

Consistency in action

Universality tests in autonomous and in heteronomous ethics

Many recent discussions of universality tests, particularly those in English, are concerned either with what everybody wants done or with what somebody (usually the agent; sometimes an anonymous moral spectator) wants done either by or to everybody. This is true of the universality tests proposed in Singer's Generalization Argument, in Hare's Universal Prescriptivism and generally of various formulations of Golden Rules as well as of Rule Utilitarianism. Since universality tests of these sorts all make moral acceptability in some way contingent upon what is *wanted* (or, more circumspectly expressed, upon what is preferred or found acceptable or promises the maximal utility), they all form part of moral theories that are *heteronomous*, in Kant's sense of that term. Such theories construe moral acceptability as contingent upon the natural phenomena of desire and inclination, rather than upon any intrinsic or formal features of agents or their intentions. If we rely on any of these proposed criteria of moral acceptability, there will be no types of act that would not be rendered morally acceptable by some change or changes in human desires.

By contrast Kant's proposed universality test, the Categorical Imperative, contains no reference either to what everybody wants done or to what somebody wants done either by or to everybody. Kant's first formulation of the Categorical Imperative, the so-called Formula of Universal Law, runs:

Act only on that maxim through which you can at the same time will that it should become a universal law. (G, IV, 421)

We are invited here to consider that we *can* will or intend, what it is *possible* or *consistent* for us to "will as a universal law" (not what we *would* will or *would* find acceptable or *would want* as a universal law). Since the principle contains no reference to what everybody or anybody wants, nor to anything that lies beyond the agent's own capacity to will, it is part of a moral theory for agents who, in Kant's sense of the term, act *autonomously*. The principle asserts that such agents need only to impose a certain sort of consistency on their actions if they are to

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avoid doing what is morally unacceptable. It proposes an uncompromisingly rationalist foundation for ethics.

Nevertheless, Kant interpretation, particularly in English, is rich in heteronomous readings of the Formula of Universal Law and in allegations that (despite claims to the contrary) it is impossible to derive nontrivial, action-guiding applications of the Categorical Imperative without introducing heteronomous considerations.¹ Textual objections apart (and they would be overwhelming objections), such heteronomous readings of Kant's ethics discard what is most distinctive and challenging in his ethical theory. These are the features of his theory on which I intend to concentrate. I want to challenge the view that Kantian ethics, and nonheteronomous ethical theories in general, must be seen as either trivially empty or relying covertly on heteronomous considerations in order to derive substantive conclusions. To do so I shall try to articulate what seem to me to be the more important features of a universality test for agents who, in a certain sense of the term, can act autonomously, that is, without being determined by their natural desires and inclinations.

I shall take Kant's Formula of Universal Law as the canonical case of such a universality test, and shall argue that it neither is trivially formalistic nor requires supplementing with heteronomous considerations if it is to be action-guiding. However, my main concern here is not to explicate Kant's discussion of his universality test, nor to assess the difficulty or adequacy of his various moves. I shall say nothing about his vindication of the Categorical Imperative, nor about his powerful critique of heteronomy in ethics, nor about his conception of human freedom. By setting aside these and other more strictly textual preoccupations I hope to open the way for a discussion of some features of universality tests for autonomous agents that have an interest that goes far beyond a concern with reading Kant accurately. I hope to show that Kant's formula, taken in conjunction with a plausible set of requirements for rational action, yields strong and interesting ethical conclusions that do not depend on what either everybody or anybody wants, and hence that reason can indeed be practical.

Over the last twenty years theorists have shed considerable light on the underlying structure of heteronomous ethical theories (as well as on other, particularly economic and political, decisions) by drawing on studies of the formal aspects of decision making under various conditions that have been articulated in various models of rational choice. In such discussions it is generally taken for granted that

1 Heteronomous readings of Kant's ethics include Schopenhauer's in *On the Basis of Morality*, but are most common in introductory works in ethics. Recent examples include William K. Frankena, *Ethics*, p. 25; Gilbert Harman, *The Nature of Morality*, p. 73; and D. D. Raphael, *Moral Philosophy*, p. 76. Allegations that Kant, despite his intentions, must invoke heteronomous considerations if he is to reach substantive conclusions can notoriously be found in J. S. Mill's *Utilitarianism*, p. 4, but are also now more common in more general discussions of Kant's ethics. Examples include C. D. Broad, *Five Types of Ethical Theory*, p. 130; and Marcus Singer, *Generalization in Ethics*, p. 262.

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rational choosing is in some way or other contingent upon a set of desires or preferences.² I shall suggest that a similar concentration on certain requirements of rationality that are not contingent upon desires or preferences can help to provide a clearer picture of the underlying structure and strength of an ethical theory for autonomous beings.

The sequence of argument is straightforward. The following section provides an explication of Kant's Formula of Universal Law and of some of the ways in which it affects the character of an ethic for autonomous beings. The section entitled "Inconsistency without universalizing" discusses some ways in which action can fall into inconsistency even when the question of universalizing is not raised. The three sections that follow show how requirements for rational intending can be conjoined with Kant's universality test to yield determinate ethical conclusions.

Maxims and moral categories

The test that Kant's Formula of Universal Law proposes for the moral acceptability of acts has two aspects. In the first place it enjoins us to *act on a maxim*; secondly it restricts us to action on those maxims *through which we can will at the same time that they should be universal laws*. It is only the latter clause that introduces a universality test. However, for an understanding of the nature of this test it is essential in the first place to understand what Kant means by "acting on a maxim". For, contrary to appearances, this is not a trivial part of his criterion of morally acceptable action. Because a universality test for autonomous beings does not look at what is wanted, nor at the results of action, but merely demands that certain standards of consistency be observed in action, it has to work with a conception of action that has the sort of formal structure that can meet (or fail to meet) standards of consistency. Only those acts that embody or express syntactically structured principles or descriptions can be thought of as candidates either for consistency or for inconsistency. Mere reflexes or reactions, for example, cannot be thought of as consistent or inconsistent; nor can acts be considered merely instrumentally as means for producing certain outcomes. In requiring action on a maxim Kant is already insisting that whatever is morally assessable should have a certain formal structure.

A maxim, Kant tells us, is "a subjective principle of action"; it is "a principle on which the subject *acts*" (G, IV, 421n; cf. 401n). A maxim is therefore the principle of action of a particular agent at a particular time; but it need not be "subjective" in the sense that it seeks to fulfill that particular agent's desires. In speaking of maxims as subjective principles Kant is not adopting any sort of

² Even such a wide-ranging and reflective discussion of rational choice theory as Jon Elster's in *Ulysses and the Sirens* discusses no nonheteronomous conceptions or aspects of rational choice.

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heteronomous standard, but means to propose a standard against which the principles agents propose to act on, of whatever sort, may be tested. The Categorical Imperative provides a way of testing the moral acceptability of what we propose to do. It does not aim to generate plans of action for those who have none.

