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Author(s): Marcus G. Singer

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THE CATEGORICAL IMPERATIVE

KANT'S ethics has traditionally been thought of as issuing in "categorical imperatives," which take no account of individual situations, personal differences, or extenuating circumstances. Thus Kant has effectively been stereotyped as an "ethical absolutist," or (abominable phrase) "ethical formalist": one who holds that, for example, it is always wrong to lie, no matter what the circumstances or consequences. Now there is this element of rigorism in Kant's view. But it is not very important. There are other elements as well. In this paper I shall attempt to show that those of Kant's ethical views which have been thought most objectionable have no essential connection with his first moral principle or categorical imperative, "Act only on that maxim whereby thou canst at the same time will that it should become a universal law." Kant's rigorism is actually inconsistent with, and is therefore not based on, his first moral principle. Moreover, his principle of universality can conflict with, and is therefore not equivalent to, his principle of treating "humanity" as an "end in itself." But to show this, it will first be necessary to consider carefully the exact nature of the difference between a hypothetical and a categorical imperative.¹

¹ The works of Immanuel Kant referred to in this paper will be cited as follows. Kant's *Grundlegung zur Metaphysik der Sitten*, the *Groundwork* (or *Fundamental Principles*) of the *Metaphysic of Morals*, is cited simply as "*Grundlegung*." The translation used is that of H. J. Paton, which is contained in his book entitled *The Moral Law* (London, 1947). The pages referred to are the ones given in the margin of Paton's book, which are those of the second edition of the *Grundlegung*. After the reference to Paton's translation, I have given the corresponding reference to the translation by T. K. Abbott, in *Kant's Critique of Practical Reason and Other Works on the Theory of Ethics*, 6th ed. (London, 1909). The pages cited are those Abbott inserts in the body of the text (and in brackets at the top of each page), which refer to Rozenkranz and Schubert's edition of Kant's works.

Kant's *Critique of Practical Reason* is cited simply as "*Practical Reason*." The translation used is Abbott's. Here also the pages referred to are those Abbott places in the body of the text. The translation used of Kant's *Philosophy of Law* (*Metaphysische Anfangsgründe der Rechtslehre*) is the one by W. Hastie (Edinburgh, 1887). In the cases where the same passage appears in Abbott's edition, the corresponding reference is given to the *regular pages* of Abbott's book, *not* to the inserted page numbers. The regular page numbers of Abbott's work are also used in referring to the other writings of Kant included in it. The abbreviation used in such cases is simply "Abbott, p. —."

Kant's *Lectures on Ethics* were translated by Louis Infield (London, 1930).

I

Kant's distinction between hypothetical and categorical imperatives is one of the fundamental features of his ethics. Unfortunately it has been almost universally misunderstood. This is not surprising, for, owing to the unfortunate terminology in which he expressed it, Kant himself was seriously misled by it. But the distinction, when properly understood, is perfectly sound. It is, basically, nothing more than the distinction between prudential and moral rules or judgments.

As Sidgwick has pointed out, "It is important to take separately the two species of judgments . . . distinguished as 'moral' and 'prudential' . . . In ordinary thought we clearly distinguish cognitions or judgments of duty from cognitions or judgments as to what 'is right' or 'ought to be done' in view of the agent's private interest or happiness. . . ." ² Now what is the nature of this distinction? Roughly, this: what would be prudent or imprudent, wise or foolish, for someone to do depends on his wants or desires in a way that what would be morally right or wrong for him to do does not. It is essential to the nature of an obligation that no one can get rid of his obligations by not wishing to perform them. The fact that someone does not want to do something is irrelevant to the question whether he has the duty to do it. But the fact that someone does not want to do something is not similarly irrelevant to the question whether it would be prudent for him to do it.

