

Deontology and Kantian Ethics

1 General Remarks on Deontology

1.1 Basic Definition

There is no generally agreed-upon definition of deontology. It is probably best to identify it with “non-consequentialism”—i.e., any view which rejects the claim that we should always do what is best. So the basic commitment of deontology is that some actions ought to be done (or avoided) independently from the goodness of their consequences. (Note that this means that virtue ethics and contractualism might also be classified as a form of deontology!)

1.2 Monism/Pluralism

A deontological ethics might be (1) monistic, or (2) pluralistic. A monistic deontological ethics gives one supreme principle by which all our duties are ordered. A pluralistic deontological ethics gives several, irreducible principles. One example of a pluralist view is Ross's, who gives the following list of basic duties:

1. (a) duties of fidelity, which come from having made a promise; (b) duties of reparation, which come from having done something wrong
2. duties of gratitude
3. duties of justice
4. duties of beneficence
5. duties of self-improvement

Pluralist views must explain how conflicts between these non-reducible duties are to be resolved.

2 Side-Constraints

2.1 Definition

One way to highlight the difference between consequentialism and deontology is via the notion of side-constraints. Side-constraints, as introduced by

Nozick, are of the form ‘never do A-actions in C-circumstances’. They have three crucial features:

- (i) Side-constraints are *agent-relative*. They tell me that *I* ought to not A in C, but they do not tell me that I should prevent others from A-ing in C.
- (ii) Side-constraints are *time-relative*. They tell me that I ought to not A in C *now*, even if this means that I will A in C *later or earlier*. (I should not kill Amy now even if this means that I will kill Ben and Claire later.)
- (iii) Side-constraints *need not be absolute*. They can be of the form ‘never do A in C, unless doing so would lead to disastrous results’.

2.2 “Paradox” of Constraints

Assume that there is some side-constraint S on my behaviour. The preceding means that I should not violate S *even if* by doing so I could prevent two (five, ten, ...) violations of S by others (or even by myself!). (Example: standard trolley cases.) This has invited the objection that this is paradoxical. There are different ways to develop this criticism:

- (i) Constraints are *irrational*: in standard theories of rationality, we encounter nothing like constraints in this sense. Normal theories of rationality ascribe goals to us, but side-constraints do not behave like goals.
- (ii) Constraints cannot be explained *in terms of agent-neutral value*: if we value constraints, then there must be an explanation in terms of an impersonal, agent-neutral value. Such an explanation is missing, or will lead us to conclude that we should minimise violations.

2.3 Response: Inviolability

Kamm and Nagel give a response which partially answers (ii). The argument roughly is:

- (1) Assume that human beings are protected by side-constraints—e.g., it would be impermissible to kill persons to prevent more killings of other persons.
- (2) Independent of how likely people are to be actually liked, the fact that people are protected by such protections would bestow

on them a strong sense of moral importance, what we might call the moral status of *inviolability*.

(3) So only if our behaviour is guided by side-constraints do we fully recognise that persons are inviolable.

So side-constraints are grounded in the agent-neutral good of inviolability.

3 Categorical Imperative

3.1 Main Formulations

Kant claims that there is only one categorical imperative, and gives different formulations of it. Most commentators identify the following three as the main ones. Kant claims that these formulations come to the same. There is disagreement whether this claims is true, and about what we should take to be the best of Kant’s formulas.

Formula of Universal Law (FUL) “act only in accordance with that maxim through which you can at the same time will that it become a universal law.” (GMS 421)

Formula of Humanity (FH) “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.” (GMS 429)

Formula of the Kingdom of Ends (FKE) “act in accordance with the maxims of a member giving universal laws for a merely possible kingdom of ends” (GMS 439)

3.2 Maxims

The minimal content of a maxim is “under C-conditions, I will do A-acts”. Kant calls maxims “subjective practical principles”: (i) They are *principles* insofar as they do not concern particular actions, but generalised types of situations (their form is “universality”). (ii) They are *practical* insofar as they are not predictions about the future, but rather a decision about what I will do. (iii) They are *subjective*, because they concern what the individual will do, and are formulated by the individual.

There is great disagreement as to how we should interpret maxims. Many interpreters identify maxims with intentions, while others see in them more general life plans that individuals have. An example of a maxim which Kant

gives is “when I believe myself to be in need of money I shall borrow money and promise to repay it, even though I know that this will never happen” (GMS 422).

