

Deontology, Kant and Rights



Reminder - Aggie Experiences

- There are a number of possibilities this week!
- “Whose life is it anyway?” Play at the community theater in Bryan
- “Savages and Princesses” and “The outside looking in” - exhibitions in the MSC
- “Love Labyrinth” - specialized violence prevention training for students, 13 Feb 7-8PM
- 16 Feb, 7-8pm - Commander Herrington talk, Rudder Forum
- 16-17 Feb - conference and student performances on Afrofuturism
- All on the Aggie Experience google doc!



Deontology Kant and Rights

Deontology Overview: Reminder

Intro to Kant's Theory of Morality

The idea of Categorical Imperatives

- C1: Willing maxim as a universal law (focus of Rachels' reading)
- C2: Treating persons as ends not merely as means (O'Neill reading)

Reminder: Deontology

1. **Constraints:** there are prohibitions that constrain what we can do
2. **Special relationships:** we have some duties only to those with whom we have special relationships, and should carry out these duties even if it would maximize the good to do something else
3. **Options:** Our *duties* – that is, what we're required to do - have limits; some good actions are *supererogatory* (above and beyond what we're morally required to do)
4. **Responsibility:** We are primarily responsible *for what we intend and for our own actions* rather than other people's choices or what just happens (that we could have prevented)

Reminder: Kant (1724-1804)



- Central to Kant's ethics is the idea that persons are *rational beings*; we *act for reasons*
- (Most) humans have the ability to reflect on moral behavior and to make choices about what to do, making them *moral agents*
- For Kant, moral agents, and only moral agents, are the possessors of a special dignity that gives them unconditional worth.

Kant's Ethics: Hypothetical and Categorical Imperatives

Hypothetical imperative (Rachels 127-8)

If you want x, then you should do y

- But if you abandon wanting x, you won't need to do y
- Kant says "we can be released from the precept if we give up the purpose"
- For example: "If your aim is a 4.0 GPA then you should work hard!"
- But if you settle for a 2.0 GPA (if you give up the purpose), then you are released from the precept (work hard!)
- Much of what we do takes this form.

Categorical imperative

- But some actions are required or forbidden according to Kant
- These are what he calls categorical imperatives:
- **Never (or always) do x!**
- Categorical imperatives are: unconditional, over-riding, inescapable and always applicable.
- There's no hypothetical "if...then" about them!
- They aren't based on desires but on reasons, and these reasons should be ones that any reasonable person could understand and accept
- Somewhat confusingly Kant suggests several versions of, and justifications for, the Categorical Imperative

Categorical Imperative: We'll look at two versions

1. **“Act only according to that maxim by which you can at the same time will that it should become a universal law”.**
(Quoted on Rachels 128)
2. **“Act in such a way that you always treat humanity, whether in your own person or in the person of another, never simply as a means, but always at the same time as an end”** (focus of O'Neill reading)

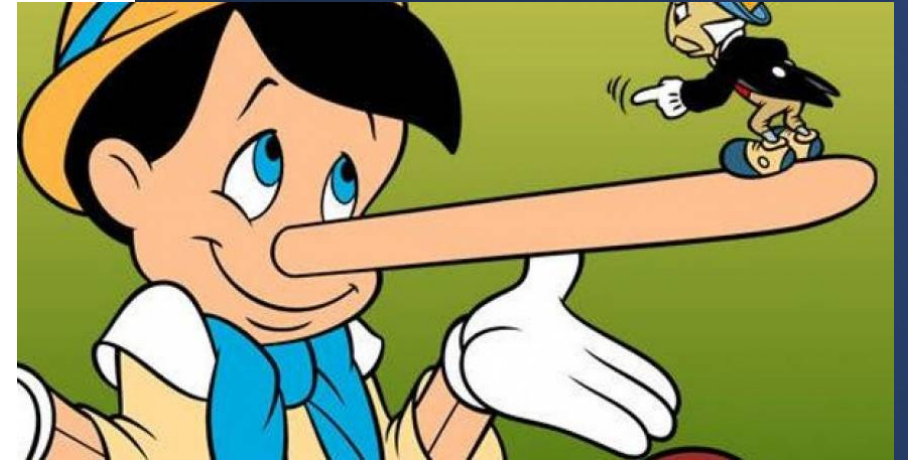
Version 1: Universal Law

How to decide what to do

- First ask what maxim you would be following – and you should “deliberate conscientiously”
- **“I will do X (an action) to realize/produce E”** (a goal of some kind)
- Then imagine a world where *everyone followed that maxim all the time* (a “full-compliance world”)
- Could you rationally (a) consistently *conceive of* such a world, and (b) consistently *will* such a world?
- If either condition fails you need to rethink
- Following the maxim is what makes something right – not the outcome
- **Kant is moving in a world of formal reasoning, not of empirical consequences - this is not, like rule utilitarianism, about maximizing social good.**

Lying: what Kant means by a world you can't *conceive*

- Lying can't consistently be made into a maxim: "Tell lies when it benefits you."
- Because we *can't conceive* of a world where everyone acted on this maxim. Why?
- It would lead to *contradiction*: lying only works because we expect what people say to be true – lying is *parasitic* on truth telling
- If everyone followed this maxim and expected others to act on it, then no-one would believe a lie, and so the whole practice of lying would be pointless: it is self-undermining
- So, to tell a lie is to *make an exception for oneself*, since one couldn't will everyone to do it - there has to be a general expectation of truth telling.
- This is what Kant called a *contradiction in conception*.



