

Preface

Before we come to moral philosophy, we know some morally significant things about ourselves and about the social world in which we act. We know that we are imperfect, psychologically complex, and only partly in control of the effects of that complexity on our moral responses and actions. We also know that we live in and through social institutions that shape our moral lives, sometimes in ways that empower us and sometimes in ways that challenge our will to act well. If we are reflective, this is practical knowledge.

Moral philosophy depends on an accurate account of what we are like as agents: our range of motivations, the structure of our practical thinking, the different ways we respond to and are affected by circumstances. Often, however, the idea of agency in use within moral philosophy, and especially within formal, rationalist theory, is denatured, abstract, simplified, as if the details of what we are like or the circumstances in which we act could not be relevant to fundamental moral questions. That surely cannot be right.

Now, since avoidance of the obvious can look like resistance, one might ask: what would happen if the moral theory were open to facts about our psychology and the framing effects of social institutions? One possibility is that it would survive, changed and improved in interesting ways; another is that the theory would be shown to be less compelling as an account of the morality of human beings. The essays collected here were conceived with the first, more attractive conjecture in mind. The idea throughout is to let the phenomena in; the hope is that by dissolving resistance we can liberate untapped theoretical power.

In this book, the moral theory that is either explicitly or implicitly on the line is Immanuel Kant's. It is widely seen as the archetype of a theory resistant to shaping by contingent psychological and social facts, and long criticized for emptiness as the result. Although this view is deeply entrenched, it depends on a tradition of criticism that is, I believe, based on mistakes of

interpretation and a certain narrowness of philosophical imagination. Faced with a theory that prizes formality of principle, necessity of duty, and an account of motivation that transcends psychology, readers of Kant since Hegel have mistaken metaphysics for ethics, regarded the relationship between principle and duty as deductive rather than deliberative, and assumed that our rationality could be regulative of choice and action without transforming any of what it regulated.

The project undertaken here is not so much rehabilitative as exploratory: I believe that the resources of Kantian moral theory are much more extensive than has been thought, even in the recent, more Kant-friendly philosophical environment. By asking questions that Kant did not consider and trying to answer them sometimes in terms that can only afterward be shown to fit with fundamental Kantian values and principles, we get a fuller idea of what the theory can be asked to do. Some of the essays involve explicit Kant interpretation that aims to overcome narrow readings and conventional assumptions that impede understanding. Other essays are prompted by questions at the ground level. How should we think about moral character given what we know about the fault-lines produced in normal development? The morality of ordinary life is saturated by the content of all sorts of local institutions; how can our accounts of moral obligation and judgment accommodate this? What is it like at the intersection of moral and political reasons, especially when they conflict? As the questions are filled out, they can be used to put pressure on resistant theoretical positions.

Because these questions are not about fanciful possibilities but about the way people actually manage to live morally, or fail to, it has seemed to me imperative to proceed, where possible, using real examples that capture moments of moral difficulty. There are advantages and risks in doing this. Examples of psychological or moral or political disorder are rich with detail that reveals some of the occluded dynamics of moral practice. They are also potentially confusing in their detail, their significance perhaps limited to time and place. I see these as reasons for caution, not reasons to avoid the attractive messiness of real cases. The goal is to develop methods of casuistry that are sensitive both to the way moral events happen and to the resources of moral theory that can account for or explain them. The resulting dynamic may lead us to think about the events differently; it may also prompt us to extend or modify the moral principles we bring to the task. In the last essay of the volume, there is an extended trial of this casuistical ambition. I discuss the South African Truth and Reconciliation Commission

with an eye to questioning the familiar assumption that in times of urgent social conflict, appeals to political necessity provide sufficient justification to set morality aside. Reading the historical record closely, one finds instead a compelling example of people trying to use familiar moral tools to do something new. If they were successful, it wouldn't show that justification by political necessity is never called for, but it can show us that the terms of moral justification need not be constrained by the terms in which such a conflict is standardly or initially presented. Whether and how moral innovation might be possible is exactly the kind of question a real case can force us to consider.

What makes an enlarged version of Kantian theory especially useful for this sort of investigation is that it offers an account of obligation and duty that is essentially deliberative, anchored both in agents' articulated grasp of their social world *and* in norms of correctness for choice and action. For the agent, these together constitute a kind of moral literacy: an ability to recognize and interpret moral facts that is a necessary condition for moral action and criticism, as well as the possibility of our together making reasoned moral progress.

However, viewed this way, moral reasoning starts in the socially available moral knowledge we use to interpret our circumstances of action. Moral theory then has to provide the content for premises of interpretation as well as the evaluative principles we use in judgment about choice and action, given an understanding of what's at stake. And this means that a deliberative theory cannot be merely formal: it must offer a substantive account of moral value to serve as the basis of the work of moral interpretation. The more theoretical essays in this volume take on different parts of the task of showing where in Kant's theory this is to be found. The resulting account of moral premises and moral value is not only consistent with the more familiar elements of Kantian theory but is also, I argue, the missing condition of the theory's general applicability.

Nine of the thirteen essays collected here were previously published. Despite my respect for the historical record, I have taken the liberty of revising all but one of them. Sometimes the revisions are cosmetic; sometimes they are more substantial, either to improve an argument or example or to make the essay fit better with those it now lives among. I have left Chapter 9, "The Scope of Moral Requirement," intact since it was first published in an easily

accessed journal. The rest of the essays were published in volumes derived from conferences, festschrifts, and other hard-to-find books. It was the thought that this volume would turn out to be the volume of record for those essays that to my mind justified taking the liberty of revision.

There are two pairs of essays in this volume: a pair of Tanner Lectures (Chapters 4 and 5) and a pair of Whitehead Lectures (Chapters 11 and 12). Each chapter is distinct, but the second element in the pair clearly builds on the first. In general, there is progression across the essays in this volume. Although the line is not always direct, ideas only entertained in earlier essays become the subject-matter of later ones.

Versions of most of the essays were presented to audiences of colleagues and friends who provided thoughtful criticism and a supportive willingness to suspend disbelief, at least for a while, about the directions in which I claimed Kantian theory could be taken. For helpful public responses to some of this work I am grateful to Seyla Benhabib, Frank Michelman, Martha Nussbaum, Samuel Scheffler, and David Sussman. Ruth Gavison and Carol Voeller have provided valuable insights; each of them has seemed to understand parts of my work better than I. I am especially indebted to Seana Shiffrin, who has been a generous friend and greatly valued critic and interlocutor. More times than I can remember, Mickey Morgan has carved time out of his own extremely demanding life to work through drafts with me, demanding clarity and structure where I was vague, raising objections that made the work better, and all from within a keen philosophical appreciation of the project.

During the past twelve years, it has been my good fortune to be a member of an exceptional group of philosophers at UCLA who possess and value the intellectual virtues I most admire. There is a shared belief that philosophy is very hard: its central problems demand understanding from the ground up. Solutions must make real sense, and cleverness is no substitute for getting things right. It is a demanding ethos, but it keeps one's sights high and bolsters confidence that all the work is worth it.