
KANT AND CONTEMPORARY MORAL PHILOSOPHY

康德与当代道德哲学

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ABSTRACT

In the contemporary discussion of moral philosophy in English and German speaking circles we can roughly distinguish between three currents namely consequentialism, the deontological theories and virtue ethics. My question is the following: how to relate these three currents to the moral philosophy of Immanuel Kant? In which interpretation or in which interpretations is the moral philosophy of Kant present in the contemporary discussion?

I.

“The good will” as runs the argument of Kant against the thesis of consequentialism at the beginning of the *Groundwork of the Metaphysics of Morals* (4: 394, 13-15), “is good neither through what it brings about and has an impact on, nor through his ability to bring about a given purpose but only through its will, i.e. *per se*.” The good will is good if determined by the axiom that is defined as the Categorical Imperative in one of Kant’s definitions: “Act in a way so that the humanity in your own person as well as in other persons is always an end and never a means only.” (4: 429, 10-12). “A fundamental question in ethical theory”, as Allen Wood puts the difference between consequentialism and Kant, “is the nature of the fundamental value and kind of entities in which this axiom can be realised. Many ethical theories presume that these entities are situations which are considered as consequences of actions (...) the fundamental value for Kantian ethics is not a situation but the dignity or absolute value of the person as an end *per se*.” Nevertheless, the question of the fundamental value should be distinguished from the question about the method of moral reasoning.

The fact that the fundamental value would not be a situation “does not infer that the choice of decisions in the moral reasoning must depend on something other than the value of situations through which they are brought about.”

If I regard the other as an end *per se*, the criteria are the situations through which I bring about the actions. The positive duty that results from the formula of the humanity as an end *per se* consists in fostering the aims of others. “Because the subject who is an end *per se* whose aims must also be as much as possible my own aims, if this perception should bring about all the impact.” (4: 430, 24-27). According to the teaching of virtue of *The Metaphysics of Morals*, the happiness of others is an aim which is at the same time a duty (6: 385, 31f.) For Kant, however, the consequences which are intended, are relevant for the moral

judgment of an action. These consequences are situations: the situation that another has reached his goals or that his or her desires have been fulfilled. Nevertheless, how then does the duty to consider the happiness of others as ends distinguish itself from the utilitarian demand to bring about the greatest possible happiness of the greatest possible number?

A second distinction refers to the ideal final situation that a moral action should bring about. In the case of Utilitarianism it is the maximum fulfilment of desires, for Kant it is the realm of ends. In the realm of ends it is a matter similar to Utilitarianism to fulfill material aims which rational beings intend to reach. However, these aims do not constitute a final perspective; they are subject to a restriction. A realm is “the systematic connection of different rational beings through common laws.” (4: 433, 17f.). The moral ideal is “a total of all the ends (...) through systematic interrelation.” (4: 433, 21-24). The question of the compatibility of the ends takes precedence over the satisfaction of aims; only the aims which can be combined qualify to be satisfied. In this sense there are valid and invalid aims and it is up to “laws” to “decide the aims according to their general validity.” (4: 433,19).

Anscombe argued that virtue ethics should replace a 'should' or law-based ethics. The present virtue ethics, which conceives itself in contrast to Kant's ethics, challenges us to explore the virtue ethics of *The Metaphysics of Morals* in order to defend Kant's moral philosophy against some representatives of virtue ethics.

Third, we need to ask then how moral reasoning is involved in the judging of consequences? If I understood Wood correctly, this is the interpretation of Wood. Just based on the fact that the fundamental value is not a situation “does not infer directly that the judgment of specific actions in moral reasoning must depend on something other than the value of the situation through which they were brought about.” This is contradicted by the argument in Kant’s discussion of virtue ethics that forbids lying, which explicitly stresses that the damage caused by the liar to himself or herself or to others is not the decisive reason for its moral unacceptability. The lie is “the biggest violation of the duty of the person towards herself” (6: 429, 4). The damage which may result to other people refers “neither to the specifics of the vice”, because “in this case it would only violate the duty towards others” nor to the damage “they inflict on themselves because in this case it would just be a mistake of intelligence which would contradict the pragmatic but not the moral maxim and could not at all be considered as violation of duty.” (6: 429,17-23).