This is so far not a very precise criterion. But it can be made more precise by a very slight modification. Note that such terms as "ought," "right," and "wrong" are ambiguous between their prudential and moral senses (though this is more usual, perhaps, with "ought" than with the other two). A statement of the grammatical form "*A* ought to do *x*" can express either a moral judgment or a prudential judgment. It can mean either that it would be immoral, or that it would be imprudent, for *A* not to do *x*. Now how can this difference be made out in particular cases? One way, clearly, is by reference to the way such a statement would be justified or substantiated. What sort of reasons does one offer in support of the statement? If the statement is substantiated by reference to the agent's own desires or inclinations, to his own interest, then the judgment is a prudential one. If it can be shown, for instance, that if one does not do the act in question he will not obtain something he wishes to have, then by not doing the act he will be acting foolishly, unwisely, irrationally, or imprudently, though not necessarily immorally. The fact that an imprudent act can also be

² Henry Sidgwick, *The Methods of Ethics*, 7th ed. (1907), pp. 25-26.

immoral is strictly irrelevant. The reasons specified show that the statement in question expresses a prudential, and not a moral, judgment. They show that the act is imprudent, and not that it is immoral. On the other hand, if the statement is supported by reference to the needs or wants of *others*, to the rights of or to one's obligations to others (or by pointing out what would happen if everyone failed to act in that way), then the judgment is a moral judgment.

Thus if in the statement of the reasons supporting the assertion that something is right or ought to be done it is necessary (and sufficient) to specify the needs, wants, desires, or inclinations of the agent—or the effects on the agent of failing to act in the way specified—then the judgment is a prudential one. In this case what is being claimed is that it would be imprudent not to act in this way.

Now it is in just this way that Kant distinguishes between hypothetical and categorical imperatives: a hypothetical imperative is a rule (or "counsel") of prudence; a categorical imperative is a moral rule (or "law").

Skill in the choice of means to one's own greatest well-being can be called *prudence* in the narrowest sense. Thus an imperative concerned with the choice of means to one's own happiness—that is, a precept of prudence—still remains *hypothetical*: an action is commanded, not absolutely, but only as a means to a further purpose.³

Kant says that a hypothetical imperative (precept of prudence) is based on a condition or presupposition, and he distinguishes hypothetical from categorical imperatives on the ground that the latter are not based on (or limited by) any condition.⁴ This is by no means as obscure as it may seem. What it means is that a statement of the form "*A* ought to do *x*" (which Kant calls an imperative) may be supported or based on *A*'s desire for some end, which may or may not be expressly mentioned. In such a case the statement "*A* ought to do *x*" is elliptical for "If *A* desires *y* (and he does), then he ought to do *x*" (which in turn is based on the proposition that doing *x* is an indispensable condition for the attainment of *y* ⁵). In this case the "imperative"—"*A* ought to

³ Kant, *Grundlegung*, Paton 42–43, Abbott 40. There is no need to take account here of the distinction Kant draws between two kinds of hypothetical imperatives, counsels of prudence and rules of skill. As Kant himself says, the imperative of prudence "differs from the imperative of skill only in this—that in the latter the end is merely possible, while in the former the end is given . . . both command solely the means to something assumed to be willed as an end . . ." (Paton 48, Abbott 44). Thus either, indiscriminately, can be called a rule (or judgment) of prudence.

⁴ *Ibid.*, Paton 43, 44; Abbott 40, 41. ⁵ Cf. *Practical Reason*, 134 n.

do x "— is hypothetical. It is asserted hypothetically or contingently upon A 's desire for y , which is the condition upon which it is based. As Kant says, "we can always escape from the precept if we abandon the purpose."⁶ On the other hand, there are statements of this same form (" A ought to do x ") which are not based on or conditioned by any desire or purpose of A . In such a case the imperative is not asserted hypothetically or conditionally upon any of A 's desires, and this is what Kant would call a categorical imperative. A categorical imperative is a moral imperative. It is not one from which we can escape by abandoning some purpose. For it is not conditional upon any purpose of the agent. As Kant says, "an unconditioned command does not leave it open to the will to do the opposite at its discretion. . . ." ⁷

Wherever an object of the will has to be put down as the basis for prescribing a rule to determine the will, . . . the imperative is conditioned, as follows: "If, or because, you will this object, you ought to act thus or thus"; consequently it can never give a moral—that is, a categorical—command . . .