Although maxims are the principles of action of particular agents at particular times, one and the same principle might be adopted as a maxim by many agents at various times or by a given agent on numerous occasions. It is a corollary of Kant's conception of human freedom that we can adopt or discard maxims, including those maxims that refer to our desires.

On the other hand, acting on a maxim does not require explicit or conscious or complete formulation of that maxim. Even routine or thoughtless or indecisive action is action on *some* maxim. However, not all of the principles of action that a particular agent might exemplify at a given time would count as the agent's maxim. For principles of action need only incorporate *some* true description of an agent and *some* true description of the act and situation, whether these descriptions are vacuous and vague or brimming with detail. But an agent's maxim in a given act must incorporate just those descriptions of the agent, the act and the situation upon which the doing of the act depends.

An agent's maxim in a given act cannot, then, be equated simply with intentions. For an agent's intentions in performing a given act may refer to incidental aspects of the particular act and situation. For example, in making a new visitor feel welcome I may offer and make him or her some coffee. As I do so there will be innumerable aspects of my action that are intentional – the choice of mug, the addition of milk, the stirring – and there will also be numerous aspects of action that are “below the level of intention” – the gesture with which I hand the cup, the precise number of stirs and so on. But the various specific intentions with which I orchestrate the offer and preparation of coffee are all ancillary to an underlying principle. *Maxims are those underlying principles or intentions³ by which we guide and control our more specific intentions.* In this particular example, had I lacked coffee I could have made my visitor welcome in other ways: The specific intention of offering and making coffee was subordinate to the maxim of making a visitor welcome. Had I had a quite different maxim – perhaps to make my visitor unwelcome – I would not in that context have acted on just those specific intentions. In another context, for example, in a society where an offer of coffee would be understood as we would understand an offer of hemlock, the same or similar specific intentions might have implemented a maxim of making unwelcome.

The fact that maxims are underlying or fundamental principles has important

3 I would not now use the term *intention* here, or as I used it throughout this essay. Replacing it with (underlying) *practical principle* allows the same points to be made in more general form, and makes it easier to stress the extent to which maxims, unlike certain intentions, can be hidden from those whose maxims they are. Chapters 6–8 in this volume lean less heavily on the term.

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implications.⁴ It means in the first place that it may not be easy to tell on which maxim a given act was performed. For example, a person who helps somebody else in a public place may have the underlying intention of being helpful – or alternatively the underlying intention of fostering a certain sort of good reputation. Since the helpful act might equally well be performed in furtherance of either underlying intention, there may be some doubt as to the agent's maxim. Merely asking an agent what his or her maxim is in such a situation may not settle the issue. The agent might be unsure. Both agents and others can work out that if the action would have been performed even if nobody had come to know of it, then the underlying principle would not have been to seek a certain sort of reputation. But an agent may after all be genuinely uncertain what his or her act would have been had he or she been faced with the possibility of helping, isolated from any effects on reputation. Isolation tests can settle such issues (*G*, IV, 398–9; 407) – if we know their outcome; but since most such tests refer to counterfactual situations we often don't know that outcome with any great certainty. Further, isolation tests provide only a *negative* test of what an agent's maxim is not. Even those who have not adopted a maxim of seeking a good reputation may still be unsure whether they have adopted the maxim of helpfulness. They may perhaps wonder whether the underlying intention was not to preserve a certain sort of self-image or to bolster their sense of worth. Kant remarks on the opacity of the human heart and the difficulty of self-knowledge; he laments that for all we know there may never have been a truly loyal friend (*G*, IV, 407–8; *DV*, VI, 440; 445–6). And he does not view these as dispellable difficulties. Rather, these limits to human self-knowledge constitute the fundamental context of human action. Kant holds that we can know what it would be to try to act on a maxim of a certain sort, but can never be sure that what we do does not reflect further maxims that we disavow. However, the underlying intentions that guide our more specific intentions are not in principle undiscoverable. Even when not consciously formulated they can often be inferred with some assurance, if not certainty, as the principles and policies that our more specific intentions express and implement.

On a certain view of the purpose of a universality test, the fact that the maxim of a given action is neither observable nor always reliably inferable would be a most serious objection. For it would appear to render the outcome of any application of a universality test of dubious moral importance – since we might mistakenly have applied the test to a principle other than the agent's maxim. Further, even if the maxim had been correctly formulated, whether by the agent or by others, the maxim itself might reflect mistaken beliefs or self-deception in the agent, or the agent's act might fail to live up to its maxim. How then could

4 However, the claim that maxims are underlying or fundamental intentions or principles should not be collapsed into the claim, which Kant makes in *Religion within the Limits of Reason Alone*, that for any agent (rather than "for any act") at a given time there is one fundamental maxim, to which all other principles that we might think maxims are ancillary.

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any test applied to the agent's maxim be expected to classify acts into moral categories such as the right and the forbidden? For these categories apply to the outward and observable aspects of action. It is after all common enough for us to think of acts that are at least outwardly right (perhaps even obligatory) as nevertheless reflecting dubious intentions (I aim to kill an innocent, but mistakenly incapacitate the tiger who is about to maul him), and of acts whose intentions are impeccable as issuing tragically in wrong action (I aim for the tiger but dispatch the innocent).

The answer Kant gives to this problem is plain. It is that rightness and wrongness and the other "categories of right" standardly used in appraisal of outward features of action are *not* the fundamental forms of moral acceptability and unacceptability that he takes the Categorical Imperative to be able to discriminate.⁵ Since the locus of application of Kant's universality test (and perhaps of any nonheteronomous universality test) is agents' fundamental principles or intentions, the moral distinction that it can draw is in the first place an intentional moral distinction, namely that between acts that have and those that lack moral worth. In an application of the Categorical Imperative to an agent's maxim we ask whether the underlying intention with which the agent acts or proposes to act – the intention that guides and controls other more specific intentions – is consistently universalizable; if it is, according to Kant, we at least know that the action will not be morally unworthy, and will not be a violation of duty.

The fact that Kant is primarily concerned with judgments of moral worth is easily forgotten, perhaps because he speaks of the Categorical Imperative as a test of *duty*, while we often tend to think of duty as confined to the *outward* aspects of action. It is quite usual for us to think of principled action as combining both duty and moral worthiness, which we regard as separate matters (e.g., showing scrupulous respect for others), or alternatively as revealing a moral worthiness that goes beyond all duty (e.g., gratuitous kindness that we think of as supererogatory). Correspondingly, it is quite usual for us to think of unprincipled action as in any case morally unworthy but still, in some cases, within the bounds of duty (e.g., the case of a would-be poisoner who mistakenly administers a life-saving drug). This is quite foreign to Kant's way of thinking, which sees the *central* case of duty as that of action that has moral worth, and regards as *derivative* that which accords merely in external respects with morally worthy action. On Kant's view the would-be poisoner who inadvertently saves life has violated a duty by acting in a morally unworthy way.

