s. Kant’s main ethical prescriptions in *The Metaphysics of Morals* are broad and indeterminate ends – one’s own perfection and the happiness of others. His principle of beneficence states a rather minimal requirement for everyone regardless of circumstances, not a determinate rule that dictates precisely when, how, and to what extent to help others. Again I would add, as Aristotelians have wisely insisted, there are aspects of a moral life not helpfully explained by reference to rules, actual or ideal. Kantians, focused on duty and moral necessity, have not always sufficiently acknowledged this.

(4) *Moral rules are unnecessary.* Undeniably people have been needlessly constrained, bullied, and bludgeoned in the name of rules alleged

to be morally justified or self-evident. Naturally, then, we may wonder whether there is any *need* for moral rules to guide or motivate moral conduct. Arguments about this issue are often at cross-purposes. Some focus on whether a *fully virtuous person* needs moral rules. Others are more concerned with whether moral rules are needed in our real world, which includes many who are imperfect, some who are vicious, and rather few who are saintly.

It is often suggested that a truly virtuous person would not need to think about any socially promulgated and enforced moral rules. The virtuous may have internalized the rules, or they may be guided by the ultimate values that the rules, perhaps clumsily, express and promote. Alternatively, some say the virtuous can perceive the good and be moved by a practical wisdom, or intuition, that works apart from any standards that can be articulated. Whatever the explanation, there is a good but familiar point here: moral rules, principles, and values need not enter explicitly into practical deliberation as premises in a logical argument to a practical conclusion. Granting this, we may still question whether moral rules should play no role for the fully virtuous. By hypothesis, we are talking here about “rules” that are socially promulgated and enforced and for good reasons. Such rules sometimes form a crucial part of the fabric of social life and discourse. A good person may never have to think, “For good reasons we have prohibitions of murder, rape, and torture, and so I must be sure to avoid these.” But understanding the rule, its social role, and its justification can nevertheless serve to filter out, as unavailable options for choice, certain immoral means to otherwise good ends. It is potentially relevant that other well-meaning people have relied on the rule, committed to it in the face of uncertainty, and lived and died by it in hopes of a better future. A virtuous person may not consider such considerations as decisive in all contexts, but, if the issue arises, they should not automatically dismiss or ignore them.

The project of describing a fully virtuous agent’s life and thought has been attractive to philosophers, but questions about the *need* for moral rules can have a broader focus. We must consider also the role of moral rules in the lives of those who are imperfectly virtuous, even those initially inclined to vicious behavior. Hume and Mill apparently took this more seriously than Aristotle and Kant did. Even if perfectly virtuous agents need not guide themselves by moral rules, it matters whether or not they stand behind such rules as a social practice. If the practice is warranted by more basic principles or values, then this is relevant to how the perfectly virtuous agent should relate to others. If such rules form the framework for valuable and stable forms of life in communities where many are imperfect, then as community members the virtuous cannot

reasonably dismiss the importance of these rules. And if for good reason the virtuous endorse moral rules for the imperfectly virtuous, they may reasonably ask themselves, "Can we justify systematically treating ourselves as exceptions because of our superior virtue?"

Notes

1. The sort of more specific principles or "rules" I have in mind are, for example, prohibitions of rape, torture, murder, assault, promise-breaking, deception, and theft. The general importance of these principles may be rarely questioned, but disagreements often arise about how to articulate and interpret them and about when, if ever, they admit of exceptions.

2. "Virtue Ethics" is a term often used for a cluster of related moral views. See, for example, Roger Crisp and Michael Slote, *Virtue Ethics* (Oxford and New York: Oxford University Press, 1997) and Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999). Hursthouse rejects many contemporary ideas about the importance of moral rules, but she allows there is a place for rules learned "at mother's knee" and "v-rules", such as "Be honest" and "Do not do what is mean." See *On Virtue Ethics*, especially, p. 36-39.

3. Regarding act-consequentialism see Brad Hooker, *op. cit.*, pp. 5-6. Roughly, it is the view that the rightness of acts depends entirely on their consequences.

4. Jonathan Dancy, *Ethics Without Principles* (Oxford: Oxford university Press, 2004).

5. For a good example of rule-utilitarianism see Richard B. Brandt, *A Theory of the Good and the Right* (Oxford: Clarendon Press, 1979), chapter XV, pp. 286-300. See also Brad Hooker, *Ideal Code, Real World: A Rule-Consequentialist Theory of Morality* (Oxford: Clarendon Press, 2000). For another sort of theory that makes central use of moral rules see Bernard Gert, *Morality: Its Nature and Justification* (Oxford: Clarendon Press, Revised edition, 2005).

6. For "maxims" see Immanuel Kant, *Groundwork for the Metaphysics of Morals*, (Oxford: Oxford University Press, 2002), eds. Arnulf Zweig and Thomas E. Hill, Jr, p. 202n [4: 402n] and p. 222n [4: 421n]. Bracketed numbers refer to volume and pages in the standard Prussian Academy edition.