This relation, whether based on inclination or on rational ideas, can give rise only to hypothetical imperatives: "I ought to do something *because I will something else*." As against this, the moral, and therefore categorical, imperative, says: "I ought to will thus or thus, although I have not willed something else." ⁸

It should be evident from this that Kant's distinction between hypothetical and categorical imperatives is the same as that between prudential and moral judgments (as well as the one that can be drawn on the same grounds between prudential and moral rules). A statement (imperative) of the form " A ought to do x " can express either a prudential or a moral judgment (either a hypothetical or a categorical imperative), depending on the sort of reasons that are offered for it. If it is supported by reference to the desires, or to what is in the interest, of the agent, then it is a judgment of prudence (hypothetical imperative).⁹

⁶ *Grundlegung*, Paton 50, Abbott 45. ⁷ *Ibid*.

⁸ *Ibid.*, Paton 93, 88–89; Abbott 76, 72. Cf. *Practical Reason*, 146: "All the matter of practical rules rests on subjective conditions, which give them only a conditional universality (in case I *desire* this or that, what I must do in order to obtain it). . . ." See also *Lectures on Ethics*, p. 37: "A moral law states categorically what ought to be done, whether it pleases us or not. It is, therefore, not a case of satisfying an inclination. If it were, there would be no moral law, but everyone might act according to his own feeling."

⁹ That this, incidentally, was what Kant had in mind by the distinction between hypothetical and categorical imperatives was clearly recognized by Sidgwick: "We frequently prescribe that this or that 'ought' to be done or aimed at without any express reference to an ulterior end, while yet such an end is tacitly presupposed. It is obvious that such prescriptions are merely,

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II

But Kant's notion of a "categorical imperative" has not always been interpreted in this way. And with some justification. For Kant himself shifted his use of the term, without making this shift explicit. He did not always use the term in the way in which he defined it. From a sense of "categorical" in which a categorical imperative is simply a moral imperative, as contrasted with a prudential one, he shifted to a sense in which a categorical imperative is one that is inviolable, one that holds under all circumstances or conditions and admits of no exceptions. This is Kant's ethical rigorism or absolutism, for which he has so often been censured. One of the sources of it appears to be the unfortunate terminology he chose to express the distinction between moral and prudential rules, that of "categorical" and "hypothetical." From "categorical" as opposed to "hypothetical" it is a short step to "unconditional" as opposed to "conditional." And from an unconditional *rule* it is but a short step to an unconditional *duty*, one that holds irrespective of conditions or circumstances, which is what Kant asserts the duty of veracity to be. But when Kant first speaks of a categorical imperative, he says that it is not conditioned by, or conditional upon, any purpose of the *agent*, and he distinguishes it from a hypothetical imperative precisely on the ground that the latter is conditional upon some purpose of the agent. And what he seems to have done is to have shifted from thinking of a categorical imperative as one not conditional upon any purposes of the *agent* to thinking of it as not being conditional upon *anything at all*. But from the fact that a statement of the form "*A* ought to do *x*" is not based on or "conditioned by" any of *A*'s purposes, it does not follow that it may not be based on or conditioned by someone else's purpose, for whose sake *A* ought to do *x*. Nor does it follow that it is not based on or conditional upon other circumstances or factors. The "imperative," "If *A* promised *B* to loan him the money he asked for, then *A* ought to loan *B* the money he asked for," for instance, is not a hypothetical imperative in the sense in which Kant defined this term. It is not conditional upon any of *A*'s desires. But it is still conditional. The imperative "*A* ought to loan *B* the money he asked for" is based on or

what Kant calls them, Hypothetical Imperatives: they are not addressed to anyone who has not first accepted the end. . . . A physician assumes that his patient wants health: he tells him that he *ought* to rise early, to live plainly, to take hard exercise. If the patient deliberately prefers ease and good living to health, the physician's precepts fall to the ground: they are no longer addressed to him" (*op. cit.*, pp. 6-7).

conditional upon a prior promise. *A* cannot be required to loan money to anyone who asks him for it. Thus Kant seems to have been misled by his own unhappy choice of language.