By taking an agent's fundamental or underlying principle or intention as the point of application of his universality test Kant avoids one of the difficulties most

5 See G, IV, 397–8: "the concept of *duty*, which includes that of a good will . . ." The persistence of the view that Kant is primarily concerned with right action perhaps reflects the modern conception that duty *must* be a matter of externals more than it reflects the Kantian texts. Cf. Onora Nell (O'Neill), *Acting on Principle*, and Chapters 6–8.

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frequently raised about universality tests, namely that it seems easy enough to formulate *some* principle of action for any act, indeed possibly one that incorporates one of the agent's intentions, which can meet the criterion of any universality test, whatever the act. Notoriously some Nazi war criminals claimed that they were only "doing their job" or only "obeying orders" – which are after all not apparently morally unworthy activities. The disingenuousness of the claim that such acts were not morally unworthy lies in the fact that these Nazis were not only obeying orders, and indeed that in many cases their specific intentions were ancillary to more fundamental intentions or *principles* that might indeed have revealed moral unworthiness in the agent. (Such fundamental intentions or principles might range from "I'll do whatever I'm told to so long as it doesn't endanger me" to a fundamental maxim of genocide.) The fact that we can formulate *some* universalizable surface intention for any action by selecting among the agent's various surface intentions is no embarrassment to a universality test that is intended to apply to agents' maxims, and offers a solution to the problem of relevant descriptions.

It is equally irrelevant to a universality test that applies to maxims that we may be able to find some nonuniversalizable intentions among the more specific intentions with which an agent implements and fills out any maxim. If in welcoming my visitor with a cup of coffee I intentionally select a particular cup, my specific intention clearly cannot be universally acted on. The very particularity of the world means that there will always be aspects of action, including intentional aspects, that could not be universally adopted or intended. Kant's universality test, however, as we shall see, construes moral worth as contingent not on the universalizability or otherwise of an agent's specific intentions but on the universalizability of an agent's fundamental or underlying intention or principle.⁶

For Kant, then, the Categorical Imperative provides a criterion in the first place for duties to act on underlying intentions or principles that are morally worthy. It is only as a second and derivative part of his ethical theory that he proposes that the Categorical Imperative also provides a test of the outward wrongness and rightness of acts of specific sorts. He proposes in the *Groundwork* that acts that accord in outward respects with acts done on morally worthy maxims of action should be seen as being "in conformity with" or "in accord with" duty. The claim that we can provide a *general* account of which specific actions conform to the outward expressions of morally worthy maxims is highly controversial. We have already noted that there are many ways in which ancillary intentions may be devised in undertaking action on a given maxim, and there may be no

6 The points mentioned in this and the preceding paragraphs suggest why a focus on maxims may make it possible to bypass a variety of problems said to plague universality tests when applied to principles that are "too general" or "too specific"; these problems include invertibility, reiterability, moral indeterminacy, empty formalism and the generation of trivial and counterintuitive results. See Singer, *Generalization in Ethics*; and Nell (O'Neill), *Acting on Principle*.

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single specific intention that is indispensable in all circumstances for action on a given maxim. Hence it is not generally clear what outward conformity conforms to. Kant appears to accept that the notion of outward conformity to duty is empty in many cases of duties of virtue, which are not sufficiently determinate for any particular more specific intentions to be singled out as required. He speaks of such duties as being "of wide requirement". But he also speaks of duties of narrow or strict requirement, and includes among these duties of justice and certain duties of respect to ourselves and to others.⁷ Hence he takes it that there could in principle be a merely outward conformity to these strict or "perfect" duties. Whether this claim is justified depends on the success of his demonstration that the underlying maxims of justice and respect have determinate specific implications for all possible human conditions. If they do not, then there will be no wholly general account of the requirements of justice and respect for all possible situations. It is then at any rate not obvious that we can derive a standard for the outward rightness of acts from a standard for the moral worth of underlying intentions or principles. This is a major problem that I intend to set on one side in order to explore the implications of a universality test that applies to underlying intentions or principles and therefore aims, at least primarily, at a test of the moral worth rather than the outward rightness of actions.

The fact that Kant's universality test focuses on maxims, and so on the moral worth of action, implies that it is a test that agents must seek to apply to their own proposals for action. This is not, however, because agents are in a wholly privileged epistemological position with respect to their own underlying intentions. No doubt others may often have some difficulty even in discerning all of an agent's surface intentions, and may be quite unsure about the underlying intention. But Kant does not regard the agents' vantage points as affording infallible insight into their own intentions – self-consciousness is not transparent – and would not deny that on occasion others might arrive at a more accurate appreciation of an agent's underlying intention or principle than the agent could reach.

The reason why a universality test in a nonheteronomous ethical theory is primarily one for the use of agents rather than of moral spectators is that it is only an agent who can adopt, modify or discard maxims. Although a test of the outward moral status of acts might be of most use and importance to third parties (legislators, judges, educators – those of us who pass judgment on others), because it may be possible (or indeed necessary) to prevent or deter or praise or punish in order to elicit or foster outward action of a certain sort, it is difficult if not impossible for outward regulation or pressure to change an agent's maxim.

7 Kant does not then see all acts that are specifically required by strict or perfect duties as matters of justice. Some duties of virtue also have (limited) strict requirements, such as refraining from mockery or detraction or otherwise damaging others' self-respect. These are indispensable elements of any way of enacting maxims of respect. Cf. *DV*, VI, 421ff. and 463ff.; Nell (O'Neill), *Acting on Principle*, pp. 52–8; and Barbara Herman, "Mutual Aid and Respect for Persons".

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Surface conformity can be exacted; intentional conformity is more elusive (DV, VI, 380-1). Precisely because we are considering what a universality test for autonomous beings must be like, we must recognize that the test is one that we can propose to but not impose upon moral agents.

Inconsistency without universalizing

This account of acting on a maxim shows at least how action can be construed in a way that makes consistency and inconsistency possible, and provides some grounds for thinking that a focus on maxims may avoid some of the difficulties that have arisen in attempts to apply universality tests unrestrictedly to principles of action of all sorts. This opens the way for showing how action on a nonuniversalizable maxim is inconsistent and for considering whether such inconsistency constitutes a criterion of moral unworthiness. Before dealing with these topics it will be useful to run over some of the many ways in which action on a maxim may reveal inconsistency even when universalizing is not brought into the picture.

It is of course true that any act that is performed is possible, taken in itself. But it does not follow that the intentions that are enacted are mutually consistent. There are two sorts of possibilities here: In the first place there may be an internal inconsistency within an agent's maxim; in the second place there may be contradictions between the various specific intentions an agent adopts in pursuit of that maxim, or between some of these specific intentions and the agent's maxim. These two sorts of contradiction correspond closely to the two types of contradiction that Kant thinks may arise when attempts to universalize maxims fail, and that he characterizes as involving, respectively, "contradictions in conception" and "contradictions in the will" (G, IV, 424). Since I am also interested in charting the inconsistencies that can arise independently of attempts to universalize, as well as in those that arise when universalizing fails, I shall use the rather similar labels *conceptual inconsistency* and *volitional inconsistency* to distinguish these two types of incoherence in action. A consideration of the different types of incoherence that maxims may display even when the question of universalizability is not raised provides a useful guide to the types of incoherence that non-universalizable maxims display.