II.

“Each person”, so the pragmatic assertion in the *Theory of Justice* of John Rawls (1971), “has an invulnerability which results from Justice which can never be removed in the name of the benefit to the entire society.” The *Theory of Justice* is a turning point in the discussion of moral philosophy under two aspects: its rejection of Utilitarianism and its reconnection to the Kantian tradition as well as in the turn away from metaethical discussion towards substantive questions of morals. Rawls refers in his *Theory of Justice* explicitly to Kant. He rejects a one-sided stress on the formula of the axiom which results from the discussion of the principle of universality as a principle of moral norms, and refers instead to Kant’s concept of autonomy. I would like to explore Rawls’ interpretation of Kant in his lectures on the *History of Moral*

Philosophy (1991) especially his interpretation of the method of Kant, which Rawls identifies as “Moral Constructivism”.

The Categorical Imperative is a process through which concrete duties of the law and of virtue are produced. Rawls compares Kant’s constructivism in moral philosophy with mathematics. “The idea is that judgments are valid and healthy if they result from following a correct procedure and if they are based on true premises.” (238). The individual concrete Categorical Imperatives are constructed. The procedure itself is not constructed but just made explicit. “Kant believes that our daily practical understanding is implicitly aware of the demands of the practical reason: the pure as well as the empirical.” (239)

The Categorical Imperative is a procedure of construction. This procedure of construction is not constructed by itself; rather it is the explanation of our daily moral conscience. Conscience has a fundament and this fundament is “mirrored” in the procedure of the Categorical Imperative. It is “the perception of free and equal persons as reasonable and rational” (240). “The procedure of the Categorical Imperative includes both forms of thinking, and mirrors the fact that we are reasonable and rational.” (240) We are rational because we set goals and explore how we could reach them. “However, it also means that we are reasonable because if we are not moved by reason we would not, as Kant puts it, take a pure practical interest to test our maxims according to the prescribed procedure.” (240f.)

The basis of Kant’s constructivism is his concept of a person “along with the perception of a society consisting in persons each of whom is a legislative member in the realm of ends” (240). These perceptions are not constructed and are not explained; they take their origin in our moral conscience. “A characteristic element of the discourse of Kant is that a relatively complex perception of the person plays a key role in the development of his view on morals.” (237) The constructivism is not subjective and does not

question the objectivity of moral judgements. A moral judgement is right if it fits into the criteria of rationality and reason as they are linked to each other in the process of the Categorical Imperative. Such a judgement will be acknowledged by each fully reasonable and informed person. A concept of objectivity must explain what is the basis of the consensus of judgement. Kant explains it through our participation in the common practical reason. Reasonable and rational persons must more or less acknowledge the same reasons and give them the same importance. "To claim that a moral conviction is objective means to claim that there are reasons which are sufficient to convince all the reasonable persons that they are valid and right. To make a moral judgment implies a claim that there are such reasons and that the judgment can be justified by a community of such persons" (245).

III.