(Kant of course did not always fall into this confusion. His distinction between "perfect" and "imperfect" duties, for example, is based on the fact that some duties are conditioned by or depend on the desires or purposes of others. Thus he says:

We distinguish the law that merely furnishes a *principle* of obligation from that which is really obligatory; as, for instance, the law of what men's *wants* require from me, as contrasted with that which their *rights* demand, the latter of which prescribes essential, the former only non-essential duties . . .¹⁰

Kant also recognizes that we may have a duty to promote the happiness of others, and this could hardly be the case unless at least some of our duties were "conditioned by" the purposes of others.¹¹)

Perhaps the most famous instance of Kant's rigorism is his almost fanatical insistence that it is always wrong to lie, that one cannot lie even to save someone from being killed. But it can be illustrated by many passages from his *Philosophy of Law*, in which this phase of his view found its most forceful expression. Thus, Kant maintains that the precept "Obey the authority which has power over you," "is a Categorical Imperative . . ." which "forbids investigating into how this power has been attained, at least with any view to undermining it," and says that "resistance on the part of the people to the supreme legislative power of the state, is in no case legitimate. . . . It is the duty of the people to bear any abuse of the Supreme Power, even though it should be considered to be unbearable."¹² Again, he speaks of "The Categorical Imperative of Penal Justice, that the killing of any person contrary to the Law must be punished with death . . ." and makes such pronouncements as: "Even if a civil society resolved to dissolve itself with the consent of all its members—as might be supposed in the case of a people inhabiting an island resolving to separate and scatter themselves throughout the world—the last murderer lying in prison ought to be executed before the resolution was carried out."¹³

It is not to the present purpose to inquire whether Kant really meant what he seems here to be saying, or to ask what the particular

¹⁰ *Practical Reason*, 309–310.

¹¹ Cf. the Preface to the *Metaphysical Elements of Ethics*, Abbott, pp. 303–304. In this connection the following statement is worth noting: "That one should sacrifice his own happiness, his true wants, in order to promote that of others, would be a self-contradictory maxim if made a universal law."

¹² *Philosophy of Law*, pp. 256–257, 176–177.

¹³ *Ibid.*, pp. 204, 198.

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grounds were that led him to make these pronouncements. I think it will generally be found that, in his philosophy of law at any rate, Kant does, in one way or another, qualify them to some extent when he comes to apply them or consider their bearings on one another.¹⁴ But what is of importance here is the relation between Kant's rigorism and his first moral principle, the categorical imperative, "Act only on that maxim whereby thou canst at the same time will that it should become a universal law," and what has generally been inferred about this principle from these characteristically "Kantian" pronouncements. For what has generally been inferred is that Kant's first moral principle must be wrong, if not simply absurd. Thus G. C. Field writes:

The notion of the test of universalisation as a practical criterion has been unanimously rejected by the critics, and doubtless with good reason. The arguments against it are probably familiar to every student in the elementary stages of moral philosophy. We have all been introduced very early to the figure of the innocent man pursued by murderers whose life can be saved by a timely lie. There is no need to work over such well-trodden ground again.¹⁵

Now this view is thoroughly mistaken. The most grotesque fallacies often arise out of the assumption that some ground has been "well-trodden." What has happened is that Kant himself misapplied his own principle, and it has been inferred, *without any independent examination*, that the *principle* cannot be valid. But ethical rigorism, the view that certain moral rules hold absolutely or in all circumstances, simply does not follow from Kant's first moral principle. It is actually inconsistent with it. I propose to show this by examining directly Kant's arguments in the famous essay "On a Supposed Right to Tell Lies from Benevolent Motives," in which his view that it can never be right to tell a lie was most vehemently maintained.¹⁶