7. It is important to keep in mind several distinctions here. What I have been calling "moral rules" are not the same as either *laws* of the state or *mere* social conventions. They are similar to social conventions, for example, of etiquette, in being shared norms of conduct, socially taught and reinforced, used to guide deliberation and assessments, public and private. Moral rules are not *mere* social conventions, however, if their role is justified, as especially important, by basic moral principles. Moral rules differ typically from laws in the informality of their origin and enforcement, and in other ways as well. Philosophers and moralists, however, often propose rules or "mid-level principles" conceived in a still different way. For example, in Part II of *The Metaphysics of Morals*, Kant

outlines a system of intermediate principles to guide “ethical” deliberation of individuals. These are quite distinct from both laws and Kant’s principles regarding law and public justice. The ethical principles are intermediate between Categorical Imperative and particular judgments but are not presented as rules to be socially maintained and enforced. To the contrary, Kant insisted (mistakenly, I think) that, apart from law and justice, we must each take charge of our own ethical decisions, leaving it to others entirely to handle theirs. Intermediate moral principles can inform our consciences and guide individual choices, but regarding others, our duties are to respect them and promote their happiness, not to socially promulgate and enforce norms for them to follow. Immanuel Kant, *The Metaphysics of Morals*, translated and edited by Mary Gregor (Cambridge: Cambridge University Press, 1996), especially pp. 150-151 [6: 385-388]. Bracketed numbers refer to the volume and page numbers in the standard Prussian Academy edition.

8. John Stuart Mill, *Utilitarianism*, Roger Crisp, ed. (Oxford: Oxford University Press, 1998), chapter 5.

9. David Hume, *A Treatise of Human Nature*, ed. L.A. Selby-Bigg, 2nd edition revised P.H. Niddiich (Oxford: Oxford University Press, 1981), Bk. III, Pt. II, Section II, “Of the Origin of Justice and Property.”

10. These ideas seem to be common assumptions in many discussions of practical issues. A source of encouragement may have been T. M. Scanlon’s *What We Owe To Each Other* (Cambridge: Harvard University Press, 1998). Scanlon treats a “reason for” or “consideration in favor of” an attitude as a primitive notion for purposes of his normative theory, but he sets aside further metaphysical and metaethical questions about this. He describes an interpersonal intuitive process for identifying and determining the relative strength of practical reasons, but he does not commit himself to traditional intuitionism as an epistemological and metaphysical theory. Unlike particularists, Scanlon relies on the idea of “generic” reasons that apply to *types* of cases, and his account of the relation between rationality and reasons is more complex than the simple view I sketch here.

11. Particularists, such as Dancy, insist on intuition in each *particular* case because, in his view, even the smallest difference between that case and a quite similar case *could* warrant a radically different judgment. Others, such as Scanlon, rely on intuition (or consensus of pre-theoretical judgments) to identify and weigh reasons pertinent to *generic* situations, described in *general* terms, in order to judge whether there is any applicable permissive *principle* (i.e. one that cannot reasonably be rejected from a specified perspective). Nevertheless, Scanlon shares the particularists’ view that practical reasons are not derived from general principles. To the contrary, Scanlon holds that moral principles presuppose prior identification of reasons. T. M. Scanlon, *op. cit.*, chapters 4 and 5.

12. Here I draw from Immanuel Kant, especially *Groundwork for the Metaphysics of Morals* (Oxford: Oxford University Press, 2002), eds. Arnulf Zweig and Thomas E. Hill, Jr, pp. 214-222 [4: 412-422]. Bracketed numbers refer to volume and pages in the standard Prussian Academy edition. See also the introductory notes, pp. 49-64.

13. Here I offer a reconstruction of Kant's ideas rather than an exact description or strict interpretation. Many philosophers prefer to treat what I call principles of reason as rules of inference rather than premises in arguments, but I see no compelling reason for this preference, at least regarding the principles H1 and C1. The usual principles of logic serve as the rules of inference and presenting H1 and C1 as basic principles just highlights them as presuppositions of instrumental and moral reasoning. There is no implication that in ordinary practical reasoning we do or should consciously structure our thought in the patterns I sketch.

14. Immanuel Kant, *Groundwork for the Metaphysics of Morals*, p. 217 [4: 415].

15. In first person deliberation, which was Kant's primary concern, the principle indicates how we should proceed with the fallible information that we have; but obviously our (rational) aim is to do what the principle would direct if our choice of means and ends were not skewed by ignorance of the facts. If we needed a conception of the "objectively" rational, not essentially tied to the agent's beliefs, we could perhaps say that one does what is *objectively rational* in the circumstances only if, having an end, the person either takes what are *actually* the necessary and available means (whether known or not) or else abandons (or revises) the end.. Note that this would be a necessary, not sufficient condition for objective rationality.