A maxim of action may in the first place be incoherent simply because it expresses an impossible aspiration. An agent's maxim might be said to involve a conceptual inconsistency if the underlying intention was, for example, both to be successful and to be unworldly, or alternatively, to be both popular and reclusive, or both to care for others and always to put his or her own advantage first, or both to be open and frank with everybody and to be a loyal friend or associate, or both to keep a distance from others and to have intimate personal relationships. Agents whose underlying maxims incorporate such conceptual inconsistencies do not, of course, succeed in performing impossible acts; rather, the pattern of their

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actions appears to pull in opposite directions and to be in various ways self-defeating. At its extreme we may regard such underlying incoherence in a person's maxim, and consequent fragmentation of the person's action, as tragic or pathological (and perhaps both), since there is no way in which he or she can successfully enact the underlying intention. In other cases we may think of the pattern of action that results from underlying conceptual incoherence as showing no more than ambivalence or presenting conflicting signals to others, who are consequently at a loss about what they should expect or do, finding themselves in a "double bind".

However, not all cases of disjointed action constitute evidence of an internally inconsistent maxim. For it may well be that somebody adopts some accommodation of the potentially inconsistent aspects of an underlying intention. For example, somebody may adopt the maxim of being competitive and successful in public and professional life but of disregarding such considerations in private life; or of being obedient and deferential to superiors but overbearing and exacting with all others. Provided such persons can keep the two spheres of action separated, their underlying intentions can be internally consistent. Hence one cannot infer an inconsistency in someone's underlying intentions merely from the fact that he or she exhibits tendencies in opposing directions. For these tendencies may reflect a coherent underlying intention to respond or act differently in different types of context or with different groups of people. A nonuniversalizable maxim embodies a conceptual contradiction only if it *aims* at achieving mutually incompatible objectives and so cannot under any circumstances be acted on with success.

A focus on maxims that embody contradictions in conception pays no attention to the fact that maxims are not merely principles that we can conceive (or entertain, or even wish) but principles that we *will* or intend, that is to say, principles that we adopt as *principles of action*. Conceptual contradictions can be identified even in principles of action that are never adopted or acted upon. But a second and rather different type of incoherence is exhibited in some attempts to will maxims whose realization can be quite coherently envisaged. Willing, after all, is not just a matter of wishing that something were the case, but involves committing oneself to doing something to bring that situation about when opportunity is there and recognized. Kant expressed this point by insisting that rationality requires that whoever wills some end wills the necessary means insofar as these are available.

Who wills the end, wills (so far as reason has decisive influence on his actions) also the means which are indispensably necessary and in his power. So far as willing is concerned, this proposition is analytic: for in my willing of an object as an effect there is already conceived the causality of myself as an acting cause – that is, the use of means; and from the concept of willing an end the imperative merely extracts the concept of actions necessary to this end. (G, IV, 417)

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This amounts to saying that to will some end without willing whatever means are indispensable for that end, insofar as they are available, is, even when the end itself involves no conceptual inconsistency, to involve oneself in a volitional inconsistency. It is to embrace at least one specific intention that, far from being guided by the underlying intention or principle, is inconsistent with that intention or principle.

Kant, however, explicitly formulates only *one* of the principles that must be observed by an agent who is not to fall into volitional inconsistency. The Principle of Hypothetical Imperatives, as expressed in the passage just quoted, requires that agents intend any indispensable means for whatever they fundamentally intend. Conformity with this requirement of coherent intending would be quite compatible with intending no means to whatever is fundamentally intended whenever there is no specific act that is indispensable for action on the underlying intention. Further reflection on the idea of intending the means suggests that there is a *family* of Principles of Rational Intending, of which the Principle of Hypothetical Imperatives is just one, though perhaps the most important one. The following list of further Principles of Rational Intending that coherent intending (as opposed to mere wishing or contemplating) apparently requires agents to observe may not be complete, but is sufficient to generate a variety of interesting conclusions.

First, it is a requirement of rationality not merely to intend all *indispensable* or *necessary* means to that which is fundamentally intended but also to intend some *sufficient* means to what is fundamentally intended. If it were not, I could coherently intend to eat an adequate diet, yet not intend to eat food of any specific sort on the grounds that no specific sort of food is indispensable in an adequate diet.

Second, it is a requirement of rationality not merely to intend all necessary and some sufficient means to what is fundamentally intended but also to seek to make such means available when they are not. If it were not, I could coherently claim to intend to help bring about a social revolution but do absolutely nothing, on the grounds that there is no revolutionary situation at present, settling instead for rhetoric and gesture rather than politics. But if I do this, I at most wish for, and do not intend to help to bring about, a social revolution.

Third, it is a requirement of rationality not merely to intend all necessary and some sufficient means to whatever is fundamentally intended but also to intend all necessary and some sufficient *components* of whatever is fundamentally intended. If it were not, I could coherently claim to intend to be kind to someone to whom, despite opportunity, I show no kindness in word, gesture or deed, merely because acting kindly is not the sort of thing that requires us to take means to an end, but the sort of thing that requires that we act in some of the ways that are *constitutive* of kindness.⁸

8 Kant's discussions of duties of virtue in any case suggest that he would count the necessary constituents or components of an end, and not merely the instrumentally necessary acts, as means to that end.

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Fourth, it is a requirement of rationality that the various specific intentions we actually adopt in acting on a given maxim in a certain context be mutually consistent. If it were not, I could coherently claim to be generous to all my friends by giving to each the exclusive use of all my possessions.

Fifth, it is a requirement of rationality that the foreseeable results of the specific intentions adopted in acting on a given underlying intention be consistent with the underlying intention. If it were not, I could coherently claim to be concerned for the well-being of a child for whom I refuse an evidently life-saving operation, on the grounds that my specific intention – perhaps to shield the child from the hurt and trauma of the operation – is itself aimed at the child's well-being. But where such shielding foreseeably has the further consequence of endangering the child's life, it is clearly an intention that undercuts the very maxim that supposedly guides it.

There may well be yet further principles that fully coherent sets of intentions must observe, and possibly some of the principles listed above need elaboration or qualification. The point, however, is to reveal that once we see action as issuing from a complex web of intentions, many of which are guided by and ancillary to certain more fundamental intentions or principles under particular conditions, the business of intending coherently and avoiding volitional inconsistency becomes a demanding and complex affair.

