4. Name two problems that we discussed in class that Kant's test of the formula of universal law seems to have, and explain both what the problem is, and why it seems to be a problem. Does Kant (or contemporary Kantians) have an answer to either of those two problems? If so, what, and is it/are they good answers? Why or why not?

Logical and Practical Issues with Kant's Test of the Formula of Universal Law

Kant's categorical imperative, an absolutely unconditional requirement justified as its own aim, is "Act only on that maxim whereby thou canst at the same time will that it should become a universal law" (*Fundamental Principles*). When we test whether or not a maxim follows this universal law, we run into problems with the "logical" and "practical" contradiction interpretations of the universal law. In this paper, I will explain these contradiction interpretations and present a counterargument to Korsgaard's response to the practical contradiction interpretation.

In order to test whether or not a maxim follows universal law, there are specific steps we must complete. First, we formulate our maxim. This can be any general rule or principle upon which people should do something. It can be anything as general such as "Don't lie" or specific such as "Don't lie to your parents." Since we are rational human beings, we act from these "rules" in determining what we should or shouldn't do. After we have the maxim, we formulate the corresponding law of nature. This is a universalized law that applies to everyone, and, in our rational capacities, we all should follow this law. In order to "test out" this universalized law, we imagine some sort of world in which this law is universalized. This world should have the possibilities for what could happen or what people could do when this law is universalized. This world is the "World of the Universalized Maxim." We imagine ourselves in this "world," and imagine that we are willing to act on the maxim in the "world." Finally, we see whether or not

there is a contradiction (either of conception or in the will) when we act on the maxim in the "world." If we can't find a contradiction, then it passes the test.

The first problem we encounter is that, when using the logical contradiction interpretation, it doesn't seem to work with "natural" actions. In this sense, "logical" means whatever doesn't make sense when universalized. A good example is "I will borrow money when I need it, even though I know I won't ever be able to pay it back." While you might be able to get away with borrowing money without returning it, if everyone were to act on this maxim, then no one would be able to lend or borrow money between people.

Korsgaard defends the contradiction by claiming that there is a distinction between "conventional" and "natural" actions. Conventional actions depend on practices (like promises when borrowing money) while natural actions don't (such as killing people). Korsgaard claims the logical contradiction interpretation accounts for conventional actions, but not for natural ones. For an action that is natural (such as killing students who show up late to class), even if we universalize such a maxim, (while it would probably be fearsome and difficult for students to arrive on time to class) there would be no contradiction. It would not be impossible.

Another problem with Kant's test of the universal law is that the practical contradiction interpretation does not have a defined "scope" of actions for which it applies. If an immoral maxim is universalized, we couldn't achieve the maxim's purpose. In the same example of a person borrowing money without any possibility of being able to give it back, we look at the how the person can't achieve his/her purpose. Instead of the logical impossibility of such a world existing in which this maxim were universalized, the problem is that the person him/herself can't achieve the purpose of paying back the money through the purpose of maxim. But, in the same

vein as the logical contradiction interpretation example, it is unclear how this can account for "natural" actions for which there is no apparent "purpose" of the agent. Korsgaard, however, does believe that the practical contradiction interpretation can account for some natural actions. If a person kills someone the next person in line order to get a job, then the purpose is to get the job. When we universalize this maxim, then the person could not achieve this purpose because, if everyone killed to get jobs, then the person might get killed himself and, therefore, couldn't get the job.

I believe Korsgaard's example of killing a person to get a job is actually a "conventional" action since it depends upon an established practice. As a society, we have established the practice that, in order to be hired for a job, one must not be dead. In the example Korsgaard uses, Korsgaard does not talk about the duties of being able to physically work at the job (such as being able to answer emails and write reports), but, rather, the simple possibility that one could have a position while being alive. For this reason, it is "naturally" possible for one to have a position while not actually being alive, and our notion that it is necessary to be alive to have a job is something that we have only established by convention. For example, Jeremy Bentham's dead body is present on board meetings at University College London despite the fact Bentham is dead. Therefore, Korsgaard's example does not count as a "natural" action, and it provide the contradiction that she needs.

For some maxim to be universalized into a law, we need more than just whether or not we can live in such a world of the universalized maxim, but, also, whether or not we would choose to do so. The second part of testing out the maxim in the "universalized world," is to determine whether or not we can will to live in such a world without contradiction, or, in other

words, if it is rational to choose to live in such a world. In "Groundwork for the Metaphysics of Morals," Kant says, "For a will that brought that about would conflict with itself, since instances can often arise in which the person in question would need the love and sympathy of others, and he would have no hope of getting the help he desires, being robbed of it by this law of nature springing from his own will." In the case of the person killing everyone in line to get a job, everyone would fear losing his/her own job and would not choose to live in such a world.

1. **Does the move from act to rule utilitarianism help Utilitarians more or less than the move from the Formula of Universal Law to the Formula of Humanity helps Kantians? Why?**

We have discussed an issue of using the Formula of the Universal Law (FUL) as a way of identifying whether or not a law can be universalized through the practical contradiction test. If we move from FUL to the Formula of Humanity (FH), then this would offer more help to resolve this issue more than moving from Act Utilitarianism (AU) to Rule Utilitarianism (RU). If we move from the FUL to the FH, then, instead of acting out of a rule that could be universally regarded as a maxim, then we would be acting for the sake of treating other humans as means and ends. Though we are still using the same moral law of not killing people to get a job, then, if we are treating other humans as the ends and means, then we would not seek to kill people, even if we were going to get a job from it. We could not only treat the other people as means (people who I need to kill in order to get a job), but, also, as ends, so we need to take into account their lives as well. The FH would dictate that we cannot universalize the maxim, and, it is helpful this way.

The way Utilitarians move from act to rule would not help as much (as the movement

from FUL to FH) in this instance. According to Act Utilitarianism (AU), we should do what maximizes happiness, and, according to Rule Utilitarianism (RU), we should ask if the "general rule" that we follow when we do an action, if universalized, would maximize happiness. For the case of killing someone to get a job under AU, happiness would be maximized for the person doing the killing in order to get the job. Depending on specific instances of the situation, there might be cases in which one could totally get away with this action and suffer no consequences, and there might be cases in which the person (and others) experiences unhappiness that would mean the person shouldn't do this. Because of this variability, under AU, it might be morally okay for someone to do kill to get a job, but it might be morally wrong as well. Under RU, a similar case would show that killing people to get a job, in general, killing people in order to get a job wouldn't maximize happiness. If everyone killed others in order to get jobs, then no one would be able to get jobs and happiness wouldn't be maximized. It's easy to see how RU wouldn't allow for the maxim to be universalized, but, because the case of AU is quite ambiguous, this movement from AU to RU doesn't help the Utilitarians as much as the movement from FUL to FH does the Kantians.