16. Immanuel Kant, *Groundwork for the Metaphysics*, pp. 221- 237 [4: 420-437].

17. Immanuel Kant, *The Metaphysics of Morals*, pp. 10-11 [6: 216-218].

18. *Ibid.*

19. In Kant's theory "perfect duties" should always take precedence over morally optional personal projects, but the "imperfect duty" to make others' happiness our end allows some freedom of choice as to when and how to do this. Although interpretation here is controversial, I understand this to mean that we may sometimes pursue merely personal projects even when we could instead do a favor for someone else. In the misleading but common way of speaking, in such a case one would have a "moral reason" to do the favor but would not be wrong to act on a "non-moral" or "merely prudential" reason. We should note, however, that much of what we ordinarily consider prudential concerns – for example, preserving one's life and health – Kant classifies as moral "duties to oneself."

20. These ideas are discussed at more length in several previous essays, for example, "A Kantian Perspective on Moral Rules" and "Kant on Political Violence" in my collection *Respect, Pluralism, and Justice: Kantian Perspectives* (Oxford: Oxford University Press, 2000).

21. The kind and degree of detachment from particular personal preferences that is appropriate depends, of course, on the level of deliberation. The level suggested by Kant's "kingdom of ends" is very abstract and concerned with whatever substantive principles are applicable universally. Deliberation at the level of Kant's *The Metaphysics of Morals* concerns principles appropriate to pervasive human conditions, at least as we understand and foresee them at our stage of history. We can expect that any principles that would be acceptable to

all “legislators” at these abstract levels would be quite general, somewhat indeterminate, and often open to exceptions, more so than Kant himself suggested. Assessing principles for more limited contexts, relying on specific information about the contexts, could be guided and constrained by the more general principles (if any) adopted in the prior deliberations. Thinking of working from the most abstract principles to principles specified for more local conditions is analogous to Rawls’ applications of his principles of justice in various stages (constitutional, legislative, and judicial), but there would need to be significant differences noted. John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1999), 177-180.

22. Many issues would need to be addressed here. For example, in a Kantian account the sense of “rational” will not be merely instrumental rationality, or this combined with rational ends understood as those chosen with full information, but it cannot serve the purpose without circularity if it means “reasonable” in the most loaded sense of responsiveness to all good reasons, especially moral ones. I postpone further discussion, except to note that Kant seemed to rely at times on a traditional notion of a rational person as, among other things, one who thinks for himself, controls impulses and emotions by informed and consistent reflection, cares about acting for reasons that make sense to others as well, cares about being acknowledged as such and about treating others, when possible, the same way. It seemed obvious to Kant, for example, that no rational person as such wants to be treated as a mere means, or to be manipulated by lies, to be mocked as worthless, to be regarded and dealt with as an animal, etc. Moreover, I suspect that he thought that, aside from moral arguments, rational persons – reason-governed persons – are rationally disposed not to treat other rational persons in these ways and would not but for their conflicting sensuous desires. In the Kantian deliberative framework I have suggested, these rational values (or presumed “reasons”) would not enter as moral convictions or altruistic concerns, but preferences that the rational legislators are presumed to have apart from their particular ends and projects (which they set aside). Assuming such values is far from settling practical questions, however, because in the real world not all values can be fully realized. A community of perfectly rational agents, perhaps, might never lie to each other, but lies (and even killing) are necessary sometimes to preserve other values.

23. Kant presents a division of duties into “perfect” and “imperfect,” implying that the former always take priority over the latter in that one could not use means forbidden by perfect duties to fulfill the ends prescribed by imperfect duties – e.g. lying or murdering to aid someone in distress. To avoid strict moral dilemmas – cases in which all of one’s options are absolutely forbidden – he grants that apparent dilemmas arise when “the grounds of duty” conflict and call for judgment as to which determines what one ought to do, all things considered. *The Metaphysics of Morals*, pp. 16-17 [6: 224]. Clearly it was an absolute ground of duty for him to regard everyone as having a basic worth as a person, but it is not clear that the derivative duty not to mock anyone as worthless would stand as absolute if that ground of duties conflicted with another, say, to preserve peace and lawful order. We can imagine a spy story in which, to keep

from “blowing his cover,” a good person needed to pretend to sympathize with a gang of malicious, anarchical rebels just long enough to send the message that would foil their murderous, rebellious, peace-shattering plot. Even if a strict Kant would not allow him to lie, could he “mock” the gang’s hostage *with gestures* to save lives and the just, lawful order? Here due respect for each individual and respect for law and justice seem to be “grounds of duty” in tension, and it is not evident that Kant was committed to the judgment that in this case (which he did not consider) mockery would be wrong, all things considered.

24. The contrast between rule-consequentialism and the Kantian perspective I have sketched is developed further in my essay, “Assessing Moral Rules: Utilitarian and Kantian Perspectives,” *Normativity, Philosophical Issues (A Supplement to Nous)*, vol. 15, 2005, edited by Ernest Sosa and Enrique Villanueva.

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