Reflection on the various Principles of Rational Intending reveals a great deal about the connections between surface and underlying intentions to which a rational being must aspire. Underlying intentions to a considerable extent express the larger and longer-term goals, policies and aspirations of a life. But if these goals, policies and aspirations are willed (and not merely wished for), they must be connected with some set of surface intentions that express commitment to acts that, in the actual context in which agents find themselves, provide either the means to or some components of any underlying intentions, or at least take them in the direction of being able to form such intentions, without at any point committing them to acts whose performance would undercut their underlying intentions. Wherever such coherence is absent we find an example of intending that, despite the conceptual coherence of the agent's maxim, is volitionally incoherent. In some cases we may think the deficiency cognitive – agents fail despite available information to appreciate what they need to do if they are indeed to act on their maxims (they may be stupid or thoughtless or calculate poorly). In other cases we might think of the deficiency as primarily volitional: agents fail to intend what is needed if they are to will their maxims and not merely to wish for them to be realized. Each of these types of failure in rationality subdivides into many different sorts of cases. It follows that there are very many different ways in which agents whose intentions are not to be volitionally inconsistent may have to consider their intentions.

Perhaps the most difficult of the various requirements of coherent willing is the

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last, the demand that agents not adopt specific intentions that in a given context may undercut their own maxims. There are many cases in which agents can reach relatively clear specific intentions about how they will implement or instance their maxims, yet the acts they select, though indeed selected as a means to or component of their underlying intentions, backfire. It is fairly common for agents to adopt surface intentions that, when enacted, foreseeably will produce results that defeat their own deeper intentions. Defensive measures generate counterattack; attempts to do something particularly well result in botched performances; decisive success in battle is revealed as Pyrrhic victory. It is perhaps unclear how long a view of the likely results of their action agents must take for us not to think action that leads to results incompatible with its underlying intention is irrational. But at the least the standard and foreseeable results of an action should not undercut the underlying intention if we are to think of an agent as acting rationally. Somebody who claims to intend no harm to others, and specifically merely intends to share a friendly evening's drinking and to drive others home afterward, but who then decides on serious drinking and so cannot safely drive, cannot plausibly claim to intend merely the exuberant drinking and bonhomie and not the foreseeable drunkenness and inability to drive safely. Given standard information, such a set of intentions is volitionally incoherent. For it is a normal and foreseeable result of exuberant drinking that the drinker is incapable of driving safely. One who intends the drinking also (given normal intelligence and experience) intends the drunkenness; and hence cannot coherently also intend to drive others home if the underlying intention is to harm nobody.⁹

This brief consideration of various ways in which agents' intentions may fail to be consistent shows that achieving consistency in action is a difficult matter even if we do not introduce any universality test. Intentions may be either conceptually or volitionally incoherent. The demand that the acts we perform reflect conceptually and volitionally coherent sets of intentions therefore constitutes a powerful constraint on all practical reasoning. This conclusion provides some reason for thinking that when these demands for consistency are extended in the way in which the second aspect of Kant's Formula of Universal Law requires, we should

- 9 The fifth requirement of rational intending clearly deals with the very nexus of intentions on which discussions of the Doctrine of Double Effect focus. That doctrine claims that agents are not responsible for harm that foreseeably results from action undertaken with dutiful intentions, provided that the harm is not disproportionate, is regretted, and would have been avoided had there been a less harmful set of specific intentions that would have implemented the same maxim in that situation. (The surgeon foresees, and regrets, the pain unavoidably inflicted by a lifesaving procedure). Although the Doctrine of Double Effect holds that agents are not to be held responsible for such action, it allows that they do, if "obliquely" rather than "directly", intend it. It is comparable with the Doctrine of Double Effect to insist that an agent whose oblique intention foreseeably undercuts the action for the sake of which what is directly intended is done, acts irrationally. Where the fundamental intention is so undercut by a supposedly ancillary aspect of action, proportionality is violated, and the attribution of the fundamental intentions may be called in question.

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expect to see patterns of reasoning that, far from being ineffective or trivial, generate powerful and interesting results.

Inconsistency in universalizing

The intuitive idea behind the thought that a universality test can provide a criterion of moral acceptability may be expressed quite simply as the thought that if we are to act as morally worthy beings, we should not single ourselves out for special consideration or treatment. Hence whatever we propose for ourselves should be possible (note: not "desired" or "wanted" – but at least *possible*) for all others. Kant expresses this commonplace thought (it is, of course, not his argument for the Categorical Imperative) by suggesting that what goes wrong when we adopt a nonuniversalizable maxim is that we treat ourselves as special:

whenever we transgress a duty, we find that we in fact do not will that our maxim should become a universal law – since this is impossible for us – but rather that its opposite should remain a law universally: we only take the liberty of making an *exception* to it for ourselves (or even just for this once) . . . (G, IV, 424)

It is evident from this understanding of the Formula of Universal Law that the notion of a plurality of interacting agents is already implicit in the Formula of Universal Law. It is not the case that Kant introduces these notions into his ethics only with the Formula of the Kingdom of Ends, which would imply that the various formulations of the Categorical Imperative could not be in any way equivalent. To universalize is from the start to consider whether what one proposes for onself *could* be done by others. This seems to many too meager a foundation for ethics but not in itself an implausible constraint on any adequate ethical theory.

Clearly enough, whatever cannot be consistently intended even for oneself also cannot be consistently intended for all others. The types of cases shown to be conceptually or volitionally inconsistent by the methods discussed in the previous section are a fortiori nonuniversalizable. This raises the interesting question whether one should think of certain types of cognitive and volitional failure as themselves morally unworthy. However, I shall leave this question aside in order to focus on the types of failure in consistent intending that are *peculiar* to the adoption of nonuniversalizable intentions.

I shall therefore assume from now on that we are considering cases of maxims that are in themselves not conceptually incoherent, and of sets of underlying and surface intentions that are not themselves volitionally inconsistent. The task is to pinpoint the ways in which inconsistency emerges in some attempts to universalize such internally consistent intentions. The second part of Kant's Formula of Universal Law enjoins action only on maxims that the agent can at the same time

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will as universal laws. He suggests that we can imagine this hypothetical willing by working out what it would be like "if the maxim of your action were to become through your will a universal law of nature".¹⁰ To universalize maxims agents must satisfy themselves that they can both adopt the maxim and simultaneously will that others do so. In determining whether they can do so they may find that they are defeated by either of the two types of contradiction that, as we have already seen, can afflict action even when universalizing is not under consideration. Kant's own account of these two types of incoherence, either of which defeats universalizability, is as follows:

We must *be able to will* that a maxim of our action should become a universal law – this is the general canon for all moral judgement of action. Some actions are so constituted that their maxim cannot even be *conceived* as a universal law of nature without contradiction, let alone be *willed* as what *ought* to become one. In the case of others we do not find this inner impossibility, but it is still impossible to *will* that their maxim should be raised to the universality of a law of nature, because such a will would contradict itself. (G, IV, 424)

Kant also asserts that those maxims that when universalized lead to conceptual contradiction are the ones that strict or perfect duty requires us to avoid, whereas those that when universalized are conceptually coherent but not coherently willable are opposed only to wider or imperfect duties.¹¹ Since we probably lack both rigorous criteria and firm intuitions of the boundaries between perfect and imperfect duties, it is hard to evaluate this claim. However, it is remarkably easy to display contradictions that arise in attempts to universalize maxims that we might think of as clear cases of violations of duties of justice and self-respect, which Kant groups together as perfect duties; and it is also easy to show how contradictions emerge in attempts to universalize maxims that appear to exemplify clear violations of duties of beneficence and self-development, which Kant groups together as imperfect duties. By running through a largish number of such examples I hope to show how groundless is the belief that universality tests need supplementing with heteronomous considerations if they are to be action-guiding.

