

Principles, Exceptions and Judgement

The uses and abuses of moral rules

A set of reminders

Regularly the call goes out for a return to principles and obedience to moral rules. But such appeals miss the point in more than one way. Briefly:

1. There is no one principle that will do the job, and, as soon as there are two or three principles and ten or twenty moral rules, problems arise as to their hierarchy and proper spheres. Separate rules are needed on how to interpret whichever worthy principle is being advocated, and ranking rules in order to know how to handle conflicts between different moral principles or rules. Formulating or even just counting the rules rapidly becomes too technical and cumbersome to be able to offer people in the turmoil of life any serious guidance. (And ethics cannot be the preserve of ethicists and logicians.)
2. There is interminable disagreement about what principles or rules to adopt.
3. Individuals need to know why they should keep to any principles or rules and whether if at all they can make exceptions.
4. If generally we all kept to the same principles and rules, human culture as we know it would disappear. We would live parallel, identical lives, since there would be no room for individuality.

The overly venerated Prussian philosopher, Immanuel Kant, argued that what is imperative is that, irrespective of which principles we individually adopt, it should be conceivable for everyone to adopt the same principles. He did not address much, if at all, the issue of the substance of the principles, only their formal nature; as if it were a legal technicality. I shall argue, against Kant's position (which gets cited much

more than is its due) that there is no such thing as a moral law. Certainly, any law that is enacted should enjoy a certain consensus in the sense of being in accord with our intuitions of how we might live together well. But there is no such thing as a law that is not enacted; (ask a lawyer). The word "law" is being used in a metaphorical sense, and it is, I contend, a bad metaphor.

The original question in ethics (in antiquity) was how to live well, i.e. how to conduct one's life. Pursue pleasure, or would maybe fame and wealth be preferable? Or stress health in the interests of a long rather than a good life? An afterthought, almost, was how we might conduct ourselves in relation to our fellow human beings.

A big word – a monster word – like morality will grab all the space it can. Short of dispensing with the word altogether (i.e. making it a taboo), we might restrict it to cover how we relate to each other on an individual basis. And then curtail it further so that we do not consider good manners and observance of etiquette or good form to be moral issues. We might instead consider them simply – to be matters of etiquette and good form. That is, these things are what they are, and not another thing. Occasionally, politeness and good form must be overridden by moral concerns or indeed any sort of other concerns. (I might justifiably be discourteous in my hurry to catch the train.) Moreover, in the fullness of time, what count as manners and form change.

To return to the original focus: Talk of a moral law is loose talk. Irresponsible indeed.

By contrast, talk of humanitarian principles is legitimate and necessary, as is discussion of how far we might take humanitarian principles. Talk of remembering that we are dealing with individual persons, even as we are – inevitably – also using their services as means to our own ends, is to be respectful, an expression of common decency. Making the case for a more balanced distribution of income and wealth is an affirmation of a theory of justice and economics. Averting cruelty where no punishment is due is a sign of good character. Knowing when to seek to invade a person's sexual intimacy, and hence set respect aside, is a matter of judging circumstances, not morals. (Persisting when you have determined resistance to be real not feigned is different.)

What is at stake is not a return to principles and obedience to moral rules, but a proper understanding of what principles and obedience to moral rules involve. Those (a minority or a majority?) who think in terms of principles or even moral rules, rather than just acting on an inherited sense that has become instinctive, may need to understand them very, very differently to the way a lawyer understands the law, or a sports referee the rules of the game.

We could do worse than recall how rules function for children. One thing that may happen is that a description is proffered of something that has already been intuited in the course of day-to-day observance. The description (or interpretation) takes on a sacrosanct character and thereby becomes an imperative. Or an imperative is simply presented as such, perhaps with a short explanation of the golden rule variety ("Do as you would be done unto").

The call for a return to principles is of a fundamental nature, and it is, in the area of morality, a regression, the equivalent of fundamentalism in religion.

Growing up involves learning to cope with the new, and the new would not be new if it were amenable easily to the rules of the past. Once a multitude of rules has been ingested, something like character is formed, with a sense of identity across time and a feel, slowly, for one's individual place within a community. And it is the necessary tension between individuality and the community that constitutes the proper compass of morality. (Morality, not morals.) (The common – default – assumption is that the individual gets it wrong in favour of himself, but it may occur that the – sometimes anonymous – community gets it equally wrong.)

Strictly speaking, though, it is not that, childhood and learning past, rules are useless; on the contrary, they are essential. But, as said, their role tends to get misunderstood. There are some rules we are very much agreed upon, and these are rules where the consensus is so great that we have made laws out of them. There is such great unanimity about condemning various criminal acts, for instance, that whether or not to commit such acts has been removed from the moral discretion of individuals and is governed instead by the rule of law. There is, as it

were, a mega-rule saying that, other things being equal, you must obey the law.

It is necessary none the less to query what should come under the rule of the law, and what not. This is the proper realm of politics. It is also the case that, at a more devolved level, people will question, rightly or wrongly, the legitimacy of the legal system in place, and, especially if the law has become too overbearing, or ineffectual, or complicated, or bureaucratic, they may choose to override it, again rightly or wrongly. This is political action, wise or unwise, at a local level.

Yet it is not necessarily understood as political action; more likely, it will be described as taking a moral stance, or as fighting for rights. Saying that you are fighting for ethics, or principles, makes for better public relations than saying you are engaged in politics or the pursuit of justice.

In time (too slowly) adjustments are made. Matters that were regulated by law come to be abandoned to the discretion of individuals, and other matters that were at the discretion of individuals come to be governed by law. Outstanding examples are found in the areas of sexual morality, family responsibilities and drug-taking, but also in hiring and firing, the provision of housing, and racial discrimination. The realms of public and private are redrawn.

To recapitulate:

Rules are the stepping stones to the faculty of judgement, and judgement is by its nature more subtle than rules will allow. It is learnt, if it is learnt, by example and experiment. (Experiment involves making mistakes.)

The absence of any one moral principle can be expressed as saying that there is no one place where goodness resides. Not in intentions alone, nor solely in consequences, nor elsewhere. We cannot look into the hearts of others to know their intentions perfectly, and not even, since we have become wise to the intricacies of self-deceit and what our psychological (not moral) weaknesses may conceal from us, into our own hearts. In any case, the way to hell is paved with good intentions whereas an invisible hand may turn self-regard to the benefit of all.

Equally we have a rule that the end does not justify the means, at least not necessarily. In any case, ramifications continue indefinitely into the future, and good ramifications need not continue to be benign.

Too much focus on getting it right makes it wrong: degeneration into perfectionism. Better be content with getting it about as right as we can in the circumstances, and accepting, in a spirit of modesty, that we are actors in our destiny, not masters.

Equipped with this understanding, we can nevertheless return to the real world and see that we have a number of principles to take bearings by. As we navigate, we need at any one time (with chronometer) two or three fixed stars in order to move with reasonable assurance. Should we stare for too long, though, at any one star, we will be dazzled, and lose footing.

The foregoing has not touched properly on precisely what principles might be sound, and for what purposes. Nor has it touched on the peculiar corollary that, in the area of personal conduct, authentic action might consist very precisely in knowing when to make an exception for oneself: ethical behaviour not as keeping to rules, but as breaking them.