III

Kant wrote this essay in reply to a criticism by Benjamin Constant, whom he quotes as saying:

The moral principle that it is one's duty to speak the truth, if it were taken singly and unconditionally, would make all society impossible. We have the

¹⁴ It is noteworthy that Kant would admit cases in which it is not wrong to utter a false statement with intent to deceive, only he would not call such statements "lies." See *Lectures on Ethics*, pp. 227–228. For the dictum, "Thou shalt not lie, be the circumstances what they may," *ibid.*, p. 13.

¹⁵ G. C. Field, "Kant's First Moral Principle," *Mind*, XLI (1932), 19.

¹⁶ This essay is translated in Abbott, pp. 361–365. The references of this section, unless otherwise specified, will be to this essay.

proof of this in the very direct consequences which have been drawn from this principle by a German philosopher, who goes so far as to affirm that to tell a falsehood to a murderer who asked us whether our friend, of whom he was in pursuit, had not taken refuge in our house, would be a crime [361].

To consider Constant's arguments against this, and Kant's direct replies to these arguments, while it would no doubt be of interest, would simply tend to obscure what is most important in the present context. Let us consider only Kant's positive remarks on what he calls "the unconditional principle of veracity" (363–364). Along these lines he claims:

Truth in utterances that cannot be avoided is the formal duty of a man to everyone, however great the disadvantage that may arise from it to him or any other; and although by making a false statement I do no wrong to him who unjustly compels me to speak, yet I do wrong to men in general in the most essential point of duty . . . that is, so far as in me lies I cause that declarations in general find no credit, and hence that all rights founded on contract should lose their force; and this is a wrong which is done to mankind . . .

A lie . . . always injures another; if not another individual, yet mankind generally, since it vitiates the source of justice . . . [362].

It is to be noted that Kant is really begging the question here. It seems as though he is maintaining that lying in this case would be wrong because, even if it does not injure another individual, it would injure mankind generally. But he is really doing nothing of the sort. What he is really maintaining is that to tell a lie, even in a situation of the sort described, *must* injure mankind generally, because it would be wrong. But whether it would be wrong is precisely the point in question. The claim that a lie must be wrong because it vitiates the source of justice, or would help destroy the foundations of the law of contract, is similarly question-begging. It can be met by the reply that failing to lie in such a situation would be wrong because it would help destroy the bonds of human trust, in terms of which one person may be relied on to shield another against an oppressor.

But all this is really beside the point. What is most important here is that this argument is certainly not an application of the categorical imperative. And in fact Kant does not apply the categorical imperative at all in this essay. A fallacious inference as to what the results of applying it would be can hardly be construed as an application. If Kant were applying his first moral principle to this case he would be arguing that it would be wrong to lie in such a situation because it could not be willed to be a universal law that everyone do so. Instead of doing this, he contents himself with such assertions as the following: "To be *truthful* (honest) in all declarations is therefore a sacred unconditional

command of reason, and not to be limited by any expediency. . .” (363).¹⁷ “The duty of veracity . . . is an *unconditional duty* which holds in all circumstances” (364). The rule of veracity, he continues, “in its nature does not admit of exceptions, since to do so would be self-contradictory” (365).

Now none of these assertions is in any degree warranted by Kant’s moral principle. What Kant is apparently assuming here is that since the rule of veracity is a categorical or unconditional imperative, in the sense of not being a hypothetical imperative, it would be self-contradictory to speak of a justifiable exception to it. And he is assuming that this rule has been established to be a categorical imperative, in the sense of a rule admitting of no exceptions, by some previous application of *the* categorical imperative. But these assumptions are simply false. Nothing of the sort has been established.