10 This is the so-called Formula of the Law of Nature. Cf. G, IV, 421, and also 436: "maxims must be chosen as if they had to hold as universal laws of nature"; see also MM, VI, 225: "Act according to a maxim which can, at the same time, be valid as a universal law." In this discussion I leave aside all consideration of the relationships between different formulations of the Categorical Imperative, and in particular the differences between those versions that are stated "for finite rational beings" (typics) and those that are formulated in ways that make them relevant strictly to the human condition. These topics have been much discussed in the literature: H. J. Paton, *The Categorical Imperative*; John Kemp, *The Philosophy of Kant*; Robert Paul Wolff, *The Autonomy of Reason*; Bruce Aune, *Kant's Theory of Morals*.

11 G, IV, 424; MM, IV, Introduction; DV, VI, esp. 389; see also Chapters 11 and 12 in this volume.

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Contradictions in conception

A maxim that may lead to contradictions in conception when we attempt to universalize it often does not contain any conceptual contradiction if we merely adopt the maxim. For example, there is no contradiction involved in adopting the maxim of becoming a slave. But this maxim has as its universalized counterpart – the maxim we must attempt to “will as a universal law” – the maxim of everybody becoming a slave.¹² But if everybody became a slave, there would be nobody with property rights, hence no slaveholders, and hence nobody could become a slave.¹³ Consider alternatively a maxim of becoming a slaveholder. Its universalized counterpart would be the maxim of everybody becoming a slaveholder. But if everybody became a slaveholder, then everybody would have some property rights; hence nobody could be a slave; hence there could be no slaveholders. Action on either of the nonuniversalizable maxims of becoming a slave or becoming a slaveholder would reveal moral unworthiness: It could be undertaken only by one who makes of himself or herself a special case.

Contradictions in conception can also be shown to arise in attempts to universalize maxims of deception and coercion. The maxim of coercing another has as its universalized counterpart the maxim that all coerce others; but if all coerce others, including those who are coercing them, then each party both complies with others' wills (being coerced) and simultaneously does not comply with others but rather (as coercer) exacts their compliance. A maxim of coercion cannot coherently be universalized and reveals moral unworthiness. By contrast, a maxim of coordination can be consistently universalized. A maxim of deceiving others as convenient has as its universalized counterpart the maxim that everyone will deceive others as convenient. But if everyone were to deceive others as convenient, then there would be no trust or reliance on others' acts of communication; hence nobody could be deceived; hence nobody could deceive others as convenient.

An argument of the same type can be applied to the maxim that is perhaps the most fundamental for a universality test, namely the maxim of abrogating judgment. One whose maxim it is to defer to the judgment and decisions of others – to choose heteronomy¹⁴ – adopts a maxim whose universalized counterpart is that everyone defer to the judgments and decisions of others. But if everyone defers to the judgments and decisions of others, then there are no decisions to provide the starting point for deferring in judgment; hence it cannot be the case that everybody defers in judgment. Decisions can never be reached when everyone merely

12 For further discussion of the notion of the universalized counterpart of a maxim see Nell (O'Neill), *Acting on Principle*, pp. 61–3.

13 For an application of the Formula of Universal Law to the example of slavery see Leslie A. Mulholland, “Kant: On Willing Maxims to Become Laws of Nature”.

14 To see why Kant thinks the abrogation of autonomy would be the most fundamental of failings see his *What Is Enlightenment?* and Barry Clarke's discussion of “elective heteronomy” in “Beyond the Banality of Evil”.

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affirms, "I agree." A maxim of "elective heteronomy" cannot consistently be universalized.

Interpreters of Kant have traditionally made heavier weather of the contradiction in conception test than these short arguments suggest is necessary. There have perhaps been two reasons why. One is clearly that Kant's own examples of applications of the Categorical Imperative are more complex and convoluted than these short arguments suggest.¹⁵ But even if detailed analysis of these examples is necessary for an evaluation of Kant's theory, it is clarifying to see whether a contradiction in conception test works when liberated from the need to accommodate Kant's particular discussion of examples.

But a second reason why the contradiction in conception test has seemed problematic to many of Kant's commentators is perhaps of greater importance for present concerns. It is that whereas many would grant that we can detect contradictions in attempts to universalize maxims simply of slaveholding or coercing or deceiving or deference, they would point out that no contradiction emerges if we seek to universalize more circumspect maxims, such as "I will hold slaves if I am in a position of sufficient power" or "I will deceive when it suits me and I can probably get away with it" or "I will defer in judgment to those I either admire or fear." Still less do contradictions emerge when we aim to universalize highly specific intentions of deception or deference, such as "I will steal from Woolworths when I can get away with it" or "I will do whatever my parish priest tells me to do."

However, the force of this objection to the claim that the contradiction in conception test can have significant moral implications is undercut when we remember that this is a test that applies to agents' maxims, that is, to their underlying or fundamental intentions or principles, and that as a corollary it is a test of moral worth. For what will be decisive is what an agent's fundamental intention or principle in doing a given act really is. What counts is whether the expression of falsehood expresses a fundamental attempt to deceive, or whether agreement with another (in itself innocent enough) expresses a fundamental refusal to judge or think for oneself. For an agent cannot truthfully claim that an underlying intent, plan or principle was of a very specific sort unless the organization of other, less fundamental, intentions reveals that it really was subject to those restrictions. Precisely because the Categorical Imperative formulates a universality test that applies to *maxims*, and not just to any intention, it is not rebutted by the fact that relatively specific intentions often can be universalized without conceptual contradiction. Conversely, further evidence for the interpretation of the notion of a maxim presented in the section entitled "Maxims and moral categories" is that it leads to an account of the Categorical Imperative that is

15 See the various works of commentary listed in footnote 10 above; Jonathan Harrison, "Kant's Examples of the First Formulation of the Categorical Imperative"; and John Kemp, "Kant's Examples of the Categorical Imperative".

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neither powerless nor counterintuitive. However, for the same reason (that it applies to maxims and not to intentions of all sorts) the Categorical Imperative can most plausibly be construed as a test of moral worth rather than of outward rightness, and must always be applied with awareness that we lack certainty about what an agent's maxim is in a given case. This is a relatively slight difficulty when we are assessing our own proposed maxims of action, since we at least can do no better than to probe and test the maxim on which we propose to act (but even here we have no guarantee against self-deception). But it means that we will always remain to some extent unsure about our assessment of others' acts. Kant after all insists that we do not even know whether there *ever* has been a truly morally worthy act. But that is something we do not need to know in order to try to perform such acts. Self-deception may cloud our knowledge of our own maxims; but we are not powerless in self-guidance.

