

Kantian Ethics



From last time...

On the utilitarian view beneficence is the central virtues. Other virtues (e.g., courage, justice) matter instrumentally—they matter insofar as they help us maximize pleasure and minimize pain. Foot thinks that we're attracted to the utilitarian view because we recognize that beneficence is a virtue, but she thinks that the utilitarian conception of beneficence is defective.

Organ shortage vs. organ donor

On what has value...

Nothing can possibly be conceived in the world ... which can be called good without qualification, except a *good will*. Intelligence, wit, judgment, and the other talents of the mind ... are undoubtedly good and desirable in many respects; but these gifts of nature may also become extremely bad and mischievous if the will which is to make use of them ... is not good. It is the same with the gifts of fortune. Power, riches, honor, even health and the general well-being and contentment with one's condition which is called *happiness*, inspire pride, and often presumption, if there is not a good will to correct the influence of these on the mind ... **The sight of a being who is not adorned with a single feature of a pure and good will, enjoying unbroken prosperity, can never give pleasure to an impartial rational spectator. Thus a good will appears to constitute an indispensable condition even of being worthy of happiness.**

Kant vs. Mill

There is much that Kant and Mill can agree on. Things like power, riches, and honor can be good in some way, but neither Kant nor Mill would say that they are unconditionally good or intrinsically good. Mill might say that if you sever the connection between riches and happiness, additional riches have no value whatever and remind us that riches are valuable only to the extent that they promote something further of value. For Mill, what has intrinsic value is happiness or pleasure. Kant objects to this. Like power or wealth, pleasure can be good, but it is not intrinsically good. If it were, we would know that its presence in the world would be good without having to know what the pleasure is related to (i.e., without knowing if it is a means to something else, taken in response to something else, etc.). Kant suggests that pleasure might make the world worse or fail to make the world better. If this is so, it would seem that the value of pleasure depends upon what that pleasure is related to. If it is related to the right sort of thing it might be good, but if you have to know what pleasure is related to in order to determine if it is good, we know that the value of pleasure is not intrinsic to it.

An objection to hedonism

God might create the world in one of two ways.

First, God might create a world in which Bobby derives tremendous pleasure from his job. Bobby's job involves high-jacking trucks, killing people for the mafia, torturing members of rival gangs, etc. He could have been a boxer, but he says that he doesn't like boxing because he only likes to hit people who didn't agree to be hit and who can't fight back.

Second, God might create a world in which Bobby does not derive much pleasure from his job. He needs his job to get by and very much regrets what his job entails. In the second world, Bobby's rap sheet is just as long as it is in the first. The only difference between the worlds is that Bobby in w2 derives no pleasure from his wickedness whereas in w1 he derives great amounts of pleasure from it.

Which of these worlds is better? Kant thinks that Bobby's pleasure in w1 would not be pleasing to "an impartial rational spectator" and so you wouldn't think that w1 is better than w2. If this is right, notice that the only difference between w1 and w2 has to do with the pleasure Bobby would take from the suffering of others in these worlds. If w1 is not better than w2, Bobby's pleasure does not break the tie. If it does not, it must not be good. We think pleasure is good because we focus on the pleasures of the virtuous (or the not horribly wicked), but once we remember the pleasures of the wicked, we can see that it is possible for pleasures to fail to make things better/make things worse.

If not hedonism, what?

The cases we might use to show that power and wealth are not intrinsically good help us see what has more fundamental value. The cases that Kant uses to show that pleasure is not intrinsically good suggest not that pleasure is never good, but that pleasure is good when it is deserved or when it is fitting. What has fundamental value is that which is an indispensable condition of being worthy of being happy. For Kant, that is the good will.