Consider the famous illustration in the *Grundlegung* in which Kant applied the categorical imperative to the case of lying (or making a lying promise). What was established by this application of the principle? What was established was that the maxim in this case (“whenever I believe myself short of money, I will borrow money and promise to pay it back, though I know that this will never be done”)

can never rank as a universal law and be self-consistent, but must necessarily contradict itself. For the universality of a law that every one believing himself to be in need may make any promise he pleases with the intention not to keep it would make promising, and the very purpose of promising, itself impossible, since no one would believe that he was being promised anything, but would laugh at utterances of this kind as empty shams.¹⁸

Kant’s point here of course is that if such a rule were universally

¹⁷ The use of the word “therefore” in this sentence may be taken as a sign that Kant is arguing rather than baldly asserting. And so, in a way, he is: “Whoever . . . 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.” Though this may be an argument, it is certainly not an application of the categorical imperative.

¹⁸ *Grundlegung*, Paton 54–55, Abbott 48–49. Cf. 19 (Abbott 24): “I can indeed will to lie, but I can by no means will a universal law of lying; for by such a law there could properly be no promises at all, since it would be futile to profess a will for future action to others who would not believe my profession or who, if they did so over-hastily, would pay me back in like coin; and consequently my maxim, as soon as it was made a universal law, would be bound to annul itself.”

followed there could be no promises at all. It would be self-contradictory to say that everyone has the right to make a lying promise whenever he feels like it. It is essential to the nature of a promise that when one promises to do something he can generally be presumed to intend to do it. If no one intended to carry out his "promises" no one could be said to have promised; the phrase "I promise" would lose its meaning—it could not be used to make a promise. And since the act therefore could not be right for everyone, it would not be right for anyone. But it does not at all follow that it is *always* wrong to lie or make a false promise. All that Kant has shown is that it is generally wrong (and surely this is enough). He has not shown that *no matter what the circumstances*, the supposition that everyone could make a lying promise in those circumstances would have this consequence. But this is what would have to be shown in order to show that lying, or false promising, is always wrong, no matter what the circumstances. And the fact is that this cannot be shown. For it is possible to imagine circumstances such that everyone may make a false promise in those circumstances without thereby making "promising, and the very purpose of promising, itself impossible," either in those circumstances or in general. Indeed, it would be self-contradictory to maintain that lying is always, and not just generally, wrong, *because the reasons in terms of which the rule is established are the very same reasons which, in certain circumstances, would suffice to override it.*

Now the case in which it is proposed to tell a lie in order to save an innocent person from harm is precisely of this type. The circumstances of the case have already been sufficiently described in the quotation given above. But to make it more precise, so that it cannot be said that one has the alternative of refusing to speak at all, let us imagine that the situation is the following. *A* is hiding in *B*'s house. The murderer arrives and asks *B*, who happens at the moment to have *C* for company, whether *A* is in the house and says that if *B* does not answer he and *C* will be killed. *B* can do one of three things. He can tell the truth, in which event *A* will be murdered; he can refuse to answer, in which event he and *C*, who is just as innocent as *A*, will be murdered; or he can tell a lie calculated to save the life of *A*, as well as his own and *C*'s. Now the question Kant should have raised in his treatment of this question is "Could it be willed to be a universal law that everyone should lie in this sort of situation?" But he did not in fact do this. Instead of raising such a question, he simply assumed that his previous applications of the categorical imperative established the duty of veracity as "an *unconditional duty* which holds in all cir-

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cumstances.” Instead of applying the categorical imperative to these particular circumstances, he applied this hard and fast rule. There is no process of reasoning by which it can be deduced from this that the categorical imperative is somehow defective. What is defective is the way Kant used it. What is more, the result of applying the categorical imperative to this sort of situation would be quite different from what both Kant and his critics so uncritically assumed. For it would not be self-contradictory or self-defeating for everyone to lie in the specified circumstances. And the question is about lying *in the specified circumstances*, not about lying in general. Since this is the case, supposing everyone to lie in a similar situation, the lie would be self-defeating—the murderer would fail to believe it—only if he knew what the circumstances were, that is to say, only if he knew that his victim was in the house. But if he knew this the whole question would not arise in the first place. In addition, it should be noted that what is proposed be done in this situation is to save an innocent man from harm by telling a lie to a murderer. And the question “Could it be willed to be a universal law that everyone should lie in order to save an innocent man from harm?” practically answers itself. There is more ground for saying that it is impossible to will the opposite.