Stephen Darwall compares two different possibilities on how I may argue with another person to stop causing me harm, for example he should not longer stand on my feet. (a) I can tell him that the fact that I feel pain would be a bad situation in the world and therefore he would have a reason to change this situation. The world would be better if I would not have any pain. If I argue along these lines, according to the distinction of Darwall, would I provide less a practical rather than an epistemic instruction? I ask him to consider the situation of the world and compare it with another situation. I do not touch the relationship between him and me; it is more a matter of the impact of his behaviour on the situation of the world. Or (b) I say something to him which argues from my position of authority, based on which I am entitled to ask him to remove his foot from my foot. I demand it as the person on whose foot he stands. The argument which I advance in this case relates to his relationship to others; the fact that he puts his foot on my foot causes me, the other person, pain. This argument

is not directed to someone who could bring about a better situation of the world. It is rather directed to him "as a person who uselessly causes other persons pain, something when we usually presume that we command the authority to demand that persons do not afflict each other." (7)

With the concept of virtue do we refer to the topic of reason and sentiment, duty and desire, however not in an exhaustive way. Virtue is the power of the will in conversation with desires that are opposed to the law of the morals. However, Kant also mentions inclinations that facilitate the fulfilment of the moral law, and he knows that inclinations may be formed and cultivated.

If I argue as in the first case, the person who stands on my feet could answer: informed that I stand firm on your feet, I answer that I will enable ten other persons to stop inflicting useless pain on other persons; and a world with ten persons without useless pains is better than a world with one person without useless pains. I could justify the betrayal of an innocent person by claiming that this would prevent the betrayal of ten other innocent persons. This type of argument contradicts our moral intuitions. Our intuitions say: the moral judgement regarding your action does not depend on its consequences, i.e., it is not neutral with reference to its agent; it also depends on the question whether you or another person have caused the evil, i.e. it is "agent relative". If I therefore would like to advance a moral reason that another person should remove her foot from my foot, I need to argue in the second mode.

Moral arguments “are fundamentally relational; the aim is not what would be good for the world or even which actions would be required based on their inner nature, but how we should behave with one another” (38).

Darwall describes a reason of action of this second type, a personal reason of the second person. If a reason is “based (*de jure*) on relationships of authority between, as the speaker presumes, between himself and his addressee then it is a case of a personal reason of the second person (4)” The moral point of view is the point of view of the second person: “the perspective which you and I take if we expect and acknowledge mutual behaviour and will. (3) To address second personal reasons to someone “carries always specific conditions regarding the authority of the second person, the competence and the responsibility of the speaker as well as the addressee with himself (...) [A] speaker tries to give a reason for action which is based on the normative relationships that he presumes the addressee will accept.

The position of Darwall of the second person is a contractual approach. The dignity of the person requires us to regulate our behaviour through principles which each one who acts in a free and reasonable way can accept or does not reasonably need to reject. “In order to address a demand to a free and reasonable human being, do we need to presume that the person could be fully free to determine himself through this demand? The demand can therefore freely and reasonably be accepted, or not reasonably be rejected, and therefore be appropriated” (306)

Contractualism is an interpretation of the formula of Kant regarding the realm of ends. Each reasonable human being needs “to consider himself through all the maxims of his will as generally legislating” (*Groundwork*, 4: 433, 12f.). “We do have an equal position not only through the observance and the implementation of the moral law (whatever may be its content), but also in ‘defining’ this content” (307). The

laws of the realm of ends are also in this sense “communitarian laws” (4: 433, 18) by which each person participates in the process of legislation.

Which interests do the individuals pursue as members of the realm of ends, which they want to protect in this ideal situation? Reasonable human beings, so the answer of Kant, want to preserve their dignity. They consider as necessary--so runs the interpretation of Thomas E. Hill, Jr.--their “reasonable nature” as an “end *per se*”, and this implies that they recognize the implementation of these dispositions as an absolute priority compared to the achievement of diverse contingent goals when it comes to a conflict between these two values (“Dignity” and “Price”).

IV.

The article “Modern Moral Philosophy” by G.E.M. Anscombe was published in 1958 and the first complete English translation of Kant’s *The Metaphysics of Morals* in 1964. The two dates mark the beginning of a new perspective on Kant’s moral philosophy. Anscombe argued that virtue ethics should replace a “should” or law-based ethics. The present virtue ethics, which conceives itself in contrast to Kant’s ethics, challenges us to explore the virtue ethics of *The Metaphysics of Morals* in order to defend Kant’s moral philosophy against some representatives of virtue ethics.