Note that the central object which Kantian ethics evaluates are maxims, not actions. From the fact that we should not act on *this* maxim we cannot infer that this action would generally be impermissible.

3.3 Formula of Universal Law (FUL)

Simplifying, we can think of FUL as a four-stage test of our maxims:

1. Formulate a maxim
2. Imagine a world in which everyone acted in that way (alternative interpretation: in which it would be permissible to act in that way)
3. Is such a world compatible with your maxim? (contradiction-in-conception test)
4. Can you will such a world? (contradiction-in-will test)

There are many problems on how we should interpret the central notion of a “contradiction” in the categorical imperative. (See Korsgaard for a particularly clear outline of different interpretations.)

3.4 False Positives and False Negatives

Classic counterexamples to the CI are (1) false positives: innocuous maxims get rejected, and (2) false negatives: bad maxims pass the categorical imperative. Here are some classic examples:

False Positives	False Negatives
“I want to work in a bakery” “Let’s play tennis on Thursday” “I will save money by shopping the day after Christmas, but not on Christmas itself” “I want to buy, but never sell, baseball trading cards” “I hope to eradicate poverty”	“Whenever a person walks onto my lawn, I will kill them” “I, and only I, will rob the supermarket tomorrow at 11:23” “I will treat everyone well, except Steve” “I will keep promises that I do not intend to keep as long as everyone else makes promises and keeps them”

3.5 Formula of Humanity (FH)

- (i) FH does not forbid to use people as a means, it forbids to use people *merely* as a means.
- (ii) “Humanity” does not refer to the species *homo sapiens*. It roughly refers to our capacity for rationality.
- (iii) While FH does not explicitly refer to maxims, whether we treat someone merely as a means is also an intentional feature of our action: it depends on what intentions we actually have, not merely on what we do.
- (iv) Parfit’s proposed counterexample: Mary saves John from drowning, but merely to gain a good reputation. She uses John merely as a means, but she does not act wrongly. (Is this convincing?)

4 The Good Will

4.1 In Accordance with Duty / Out of Duty

We have to distinguish what is done “in accordance with duty” (*pflichtmäßig*) from what is done “out of duty” (*aus Pflicht*). Actions in accordance with duty are (roughly) those which are required of us. Actions out of duty, on the other hand, are done from a motive: the motive of doing what is required of us.

Kant’s central claim is that *only actions done out of duty have moral worth*. So Kant is not denying that you can do the right thing while not acting out of duty. But he’s saying that in such a situation you’re actions have no moral worth.

4.2 Moral Worth

Kant thinks the following:

- (1) every action is either done out of duty, or it is done out of inclination, never both,
- (2) an action done out of duty might be supported or opposed by inclination (*mit Neigung* and *ohne Neigung*)
- (3) every action done out of duty has moral worth (see above)

Let’s distinguish four cases:

- (A)** We act out of duty, while having opposing inclinations.
I keep my promise because it’s my duty, but I would really prefer not to.

- (B)** We act out of duty, while having supportive inclinations (“mit Neigung”).

I keep my promise because it’s my duty, but it turns out that I also like to do it.

- (C)** We act out of desire, because of an altruistic desire.

I keep my promise because I really like keeping promises, and feel committed to the person I promised to.

- (D)** We act out of desire, because of an egoistic desire.

I keep my promise because I know I will be punished if I don’t.

There are many misunderstandings of Kant here (in my interpretation, though everything in Kant is contentious to some degree).

- (i) Kant is sometimes held to say that only actions in category (A) have moral worth. That is, if you’re inclined to do what’s right, your action loses its moral worth. This led to Schiller’s objection that having friends would only have moral worth if we hated them.¹

- (ii) Often the distinction between (B) and (C) is misunderstood. Kant objects to actions in category (C). While people in this category might have robust desires to do good, they still do not act out of duty, and therefore their actions have no moral worth. But this does not show that actions in category (B) have no moral worth.

- (iii) In the Groundwork, often praises people in category (A). But he does so because the difference between duty and inclination is particularly clear here, not because he wishes to deny the existence of moral worth in (B).

The correct interpretation (I think) is that Kant claims that people’s actions have moral worth if they’re done out of duty, so both in (A) and (B), and equally so.

¹ “*Scruples of Conscience*”

I like to serve my friends, but unfortunately I do it with inclination
And so often I am bothered by the thought that I am not virtuous.
Decision

There is no other way but this! You must seek to despise them,
And do with repugnance what duty bids you.”