IV

There is another line of reasoning Kant might have used (though he does not appear to have done so) to support his claim that it would always be wrong to lie, even in a situation of the type described. He might have invoked his principle of humanity or personality: “Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.” For in applying this principle to the case of the lying promise Kant had said:

The man who has a mind to make a false promise to others . . . is intending to make use of another man *merely as a means* to an end he does not share. For the man whom I seek to use for my own purposes by such a promise cannot possibly agree with my way of behaving to him, and so cannot himself share he end of the action.¹⁹

Hence Kant might have argued that since the murderer could not possibly agree to having a lie told to him, could not possibly share the end of the action, it would therefore be wrong to lie to him. For to lie to someone is, on Kant’s view, no matter what the purpose of the

¹⁹ *Ibid.*, Paton 67–68, Abbott 58.

lying, always to treat him (or "humanity in his person") merely as a means. Thus he speaks of "this respect-inspiring idea of personality which sets before our eyes the sublimity of our nature (in its highest aspect) . . ." and asks, rhetorically:

Has not every even moderately honourable man sometimes found that, where by an otherwise inoffensive lie he might either have withdrawn himself from an unpleasant business, or even have procured some advantage for a loved and well-deserving friend, he has avoided it solely lest he should despise himself secretly in his own eyes? When an upright man is in the greatest distress, which he might have avoided if he could only have disregarded duty, is he not sustained by the consciousness that he has *maintained humanity in its proper dignity in his own person* and honoured it . . .? ²⁰

Kant is actually maintaining that one who tells a lie is not only treating the person lied to as a mere means, but is mistreating "humanity in his own person"—he is treating himself as a mere means.

But this simply does not show that it is always wrong to lie. What it shows, if anything, is that there is something defective about the principle of personality. The vagueness of this principle has, indeed, often been pointed out. "What does it mean to treat every individual as an end in himself? Does it mean that a government has no right to conscript a man against his will and make him kill some fellow man in battle or be killed himself? Does it mean that in building a road or bridge we may not expropriate individuals who are attached to their ancestral homes?" ²¹ This principle, however, is not just vague. In the context of Kant's ethics, it is fundamentally equivocal. For Kant's notion of an "end" is habitually equivocal between "rational" or "objective" ends and subjective ends, which depend on inclinations or desires.

Suppose it were said that to tell the truth, in a situation of the sort described, would be to treat the victim merely as a means to the ends of the murderer, ends he, as a victim, cannot be expected to share, and that therefore it would be wrong not to tell a lie. This is probably what would be said on any ordinary interpretation of the principle. But Kant would have a ready reply. To tell a lie, even to save the man from death, would be to subject his humanity, his rational or *noumenal* self, to his merely sensuous or *phenomenal* desires. Only as a person in the phenomenal world, one with sensuous in-

²⁰ *Practical Reason*, 216; italics added.

²¹ Morris R. Cohen, "A Critique of Kant's Philosophy of Law," in *The Heritage of Kant*, ed. by Whitney and Bowers (Princeton, 1939), p. 299 (reprinted in *Reason and Law*, p. 124).

clinations or desires, would one wish a lie to be told. As a member of the noumenal world one would will that the truth be told, in this and every other situation, for that is what would be willed by a perfectly rational being, whose will is unaffected by any sensuous inclinations or external causes. And what a perfectly rational being, one without any sensuous inclinations, *would* do in this situation, is what *ought* to be done.