The result of this discussion is that Kant’s ethics appears in a new light. Previously was the broadly perceived perception influenced by *The Groundwork of the Metaphysics of the Morals* and the *Second Critique* as well as by the different formulae of the Categorical Imperative. The key aspects of this image are: the contrast of practical reason and concupiscence; thus, the contrast between the material practical principles and just formal laws; the ability to universalise as criteria of a moral judgement of maxims and the impression that the activity of the practical reason would be comprehensively characterised.

How would this perception get corrected or complemented through the exploration of *The Metaphysics of Morals*? I would like to hint at four aspects, namely:

1. Virtue is a topic of the Kantian moral philosophy. Kant develops the concept of virtue based on the contrast between duty and desire. “Virtue is the force of the maxim of the human being fulfilling its duty. – All the strength will only be recognised through the impediments she manages to overcome; in the case of virtue these are the natural inclinations which may conflict with the moral purpose (...) virtue is a necessity according to the principle of inner freedom, sometimes through the mere imagination of his duty according to the formal law thereof” (6: 394, 15-23). Virtue is the “moral ability” towards “self-necessity” (6: 394, 27f.).

Based on tradition Kant defines virtue as *habitus* (“ability”), which “is an easiness to act and a subjective perfection of the will” (6: 407, 5f.). Kant distinguishes between “attitude” and “free ability” (*habitus libertatis*). Virtue is not a habitude. Rather she is “the ability in free actions conforming with the law”; nevertheless, she cannot be defined by it. This definition then needs to be complemented: “Virtue is the ability in free actions conforming to the law, which allow them to be defined through the idea of the law.”

Virtue needs to be acquired. It is impossible to achieve immediately what you will; rather we will need to test our forces. The moral maxim acquires force in the conflict with divergent inclinations. Virtue “is the product of the pure practical reason, insofar it prevails (out of freedom) over the latter” (6: 477, 10-12). The exercise of virtue aims “in a rigorous and hilarious spirit (*animus strenuous et hilaris*) to pursue the duties”.

2. With the concept of virtue do we refer to the topic of reason and sentiment, duty and desire, however not in an exhaustive way. Virtue is the power of the will in conversation with desires that are opposed to the law of the morals.

However, Kant also mentions inclinations that facilitate the fulfilment of the moral law, and he knows that inclinations may be formed and cultivated.

The consciousness of duty is based on a sentiment. Kant knows a moral sentiment that is the subjective condition of the receptiveness of the concept of duty; without this sentiment, would we not be able to become aware of duty. The moral sentiment is “the receptiveness for pleasure and displeasure purely based on the congruence or disagreement of our actions with the law of duty.”

The regular fulfilment of duty produces sentiments that support this fulfilment, as Kant demonstrates through the duty of love. “Love is a matter of feeling, not of the will, and I cannot love because I will even less because I should (...). Benevolence (*amor benevolentiae*) however can be subject to a law of duty” (6: 401, 24-28). “To act well is a duty. Who frequently acts well and is succeeding with benevolent intention will probably reach the point of genuinely loving the person he is treating well. If it is said: you should love your neighbour as you love yourself, then it does not mean: you should immediately (first) love and (afterwards) share this love but it means: treat your neighbour (first) well and this good treatment will produce human love in you (as enabling the desire to do good)” (6: 402, 14-21). It is an indirect duty to cultivate compassionate natural sentiments within ourselves because the most painful compassion is “one of our natural drives (...) to do what the idea of duty would not fulfill on its own” (6: 457, 33-35).