You might think that the fundamental moral principle will tell you how to properly respond to whatever it is that has fundamental value. If pleasure is what has fundamental value, it seems the proper response to pleasure is to maximize it. If the fundamental value is the good will, however, some other mode of response seems appropriate and so once we see why Kant rejects hedonism as a theory of value it is not surprising that Kant will argue that the fundamental principle of morality will not be a consequentialist principle. I'll say more about this in a moment. First, we need to know what the good will is.

The good will

We know that the good will is somehow connected to whatever it is that makes us worthy of happiness (assuming that we are). So, what makes us worthy of happiness?

A1: We make the world better.

[Objection: Lee and Larry Harvey Oswald.]

A2: We do the right thing.

[Objection: We can do the right thing from any number of different motives and we do not deserve happiness if we act from the wrong kinds of motives (e.g., doing what's right out of fear, self-interest, or malice).]

A3: We can do what's right from a sense of duty.

Here's Kant: *To be beneficent when we can is a duty; and besides this, there are many minds so sympathetically constituted that, without any other motive of vanity or self-interest, they find a pleasure in spreading joy around them, and can take delight in the satisfaction of others so far as it is their own work. But I maintain that in such a case an action of this kind, however proper, however amiable it may be, has nevertheless no true moral worth, but is on a level with other inclinations, for example, the inclination to honor, which, if it is happily directed to that which is in fact of public utility and accordant with duty, and consequently honorable, deserves praise and encouragement, but not esteem. For the maxim lacks the moral import, namely, that such actions be done from duty, not from inclination.*

People of good will & the good will

When first reading Kant, people often assume that people of good will have the good will. Which they do. It's a mistake, however, to think that those who do not do their duty do not have the good will. The good will should be thought of as a capacity which someone can use to act rightly and a capacity they have even if they do not act rightly. It is a condition for being worthy of happiness, but not a sufficient one.

You want to avoid saying that the will is good because those who have it reliably live up to their moral obligations because you want to avoid saying that the value of the will is instrumental. The value of the good will is unconditional and so does not depend upon whether the agent does what is right or not.

Who has the good will? Not just things or creatures that act according to laws (e.g., boulders or bears), but things that can act out of a respect for the law. They can formulate a law and they can will themselves to follow it. The capacity to act on our own desires is one that we share with the lower beasts. The capacity to subject our own desires to rational evaluation is supposed to set us apart.

The categorical imperative

Kant's fundamental moral principle should help us respond properly to the value of the good will. How it does this (if it does) is something we will return to in a moment. He proposes that the fundamental moral law is this:

Act only on that maxim which thou can at the same time will to become a universal law of nature.

Maxims?

What is a maxim? He says that it is “a subjective principle of volition”. He thought that whenever you perform an action, you act on some sort of general principle. If I need money and can get someone to lend me money only if I can persuade them that I will repay the loan, my maxim might be: *whenever I am in need and can get what I need by borrowing it, I will secure the loan even if I know I cannot repay it.*

The maxim describes the situation I am in and then proposes a way of dealing with it. If I try to universalize my maxim, I try to imagine a world in which anyone in my situation responds to that situation in the way that I have. There is a transition from:

- (i) Whenever I need a loan and can get it only by deceiving the lender, I shall deceive the lender.
- (ii) Whenever anyone needs a loan and can get it only by deceiving the lender, everyone should deceive the lender.

Can (ii) become a universal law of nature? It seems not. Those who say that they will repay the loan will not convince those with money that they will be repaid.

Line cutting

You find yourself at the end of a long line and know there will not be enough tickets. You have willed the end (see the movie) but you now see that the means that you thought would be effective (buy a ticket) will not be. What to do? You can cut the line. Is that permissible?

- (i) When you need to see a movie and there are not enough tickets, cut to the front of the line.
- (ii) Whenever anyone needs to see a movie and there are not enough tickets, cut to the front of the line.

To show that it is wrong to cut the line, Kant would argue that (ii) cannot be a law of nature. If (ii) cannot be a law of nature, the agent cannot consistently will that (ii) become a universal law of nature. It would be right to act on (i) only if (ii) can become a universal law of nature. Thus, it cannot be right to act on (i).