Contradictions in conception mean *perfect duties*

Contradiction in conception -

- When the action, if universalized, would be self-defeating.
- For instance, maxim: **I will break a promise when it benefits me**
- The world in which it's a universal law that people make false promises when it benefits them, could not *at the same time* be a world in which people's promises were taken as genuine
- So, it's contradiction in conception
- If there's a contradiction in conception, you have **perfect duties** - duties with no exceptions and no flexibility...
- **Never** perform actions that lead to contradictions in conception – like breaking promises!

Contradictions in Will mean Imperfect Duties

Contradictions in will -

- These occur when the action, if universalized, is not self defeating (not a contradiction in conception) – but you still *wouldn't will to live in a world* where it is universalized
- For instance, take the maxim: **“I will never be beneficent to those who need help”**
- Non-beneficence isn't self-defeating. We can *conceive* of a world where no-one helps anyone else.
- But (Kant says) you wouldn't *will* to live in a world where no one ever helps anyone else
- So it's what Kant calls a contradiction in will: you would be following a maxim you don't will everyone else to follow (and again, making an exception of yourself)
- So, if there's a contradiction in will, Kant argues, you have *imperfect* duties to not always follow the maxim of non-benevolence
- These duties are not obligatory on every occasion, but you must attend to them sometimes,
- So, you should sometimes be beneficent, but you have flexibility about when and to whom.
- (*Rachels is a bit unclear about this (p.129 para 3, so this is by way of clarification).*)

Categorical Imperative 2 (Means/Ends)

- Dignity underpins Kant's second formulation of the Categorical Imperative
- "Act in such a way that you always treat humanity, whether in your own person or in the person of another, never simply as a means, but always at the same time as an end". Kant (*Groundwork*)
- This is Kant's idea of *Respect for Persons*; rational persons have **unconditional worth**
- This implies a *constraint* on our actions: we should never treat persons *merely* as means, in ways to which they could not in principle consent, even if this were to maximize the good.



Further implications of CI 2

- We should not lie or deceive on the basis of CI 2 as well as CI 1 – why not?
- Kant also thinks we should seek to promote some of the autonomous goals others have adopted
- So, we must never treat them as mere means (in particular, by *deception* or *coercion*) and as O'Neill argues we should sometimes promote their ends (by being beneficent to them)
- Our *intentions* here matter – unlike utilitarianism.
- As O'Neill says: the scope is more limited; we don't need to know the precise or long-term outcomes of our actions.
- We only need to know whether what we intend is just and doesn't fail to be beneficent.

Duties to Oneself

- Respect for unconditional worth of persons includes respect for self:
“He who contemplates suicide should ask himself whether his action can be consistent with the idea of humanity as an end in itself. If he destroys himself in order to escape from painful circumstances, he uses a person merely as a means to maintain a tolerable condition up to the end of life” (Kant: *Groundwork*)



Problem for Kant?

- Classic case: the murderer at the door (see Rachels 130)
- Do you follow the duty “do not lie”?
- What’s the argument that Kant himself gives (p.130-131) in response to this case? Is it plausible?



Modern Kantian view

- Kant may have been wrong about the murderer at the door: there are maxims that would work here – lies are possible if the relevant circumstances are narrowed, on the first version of the CI anyway
- For instance, Tom Hill proposes:
- “I will tell a lie if it is told to someone who is threatening the life of an innocent person and if it is the only way as far as I can tell, of preventing a murder”
- Kant, however, thought maxims should be much broader than this.

So -Summary of Kant's ethics

- Kant emphasizes:
 - The importance of acting from self-legislated duty (based on reason and consistency, and not on sentiment)
 - The ideal of *universalizability* in the categorical imperatives (no exceptions for ourselves)
 - Respect for persons (whom we should never treat merely as means, and whose goals we should sometimes help to foster)
 - But the scope is restricted, unlike utilitarianism
 - We should check our intentional actions don't fail the two categorical imperatives, and take the promotion of other rational humans' goals seriously
 - but we don't need to compare all acts for good effects! (O'Neill p.4)

Case to consider:

Martha, as a home-service medical care volunteer, has cared for George through the final weeks of his fatal illness. Just before he died, George told Martha where a large sum of money he had accumulated was stored. He asked her to see that the money was given to the Society for Protection against Alien Control of the Earth (SPACE). Since George's illness did not affect his mental capacity, she agreed. But now that he has died, she is considering using the money to support the activities of the local Hunger Task Force, an organization that provides food and fuel to local people who need it and has been an important force in the community. George has no surviving friends or relatives, and no one else knows about the money. He left no written will.