Deontology: Duty-Based Ethics

IMMANUEL KANT
Lord Macaulay once recorded in his diary a memorable attempt – his first and apparently his last – to read Kant’s Critique: “I received today a translation of Kant... I tried to read it, just as if it had been written in Sanskrit”.

KANT’S OBJECTIONS TO UTILITARIANISM:

1. Utilitarianism takes no account of integrity - the accidental act or one done with evil intent if promoting good ends is the good act!

2. Utilitarians hold the moral agent responsible for outcomes that are neither foreseeable nor controllable.
"Our existence has a different and far nobler end, for which and not for happiness, reason is properly intended, and which must, therefore, be regarded as the supreme condition to which the private ends of man must, for the most part, be postponed."
KANT: MORALITY BASED ON REASON ALONE

Kant’s Argument:

1) There is a purpose for the existence of things - that is the world is ordered and has ultimate principles.

2) Happiness is for the lesser creatures not gifted with rationality.

3) Because we are rational we are capable of something beyond mere happiness.

4) That ability to be rational allows us to discern right from wrong apart from considerations of pleasure or happiness.

C) Morality lies in the domain of rationality not happiness and we as rational creatures are designed to be capable of discovering principle guidelines for moral behavior.
Intentions count and the only intention that counts is “the good will.”

“...even if, by some especially unfortunate fate or by the niggardly provision of step-motherly nature, this will should be wholly lacking in the power to accomplish its purpose; if with the greatest effort it should yet achieve nothing, and only the good will should remain...yet would it, like a jewel, still shine by its own light as something which has full value in itself.” (p.277)
**KANT: THE GOOD WILL**

- What is the Good Will?
  - It is *not* just any good intentions – for example, it is *not* the utilitarian intention to have the best outcome from one’s actions.
  - It *is* the will to do one’s duty without contradiction of reason – regardless of outcome!
  - It *is* the only thing not subject to corruption.
Why is the good will acted upon without any reference to consequences?

Answer:

First, because concerns about getting some reward or end happiness are irrelevant to moral duty – one does the right thing because it is the right thing to do. Doing one’s duty is what makes us good and is not what makes us happy.

Secondly, as rational beings we are capable of more than acting upon the kinds of things that would motivate animals, i.e. the avoidance of pain and pursuit of pleasure; to have these as our sole guidelines for morality degrades what it means to be human.
The good will has three distinguishing features:

- The good will is the indispensable condition for the value of other kinds of goods.
- The good will is the only kind of thing that is unconditionally good.
- The value of a good will is incomparably higher than the value of any other kind of thing whether in isolation or aggregate.
KANT: THE CATEGORICAL IMPERATIVE

2 Articulations:

- act only in accordance with that maxim through which you can at the same time will that it become a universal law.
- act as if the maxim of thy action were to become by thy will a universal law of nature.
KANT: THE CATEGORICAL IMPERATIVE

Two tests for articulating a moral duty. An example: Do you have a duty to come to this class?

- First, ask yourself if it is ok for anyone else to act in the same way (establishes whether it is morally permissible).

- Then, ask yourself if it would be a good rule so that everyone similarly situated (enrolled in this “bricks and mortar” class) must act in the same way (it becomes morally imperative) Would universalizing such a rule result in a contradiction of your will?
KANT: THE CATEGORICAL IMPERATIVE

A few important points:

- the categorical imperative is not predicated on a conditioned outcome as with a hypothetical imperative – “if you want x then you should do y”

- universalizing the categorical imperative asks not about probable benefits or costs in a consequentialist calculus – as with Mill or Bentham - but with the idea of logical contradictions as a consequence – see example of the lying promise to repay a loan – it represents a contradiction of one’s own intentions to obtain a loan.

- Universalizing one’s actions does not require everyone else to agree with you or to obey your will – it does not affect your duty even if no one else acts morally. In this way, Kant is emphasizing the importance of autonomy as well as integrity.
KANT: THE CATEGORICAL IMPERATIVE AND CHEATING ONE’S CUSTOMERS

3 Possible Formulations:
1. Cheat if and only if you can get away with it and don’t cheat if getting caught is likely
2. Don’t cheat because it would hurt your business
3. Don’t cheat because you like your customers and don’t wish to hurt them

Kantian Objections:
1. Fails as it isn’t a moral imperative – based on subjective desires & not addressing ethical issues
2. Fails because it is based on consequential appeals
3. Fails because it would imply that it is ok to cheat those you don’t like
IS THE CATEGORICAL IMPERATIVE THE SAME AS THE GOLDEN RULE?