Suicide

- (i) When continuing to live will bring me more pain than pleasure, I shall commit suicide out of self-love.
- (ii) Whenever anyone's continued existence will bring them more pain than pleasure, they shall commit suicide out of self-love.

To show that it is wrong to commit suicide out of self-love, Kant would argue that (ii) cannot be a law of nature. If (ii) cannot be a law of nature, the agent cannot consistently will that (ii) become a universal law of nature. It would be right to act on (i) only if (ii) can become a universal law of nature. Thus, it cannot be right to act on (i).

Why think that (ii) cannot be a law of nature? The idea might be this—that the agent who acts out of self-love acts out of respect for her own capacity to identify and act on reasons. The action would destroy this capacity and would not respect this rational capacity. Thus, the act would involve willing both that the rational capacity is to be respected and destroyed.

Another formulation

Kant offers another formulation of the categorical imperative:

Act as to treat humanity, whether in your own person or in that of another, in every case as an end and never merely as a means.

Kant thinks that this formulation is equivalent to the first. While it is not clear why we should think that acting on maxims that can be universalized helps us respond to the value of the good will, it is clear why treating others as ends and never as mere means helps us properly respond to the value of the good will.

It helps to think about the examples discussed earlier and to ask whether you treat all the relevant persons as ends and not merely as means. It does seem that in the first two examples, you treat others not as ends unto themselves who are like you in pursuing their own interests but as things to be manipulated and controlled so that you can achieve your own ends. So, perhaps it's true that whenever you violate C1, you violate C2. Is it true that whenever you violate C2, you violate C1? Perhaps. Whenever you violate C2, you treat some person merely as means. Can you universalize a maxim that involves treating all persons merely as means and not as an end? I would think not since that would seem to require treating yourself as an end and not merely as a means.

Perfect and imperfect duties

Kant thought that humans and angels were rational animals. What distinguishes us from angels is that we are dependent, rational animals. Our continued existence depends directly or indirectly upon the good will of others. As such, we cannot universalize the maxim one might universalize if one decided as a policy never to assist others when it is inconvenient.

Can you *always* assist others when others are in need? It seems you cannot do that either. Why not? To do so, you would not treat yourself as an end but as a mere means to the benefit of others.

What to do? You cannot always help. You cannot never help. It seems that you must help sometimes.

We can say that a perfect duty is something that is always your duty. Such duties tend to be formulated negatively (i.e., do not lie, do not enslave, do not murder, etc.). An imperfect duty is sometimes your duty. These are positive duties (e.g., help others, improve your talents, etc.). The distinction between perfect and imperfect duties is helpful when it comes to dealing with moral dilemmas.

Conflicts of duties

- Suppose Jane can drive her jeep to the left or the right. If she heads left she can save two. If she heads right she can save one. What should she do?
- Suppose there is a trolley headed towards Tom, Dick, and Harry. Jane is at the switch. She can divert the trolley from the three but it will head down a side-track towards Larry. What should she do?
- Suppose a trolley headed towards Tom, Dick, and Harry. Jane is not at the switch but she is standing on a bridge. Larry skates up and Jane realizes that she can push Larry on his skates into the path of the trolley. That would stop the trolley so that Tom, Dick, and Harry are saved. What should she do?

While the first case involves a conflict of two imperfect duties (go with the stronger), the third involves a conflict of a perfect and an imperfect duty (go with the perfect duty). What if two perfect duties conflict? Can't happen.

We have a recipe, then, for dealing with conflicts. If imperfect vs. imperfect, go with the stronger. If perfect vs. imperfect, go with the perfect.