Contradictions in the will

Just as there are maxims that display no conceptual incoherence until attempts are made to universalize them, so there are maxims that exhibit no conceptual incoherence even when universalized, but that are shown to be volitionally inconsistent when attempts are made to universalize them. Such maxims cannot be "willed as universal laws"; attempts to do so fail in one way or another to meet the standards of rationality specified by the group of principles that I have termed Principles of Rational Intending. For to will a maxim is, after all, not just to conceive the realization of an underlying intention; that requires no more than speculation or wishing. Willing requires also the adoption of more specific intentions that are guided by, and chosen (in the light of the agent's beliefs) to realize, the underlying intention, or, if that is impossible, as appropriate moves toward a situation in which such specific intentions might be adopted. Whoever wills a maxim also adopts more specific intentions as means to or constituents of realizing that underlying intention, and is also committed to the foreseeable results of acting on these more specific intentions. Since intending a maxim commits the agent to such a variety of other intentions, there are various different patterns of argument that reveal that certain maxims cannot be willed as universal laws without contradiction.

Clearly the most comprehensive way in which a maxim may fail to be willable as a universal law is if its universal counterpart is inconsistent with the specific intentions that would be necessary for its own realization. Universalizing such a maxim would violate the Principle of Hypothetical Imperatives. The point is well illustrated by a Kantian example.¹⁶ If I seek to will a maxim of nonbeneficence as a universal law, my underlying intention is not to help others when they need it,

16 Cf. *DV*, VI, 447–64, for Kant's discussions of love and social virtues.

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and its universalized counterpart is that nobody help others when they need it. But if everybody denies help to others when they need it, then those who need help will not be helped, and in particular I will not myself be helped when I need it. But if I am committed to the standards of rational willing that constitute the various Principles of Rational Intending, then I am committed to willing some means to any end to which I am committed, and these must include willing that if I am in need of help and therefore not able to achieve my ends without help, I be given some appropriate help. In trying to universalize a maxim of nonbeneficence I find myself committed simultaneously to willing that I not be helped when I need it and that I be helped when I need it. This contradiction, however, differs from the conceptual contradictions that emerge in attempts to universalize maxims such as those considered in the last section. A world of nonbenevolent persons is conceivable without contradiction. Arguments that reveal contradictions in the will depend crucially upon the role of the various Principles of Rational Intending – in this case on the Principle of Hypothetical Imperatives – in constituting the choice of specific intentions to a set that will implement all underlying intentions. It is only because *intending* a maxim of nonbeneficence as a universal law requires commitment to that very absence of help when needed, to which all rational intending requires assent, that non-beneficence cannot coherently be universalized.

A second Kantian example,¹⁷ which provides an argument to volitional incoherence, is a maxim of neglecting to develop any talents. A world of beings who develop no talents contains no conceptual incoherence. The maxim of an individual who decides to develop no talents, though imprudent, reveals no volitional inconsistency. For it is always *possible* that others fend for the imprudent, who will then find means available for at least some action. (It is not a fundamental requirement of practical reason that there should be means available to whatever projects agents adopt, but only that they should not have ruled out all action.) However, an attempt to universalize a maxim of neglecting talents commits one to a world in which no talents have been developed, and so to a situation in which necessary means are lacking not just for some but for any sort of complex action. An agent who fails to will the development, in self or others, of whatever minimal range of talents is required and sufficient for a range of action, is committed to internally inconsistent sets of intentions. Such agents intend both that action be possible and that it be undercut by neglect to develop even a minimal range of talents that would leave some possibility of action. This argument shows nothing

¹⁷ Cf. DV, VI, 443–7, for discussion of the duty not to neglect to develop talents (the “duty to seek one’s own perfection”). “Talents” here are to be understood not as any particularly unusual accomplishments, but as any human powers that (unlike natural gifts) we can choose either to cultivate or to neglect. Kant tends to think the most important talents are second-order ones (e.g., self-mastery, self-knowledge) and that we can do little to develop these in others. Both restrictions seem to me unnecessary. See Onora O’Neill, *Faces of Hunger: An Essay on Poverty, Development and Justice*, Chap. 8, for development of these thoughts.

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about the development of talents that may be required or sufficient for any *specific* projects, but only points to the inconsistency of failing to foster such talents as are needed and sufficient for action of some sort or other. It is an argument that invokes not only the Principle of Hypothetical Imperatives but also the requirement that rational beings intend some set of means sufficient for the realization of their underlying intentions or principles.

These two examples of arguments that reveal volitional inconsistencies show only that it is morally unworthy to adopt maxims either of systematic non-beneficence or of systematic neglect of talents. The duties that they ground are relatively indeterminate duties of virtue. The first of these arguments does not specify whom it is morally worthy to help, to what extent, in what ways or at what cost, but only that it would be morally unworthy to adopt an underlying intention of nonbeneficence. Similarly, the second argument does not establish which talents it would be morally worthy to develop, in whom, to what extent or at what cost, but only that it would be morally unworthy to adopt an underlying intention of making no effort to develop any talents. The person who adopts a maxim either of nonbeneficence or of nondevelopment of talents cannot coherently universalize the maxim, but must either make an exception of himself or herself, and intend, unworthily, to be a free rider on others' beneficence and talents, or be committed to some specific intentions that are inconsistent with those required for action on the maxim.

Another example of a maxim that cannot consistently be willed as a universal law is the maxim of refusing to accept help when it is needed. The universalized counterpart of this underlying intention would be the intention that everyone refuse to accept help when it is needed. But rational beings cannot consistently commit themselves to intending that all forgo a means that, if ever they are in need of help, will be indispensable for them to act at all.

A further example of a nonuniversalizable maxim is provided by a maxim of ingratitude, whose universalized counterpart is that nobody show or express gratitude for favors received. In a world of non-self-sufficient beings a universal maxim of ingratitude would require the systematic neglect of an important means for ensuring that help is forthcoming for those who need help if they are to realize their intentions. Hence in such a world nobody could coherently claim to will that those in need of help be helped. Yet we have already seen that to will that all in need of help be refused help is volitionally inconsistent. Hence, willing a maxim of ingratitude also involves a commitment to a set of intentions not all of which can be consistently universalized. The volitional inconsistency that overtakes would-be universalizers of this maxim arises in two stages: The trouble with ingratitude is that, practiced universally, it undercuts beneficence; the trouble with nonbeneficence is that it cannot be universally practiced by beings who have at least some maxims, yet (lacking self-sufficiency) cannot guarantee that their own resources will provide means sufficient for at least some of their projects.