The Golden Rule:
- Treat others as you would wish to be treated
- Example: don’t cheat because you wouldn’t wish to be cheated

Kant’s Version:
- Treat others in a way that can be rationally universalized
- Example: don’t cheat because it is wrong; inherent in doing business is the idea of fair exchange of value & if one universalized cheating it would be contradictory to the very idea of exchange of goods – not an instance of business but an instance of theft.
KANT AND EXCEPTIONS TO IMPERATIVES

Universal Imperative:
+ “Don’t kill”

Would Kant allow this exception?
+ “Don’t kill except in self-defense.”
Kant requires moral judgments to be made completely without reference to bias or personal gain; Is this complete objectivity possible?

Kant also requires that moral judgments be made without reference to subjective experience; Wouldn’t one’s knowledge base depend at least a bit on experience and thus affect one’s judgments of acceptability and relevance in reasoning?

Kant rejects emotional thinking and intuitions that may represent insightful leaps not logically defensible.

Kant had very little understanding of our central nervous system or of psychology – Patricia Smith Churchland suggests that our reasoning isn’t like a linear logic process at all – Freud argued that the unconscious often affects our conscious reasoning.
“So act as to treat humanity, whether in thine own person or in that of any other in every case as an end withal, never as means only.”
Who is a Person?

+ Persons include “man and any rational being”
+ Beings who can act only in accordance to their natural inclinations and wants are not persons.
+ Rational persons have a freedom of will; they can decide rationally what they want and don’t want.
+ Persons are ends in themselves – they have interests and projects (their own goals) that are important to them by virtue of their rational nature – they are value-givers and, as persons, their own value is intrinsic
+ Children, though not fully rational are still potential persons so though we may make decisions for them, we cannot use them as tools or objects, nor can we dispose of them or fail to provide sufficient care for them.
“Now I say that man, and in general every rational being, exists as an end in himself and not merely as a means to be arbitrarily used by this or that will. He must in all his actions whether directed to himself or to other rational beings, always be regarded at the same time as an end.”

(Grounding for the Metaphysics of Morals)
KANT: RESPECT FOR PERSONS

Being Useful or Being Used?

- The determinant factor lies in Kant’s concept of persons as value-givers and as such, “humans always have absolute value.” (p.289)
- One can be useful to another without loss of that absolute value as long as that person is not treated solely as a means to another’s ends.
“It is a duty of every man to be beneficent, i.e., to be helpful to men in need according to one’s means, for the sake of their happiness and without hoping for anything thereby. For every man who finds himself in need wishes that he might be helped by other men. But if he should make known his maxim of not wanting to give assistance in turn to others in their need -- if he should make such a maxim a universal permissive law -- then everyone would likewise refuse him assistance when he was in need, or at least everyone would be entitled to refuse. Thus the selfish maxim conflicts with itself when it is made a universal law, i.e., it is contrary to duty. Consequently, the altruistic maxim of beneficence toward those in need is a universal duty of men; this is so because they are to be regarded as fellow men, i.e., as needy rational beings, united by nature in one dwelling place for mutual aid. ... “

Kant and the Principle of Beneficence

- Kant called it a “wide imperfect duty.”

- “Kant argues that everyone has a duty to be beneficent, i.e. to be helpful to others according to one's means, and without hoping for any form of personal gain thereby. Benevolence done from friendly inclination he regards as “unlimited” (a term subject to different interpretations, but meaning at least “having no boundaries in potential scope”), whereas beneficence from duty does not place unlimited demands on persons.”
  - (Stanford Encyclopedia of Philosophy)
“...if a man and a woman have the will to enter on reciprocal enjoyment in accordance with their sexual nature, they must necessarily marry each other; and this necessity is in accordance with the juridical laws of pure reason. For, this natural employment— as a use of the sexual members of the other—is an enjoyment for which the one person is given up to the other. In this relation the human individual makes himself into a thing, which is contrary to the right of humanity in his own person. This, however, is only possible under the one condition, that as the one person is acquired by the other as a thing, that same person also equally acquires the other reciprocally, and thus regains and reestablishes the rational personality. The acquisition of a part of the human organism being, on account of its unity, at the same time the acquisition of the whole person, it follows that the surrender and acceptation of, or by, one sex in relation to the other, is not only permissible under the condition of marriage, but is further only really possible under that condition. But the personal right thus acquired is, at the same time, real in kind; and this characteristic of it is established by the fact that if one of the married persons run away or enter into the possession of another, the other is entitled, at any time, and incontestably, to bring such a one back to the former relation, as if that person were a thing.”

(Kant, “The Science of Right; The Natural Basis of Marriage,” trans. W. Hastie)
“All moral relations of rational beings, which involve a principle of harmony of the will of one with that of another, can be reduced to love and respect....” (Metaphysics of Morals, p.261)

“[I]f I yield myself completely to another and obtain the person of the other in return, I win myself back; I have given myself up as the property of another, but in turn I take that other as my property, so win myself back again in winning the person whose property I have become. In this way two persons become a unity of will. Whatever good or ill, joy or sorrow befall either of them, the other will share in it.” (Lectures on Ethics, p. 167).
Would Kant make a distinction between a wife and a trophy wife?