3. *The Metaphysics of Morals* describes a nuanced picture of the tasks of practical reason. The ethical duties distinguish themselves from the duties of the law as the moral law commands only the maxim of the actions not the actions themselves. Both goals leave it open to what extent and through which actions they can be realized; therefore there will be a field (*latitudo*) of free arbitrariness to achieve the fulfilment of

the duties of virtue” (6: 390, 6f.). The duties of virtue restrict each other; the time and the force which I use to do good cannot at the same time be used for the cultivation of my skills; I need to decide which is the stronger reason of obligation.” (6: 224, 25).

The duties of virtue towards others are the duty of love and the duty of respect. They are “fundamentally according to the law always linked with each other in a duty” (6: 448, 19f.). I do not fulfil the duty of love if I do not accomplish at the same time the duty of respect. “Therefore we may recognise the duty to be merciful towards the poor; however because this favour includes also an element of dependency, his benefit from my benevolence perhaps belittling the other, it is a duty to avoid the humiliation to the recipient of my action which reveals this benevolence either as pure duty or as an humble service of love, in order to preserve in the recipient the respect for himself.” (6: 448, 22- 449, 2). Kant compares the two laws of duty with the natural laws of attraction and repulsion. “Through the principle of mutual love they are always advised to come closer to each other through the respect they owe to each other that preserves them in a distance to each other” (6: 449, 8-11). The task of the practical reason consists in finding the right balance between these two forces, i.e., to bring about a harmony between the two demands.

4. The perfect fulfilment of the duties of mutual love and respect leads to the ideal way of the human community: friendship. “Friendship (viewed in its perfection) is the union of two persons through the same love and respect”. Perfect friendship may be just an idea but she is a practically necessary idea, and to strive to friendship is “a duty required by reason (6: 469, 17-28). If friendship is the perfect fulfilment of both duties of virtue towards each other, then it requires us to strive towards friendship. Through the fulfilment of duty each person becomes worthy of happiness; at the same time friendship contributes to the happiness of life.

The fact that perfect friendship is “just” an idea results from the following considerations: if a friend fulfills his duty of love towards his friend, then the other may perceive a lack of respect. “From the moral point of view of course fulfilling one’s duty may hint to the other his flaws; nevertheless, this is done for his best and is therefore a duty of love. The other person however may perceive a lack of respect which he expected from the other.” (6: 470, 21-24).” If someone accepts from the other a benefit, he may then perhaps count on equality in love but not in respect, because he perceives himself as a notch below in being dutiful that makes it unable for them to link mutually to each other” (6: 471, 6-10).

Kant distinguishes moral friendship from perfect friendship. Moral friendship is “the complete trust of two persons in a mutual transparency of their secret judgements and sentiments. Thus moral friendship exists in mutual respect” (6: 471, 27-29). Moral friendship is exclusively a matter of mutual respect; it is not a matter of participation in the aims and the happiness of the other. A person desires to open herself to another, and at the same time she fears the abuse. “A person is destined for society (although at the same time not prone to be with others) and in the culture of the situation of the society she strongly feels the desire to open to another (...); on the other hand, she may also be restricted and warned through the fear of abuse which others may do as a result of the revelation of her thoughts. She may feel compelled to lock up a good part of her judgements (especially regarding other persons)” (6: 471, 30-472, 1).

The above described conflict between love and mutual respect cannot arise in the purely moral friendship; the duty of love is in this case restricted to meet the desire of the person to open herself to the other. This purely moral friendship is not just an ideal, “but (the black swan)” does truly exist once in a while in its perfection” (6: 472, 26f.). Moral friendship is a duty because

friendship can only be realised within herself. It belongs to the happiness of life; we can express our thoughts in it; we are not alone with our thoughts as in a prison, but enjoy a liberty we lack in the great crowd, where we need to guard ourselves” (6: 472, 11-14). Moral friendship is only doable under two conditions. The first is mutual respect. The friends reveal to each other also their errors, and each one of them must trust that the other will not abuse this knowledge. The second condition is the ability of judgement; the friend must trust that his or her friend is able to discern what he or she may or may not share from what the friend shared.



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