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The hinge of all these arguments is that human beings (since they are adopters of maxims) have at least some maxims or projects, which (since they are not self-sufficient) they cannot always realize unaided, and so must (since they are rational) intend to draw on the assistance of others, and so must (if they universalize) intend to develop and foster a world that will lend to all some support of others' beneficence and talents. Such arguments can reveal the volitional inconsistencies involved in trying to universalize maxims of entirely neglecting the social virtues – beneficence, solidarity, gratitude, sociability and the like – for beings who are rational yet not always able to achieve what they intend unaided. It follows from this point that the social virtues are very differently construed in Kantian and in heteronomous ethics. An ethical theory for nonheteronomous agents sees the social virtues as morally required, not because they are desired or liked but because they are necessary requirements for action in a being who is not self-sufficient. The content of the social virtues in this framework cannot be spelled out in terms of the provision of determinate goods or services or the meeting of certain set needs or the satisfaction of a determinate set of desires. Rather, the content of these virtues will always depend on the various underlying maxims and projects, both individual and collaborative, to which agents commit themselves. What will constitute beneficence or kindness or care for others will depend in great part on how others intend to act.

Contradictions in the will and further results

The patterns of argument that can be used to show underlying antisocial intentions morally unworthy make use of various Principles of Rational Intending in addition to the Principle of Hypothetical Imperatives. In particular they draw on the requirements that rational agents intend not merely necessary but also sufficient means to or components of their underlying intentions or maxims, and that they also intend whatever means are indirectly required and sufficient to make possible the adoption of such specific intentions. However, the particular features of the fifth Principle of Rational Intending – the Principle of Intending the Further Results – have not yet been displayed. Attempts to evade this Principle of Rational Intending lead to a peculiar sort of volitional inconsistency.

Good examples of arguments that rely on this principle can be developed by considering cases of maxims that, when universalized, produce what are frequently referred to as "unintended consequences". For example, I can adopt the underlying intention of improving my economic well-being, and the specific intention of doing so by competing effectively with others. The maxim of my action can be consistently universalized: There is no conceptual contradiction in intending everyone's economic position to improve. The specific intention of adopting competitive strategies is not inconsistent with the maxim to which it is ancillary; nor is universal action on competitive strategies inconsistent with

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universal economic advance (that indeed is what the invisible hand is often presumed to achieve). But if an agent intends his or her own economic advance to be achieved solely by competitive strategies, this nexus of intentions cannot consistently be willed as universal law, because the further results of universal competitive activity, by itself, are inconsistent with universal economic advance. If everyone seeks to advance by these (and no other) methods, the result will not put everybody ahead economically. A maxim of economic progress combined with the specific intention of achieving progress merely by competitive strategies cannot be universalized, any more than the intention of looking over the heads of a crowd can be universally achieved by everyone in the crowd standing on tiptoes.¹⁸ On the other hand, a maxim of seeking economic advance by means of increased production can be consistently universalized. It is merely the particular specific intention of advancing economically by competitive strategies alone that leads to volitional inconsistency when universalized. Competitive means are inherently effective only for some: Competitions must have losers as well as winners. Hence, though it can be consistent to seek individual economic advance solely by competitive methods, this strategy cannot consistently be universalized. Once we consider what it would be to intend the consequences of universal competition – the usually *unintended* consequences – we can see that there is an inconsistency not between universal competitive activity and universal economic progress, but between the *further results of intending only universal competitive activity and universal economic progress*. Economic progress and competitive activity might each of them consistently be universal; indeed, it is possible for them to coexist within a certain society. (Capitalist economies do experience periods of general economic growth.) Nevertheless, there is a volitional inconsistency in seeking to achieve universal economic growth *solely by way* of universal adoption of competitive strategies.

This argument does not show that either the intention to advance economically or the intention to act competitively cannot be universalized, but only that the composite intention of pursuing economic advance solely by competitive tactics cannot be universalized. It does not suggest that either competition or economic progress is morally unworthy, but only that an attempt to achieve economic progress solely by competitive methods and without aiming at any productive contribution is not universalizable and so is morally unworthy.

Similarly, there is no inconsistency in an intention to engage in competitive activities of other sorts (e.g., games and sports). But if such competition is ancillary to an underlying intention to win, then the overall intention is not universalizable. Competitive games must have losers. If winning is not the overriding aim in such activities, if they are played for their own sake, the activity is consistently universalizable. But to play competitively with the fundamental

18 See F. Hirsch, *The Social Limits to Growth*.

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intention of winning is to adopt an intention that makes of one's own case a necessary exception.

Conclusions

The interest of a Kantian universality test is that it aims to ground an ethical theory on notions of consistency and rationality rather than upon considerations of desire and preference. Kant's universality test meets many of the conditions that any such universality test must meet. In particular it focuses on features of action that are appropriate candidates for assessments of coherence and incoherence, namely the maxims or fundamental intentions that agents may adopt and the web of more specific ancillary intentions that they must adopt in a given context if their commitment to a maxim is genuine. Although Kant alludes specifically to conceptual inconsistencies and to those volitional inconsistencies that are attributable to nonobservance of the Principle of Hypothetical Imperatives in attempts to universalize intentions, there is in addition a larger variety of types of volitional inconsistency that agents who seek to subject their maxims to a universality test (and so not to make an exception of their own case) must avoid. A universality test applied to maxims and their ancillary, more specific, intentions can be action-guiding in many ways without invoking any heteronomous considerations.

However, precisely because it applies to intentions or principles, a universality test of this sort cannot generally provide a test of the rightness or wrongness of the specific outward aspects of action. It is, at least primarily, and perhaps solely, a test of the inner moral worth of acts. It tells us what we ought to avoid if we are not to act in ways that we can know are in principle not possible for all others. Such a test is primarily of use to agents in guiding their own moral deliberations, and can only be used most tentatively in assessing the moral worth of others' action, where we are often sure only about specific outward aspects of action and not about the maxim. This point will not be of great importance if we do not think it important whether an ethical theory enables us to pass judgment on the moral worth of others' acts. But specific outward aspects of others' action are unavoidably of public concern. The considerations discussed here do not reveal whether or not these can be judged right or wrong by Kant's theory. Kant no doubt thought that it was possible to derive specific principles of justice from the Formula of Universal Law; but the success of this derivation and of his grounding of *Rechtslehre* is beyond the scope of this chapter.

The universality test discussed here is, above all, a test of the mutual consistency of (sets of) intentions and universalized intentions or principles. It operates by showing some sets of proposed intentions to be mutually inconsistent. It does not thereby generally single out action on any one set of specific intentions as morally required. On the contrary, the ways in which maxims can be enacted or realized by means of acts performed on specific intentions must vary with situa-

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tion, tradition and culture. The specific acts by which we can show or fail to show loyalty to a friend or respect to another or justice in our dealings with the world will always reflect specific ways of living and thinking and particular situations and relationships. What reason can provide is a way of discovering whether we are choosing to act in ways (however culturally specific) that we do not in principle preclude for others. The "formal" character of the Categorical Imperative does not entail either that it has no substantive ethical implications or that it can select a unique code of conduct as morally worthy for all times and places. Rather than presenting a dismal choice between triviality and implausible rigorism, a universality test can provide a rational foundation for ethics and maintain a serious respect for the diversity of content of distinct ethical practices and traditions.