“A trophy wife is a woman that a financially successful man marries for the purpose of increasing his status. The main characteristics are that she be beautiful, desirable and an object of admiration. She is a status symbol (hence ‘trophy’) in much the same way as an expensive sports car, a pricey wristwatch or a luxury apartment.” (Wikipedia)
He did not believe that they are rational value-givers and capable of being motivated by things other than consequences.

They would also have to exhibit moral autonomy – freedom and independence of will.

But we are not permitted to treat animals with cruelty as this could result in a kind of desensitization to suffering in general and thus erode our relations with other humans.
Oliver North justifying his lying to Congress about trading arms for hostages during the Iran Contra Hearings: “Sometimes one must choose between lies and lives.”

Kant’s Response: NO!
KANT: WHY CAN’T WE EVER LIE?

Two Reasons:

1. Lying is a contradiction of the categorical imperative: it cannot be universalized as it would render the very act of communicating, wanting to be understood and believed, meaningless.

2. Lying is a contradiction of the practical imperative: it is inconsistent with treating persons with respect; it is a form of manipulation.
One of the first major challenges to Kant's reasoning came from the Swiss philosopher Benjamin Constant (see picture), who asserted that since truth telling must be universal, according to Kant's theories, one must (if asked) tell a known murderer the location of his prey.
“...For instance, if you have by a lie hindered a man who is even now planning a murder, you are legally responsible for all the consequences. But if you have strictly adhered to the truth, public justice can find no fault with you, be the unforeseen consequence what it may. It is possible that whilst you have honestly answered Yes to the murderer’s question, whether his intended victim is in the house, the latter may have gone out unobserved, and so not have come in the way of the murderer, and the deed therefore have not been done; whereas, if you lied and said he was not in the house, and he had really gone out (though unknown to you) so that the murderer met him as he went, and executed his purpose on him, then you might with justice be accused as the cause of his death. For, if you had spoken the truth as well as you knew it, perhaps the murderer while seeking for his enemy in the house might have been caught by neighbors coming up and the deed been prevented. Whoever then tells a lie, however good his intentions may be, must answer for the consequences of it, even before the civil tribunal, and must pay the penalty for them, however unforeseen they may have been; because truthfulness is a duty that must be regarded as the basis of all duties founded on contract, the laws of which would be rendered uncertain and useless if even the least exception to them were admitted.”

Kant: On a Supposed Right to Tell Lies from Benevolent Motives
WOULD KANT JUSTIFY TORTURE?

No! Why not?

- It would constitute a lying promise – the U.S. signed both the 1949 Geneva Convention and in 1994 agreed to the UN Convention Against Torture.

- It cannot be justified using consequentialist appeals – even if torture resulted in reliable information.

- It is a violation of the imperative to treat persons as ends and never as means only.
KANT ON HAPPINESS

- Kant argues that morality must be derived from “pure practical reason”
- Kant also argues that it is more important to be morally worthy of being happy than to be merely happy.

But happiness does play a role in morality:
“...To secure one’s own happiness is a duty, at least indirectly; for discontent with one’s condition, under a pressure of many anxieties and amidst unsatisfied wants, might easily become a great temptation to transgression of duty.”

Kant, *Fundamental Principles of the Metaphysics of Morals*, 1898
Kant states that the... concept of every rational will as a will that must regard itself as enacting laws binding all rational wills is closely connected to another concept, that of a “systematic union of different rational beings under common laws”, or a “Kingdom of Ends”. 
The formulation of the CI states that we must “act in accordance with the maxims of a member giving universal laws for a merely possible kingdom of ends” (4:439). It combines the others in that:

- it requires that we conform our actions to the maxims of a legislator of laws
- that this lawgiver lays down universal laws, binding all rational wills including our own, and
- that those laws are of ‘a merely possible kingdom’ each of whose members equally possesses this status as legislator of universal laws, and hence must be treated always as an end in itself.

Stanford Encyclopedia of Philosophy
leads one to suppose that one must act even if consequences are monstrous. - i.e. consequences have no reference to the moral worth of an act.

duties could conflict – e.g. prisoner of war not lying vs. not permitting the murder of his troop. For Kant they are both moral commands and yet it is impossible to do both - no way to resolve the conflict.

Temptations to write loopholes in for ourselves – “those persons whose name is Claudia and has grey hair may do x...”

Difficulty of having clear criteria for what counts as rationality

Kant allows no exceptions – even when it might be rational to do so