The equivocation in this principle, then, is between purely "rational" or "noumenal" ends and merely subjective or "phenomenal" ones. But this makes the principle absolutely useless. It is not a moral criterion at all. It is an ad hoc device, serving only to give rational respectability to a judgment about what ought to be done made antecedently to its application. It is impossible to tell before the issue has already been decided on some other standard which way of acting would be treating someone merely as a means to "ends" he cannot himself share. The line of reasoning involved is not, as it seems to be, "This would be treating someone merely as a means; therefore it is wrong." It is "This would be wrong; therefore it would be treating someone merely as a means." But in the case in question, and in many others, this simply begs the question.

There can be no doubt that Kant regarded the principle of universality as equivalent to the principle of personality. He says, for instance, that

the aforesaid . . . ways of representing the principle of morality are at bottom so many formulations of precisely the same law . . . The principle "So act in relation to every rational being (both to yourself and to others) that he may at the same time count in your maxim as an end in himself" is . . . at bottom the same as the principle "Act on a maxim which at the same time contains in itself its own universal validity for every rational being."²²

And the principle of personality has very often been regarded as in some sense better or more adequate than Kant's first moral principle, which has been thought too "formal" and empty. But if the preceding arguments are sound, both these ideas are false. Kant's first moral principle is not equivalent to his second, for, given Kant's peculiar dialectic between the phenomenal and noumenal worlds, they can conflict with each other. And it is the latter principle that is too "formal" and empty. It is not a criterion at all, for just what it would require in a particular situation is indeterminate until it has been determined whose ends are to count as "rational." It has more an emotional uplift than a definite meaning.

²² *Grundlegung*, Paton 79, 82; Abbott 66, 68.

V

I have been arguing that Kant's ethical rigorism or absolutism is not only not warranted by his fundamental moral principle, but is actually incompatible with it. It will be well to make this argument more explicit.

Rigorism is the view that there are certain moral rules that hold in all circumstances or under all conditions. On this view, then, certain actions are always wrong, no matter what the circumstances and no matter what their purposes. Thus Kant, in this mood, holds that lying is an action of this type.

Now the categorical imperative is advanced as a principle for determining whether any act is right or wrong. But it cannot be applied to an action taken apart from any determinate context. It must always be applied to an action considered as taking place in certain circumstances, or for a certain purpose. The proof of this is that a reference to the circumstances and purpose of an action is necessarily involved in the "maxim" of the action. And it is the maxim of an action which Kant continually insists is what must be willed to be a universal law, not the action taken apart from some determinate maxim (that is, apart from some determinate purpose or circumstances). "Actions must," he says, "be considered, in the first place, according to their subjective principle, but whether this principle is also valid objectively, can only be known by the criterion of the categorical imperative."²³

But if this is the case, then the rule derived from the application of the categorical imperative holds only for the circumstances to which it is applied (and, of course, for anyone in the same or similar circumstances) and does not thereby hold for all possible circumstances. Because it could not be willed to be a universal law that everyone should act in a certain way under certain circumstances, it does not follow that it could not be willed to be a universal law that everyone should act in that way under certain other circumstances. Indeed, on the basis of the categorical imperative, an act which would be wrong in certain circumstances may well be right in other circumstances. Kant overlooked the fact that lying merely for one's own personal convenience and lying in order to save the life of some innocent person are two different sorts of actions, actions whose maxims are quite different. Thus Kant's ethical rigorism is neither a consequence of, nor compatible with, his first moral principle.

Rigorism is, therefore, purely arbitrary. The particular rules selected

²³ *Philosophy of Law*, p. 34; in Abbott, p. 281.

DISCUSSION

as holding absolutely are selected arbitrarily. There is no good reason for selecting this one instead of that, for saying that it is always wrong to lie but not always wrong to kill or to fail to help another human being in distress. Kant's ethical rigorism is thus no argument against the validity of the categorical imperative as a moral principle.

MARCUS G. SINGER

The University of Wisconsin