The loop

The trolley is headed down a straight stretch of track and then it will loop around and back. The direction it loops is determined by a switch. As it is set now, the switch will send the trolley around the track clockwise. If switched, it will send the trolley counterclockwise. You see that there are five people tied to the left side of the loop. If you do nothing, the trolley will head towards the left first where it will crush and kill them. The trolley will not roll any further. On the right side of the track, there is another guy tied to the track. He will be safe if you do not pull the switch. If, however, you pull the switch, the trolley will head to the right rather than the left. You will divert the trolley away from the five and they will be saved because the man is large enough that if the trolley is headed to the right it will come to a stop after crushing and killing him.

There's bombing and then there's bombing

Consider two bombings:

SB: The pilot drops bombs on a munitions factory in order to undermine the enemy's ability to wage war. In so doing, many lives are saved. In so doing, some non-combatants are killed.

TB: The pilot drops the bombs on a day care in order to kill small children, demoralize the enemy, and undermine the enemy's ability to wage war. In so doing, the pilot does undermine the enemy's ability to wage war.

Intuitively, you might say, SB and TB differ in moral status. Some non-consequentialists say that this is because of the pilot's intentions. In SB, the pilot foresees that some non-combatants will be killed but doesn't intend their deaths. In TB, the pilot intends the death of the non-combatants. According to the doctrine of double effect (DDE), it is permissible to perform actions that have both good and bad effects, but not if the bad effects are intended as an end or a means.

Consequentialists think that the DDE is a spurious moral principle. Whether some state of affairs is brought about intentionally or not has nothing to do with how much value is contained in that state of affairs and nothing to do with whether the agent could have made things better overall by bringing about some different state of affairs.

Kant's explanation—in TB, the non-combatants are treated as mere means. In SB, they are not. Is this a better explanation of the intuitions about TB and SB?

The lunch

You promise to meet a friend for lunch but see that a small child has fallen in the river and will drown if you do not jump in to save it. If you think that your duty to keep your promise is a perfect duty and your duty to save children is an imperfect duty, it seems you should head to lunch.

[Is this fair? Kant might say that you have a perfect duty not to make a lying promise, but that's different. Maybe it's fair to modify the example so that a lying promise is needed to save a life. Finished now?]

On the supposed right to lie because of philanthropic concerns

Kant writes:

Truthfulness in statements that cannot be avoided is the formal duty of man to everyone, however great the disadvantage that may arise therefrom for him or for any other. And even though by telling an untruth I do no wrong to him who unjustly compels me to make a statement, yet by this falsification, which as such can be called a lie ... I do wrong to duty in general in a most essential point. That is, as far as in me lies I bring it about that statements ... in general find no credence, and hence also that all rights based on contracts become void and lose their force, and this is a wrong done to mankind in general ... To be truthful in all declarations is, therefore, a sacred and unconditionally commanding law of reason and admits of no expediency whatsoever.

The question is not whether they can think, but whether they can feel

Kant's view is that we have moral status by virtue of the fact that we are autonomous creatures capable of acting out of respect for the law. Other creatures are compelled to act by laws. Kant held that we cannot act immorally towards animals because non-human animals lack the rational capacities required for being truly autonomous:

... so far as animals are concerned we have no direct duties. Animals are not self-conscious and are there merely as a means to an end. That end is man ... Our duties concerning animals are merely indirect duties towards humanity.

Kant did think that it was wrong to mistreat animals, but only because of the way this hardens our hearts and makes us insensitive to the suffering of others. Some are deeply troubled by the idea that only autonomous agents have moral status. Not only does such a view exclude non-human animals from the sphere of moral concern, it seems to exclude humans that do not have the rational capacities for autonomous action. Naturally, you can say that pre-rational humans have a kind of value if they are potentially rational agents, but such a view doesn't cover those individuals that do not have the potentiality to develop into agents capable of grasping the moral law and it only seems to show that pre-rational humans have a kind of instrumental value. Insofar as it doesn't seem inconsistent to recognize that something has instrumental value and treat it merely as an instrument, it is not clear that Kant has the resources to show that an infant or fetus has moral status.