

## Kant and Contemporary Moral Philosophy

In the English and German speaking discussion of contemporary moral philosophy, one can, in a rough structure, distinguish three positions: consequentialism, deontological theories, and virtue ethics. The question of my lecture is: What is the relation of these three positions broadly; the relation asked for can be opposition or dependence; two positions can have common ground. At each of these relations there is, again, to ask on which interpretation of Kant it is based. In what interpretation or in what interpretations is Kant's moral philosophy present in the contemporary discussion?

### I.

„A good will“, so Kant's thesis against consequentialism at the beginning of the *Groundwork of the Metaphysics of Morals* (394,13-15), „is not good because of what it effects or accomplishes, because of its fitness to attain some proposed end, but only because of its volition, that is, it is good in itself“. The will is good if it is determined by the practical law that in one of its formulations reads: „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“ (429,10-12). „One basic issue in ethical theory“, Allen Wood describes the difference between consequentialism and Kant, „is the nature of the fundamental value and the kind of entities in which this value is to be found. Many ethical theories take these entities to be *states of affairs*, especially regarded as consequences of actions [...] the basic value for Kantian ethics is not a state of affairs but the dignity or absolute worth of rational nature as an *end in itself*.“

But from the question of the fundamental value, so Wood, you have to distinguish the question of the method of moral deliberation. That the fundamental value is not a state of affairs „does not, all by itself, directly entail that in moral deliberation, the choice of action must depend on something other than the value of the states of affairs that are produced by them“<sup>1</sup>. Criterion whether I treat a person as an end or as a means, so this thought can be explained, are the states of affairs that I produce by my actions. The positive duty resulting from the formula of Humanity as End in Itself is „to further the ends of others. For, the ends of a subject who is an end in itself must as far as possible be also *my* ends, if that representation is to have its *full* effect in me“ (430,24-27). According to the *Metaphysics of Morals* someone else's happiness is an end that is at the same time duty (6:385,31f.). For Kant as well, this

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<sup>1</sup> Allen W. Wood, *Kantian Ethics*, Cambridge 2008,259.

thought shows, the (intended) consequences are relevant for the moral evaluation of an action. These consequences are states of affairs: the state of affairs that the other person has achieved his ends or that his inclinations have been fulfilled. But what is then the difference between the duty to make to make another person's happiness my own end and the utilitarian law to contribute to the greatest happiness of the greatest number?

A *first* difference has already been pointed to. It is not the state of affairs as such that has the worth, but the state of affairs because and insofar as it is the end of a person. I have to make the end of the other person my own end because it is the end of a being that is end in itself.

A *second* difference is given with the ideal final state that moral action has to realize. In utilitarianism it is the maximal fulfilling of inclinations, for Kant it is the realm of ends. In the realm of ends as well as in utilitarianism what matters is the fulfilling of the material ends that the rational beings put themselves. But these ends are not a final point of view; rather they are limited by restrictions. A kingdom is „the systematic conjunction of different rational beings through common laws“ (433,17f.). The moral ideal is „a whole of all ends [...] in systematic connection“ (433,21-24). Before the fulfilling of the ends there is the question whether the ends are compatible; only ends that are compatible can make a claim to be fulfilled. In this sense, there are valid and not-valid ends, and it are the laws that „determine the ends according to their universal validity“ (433,19).

*Thirdly*: Consists, according to Kant, *every* moral consideration at least *also* in an evaluation of the consequences? If I understood Wood correctly, this is his interpretation; that the fundamental value for Kant isn't a state of affairs „does not [...] directly entail that in moral deliberation, the choice of action must depend on something other than the value of the states of affairs that are produced by them“. Kant's argument on lying contradicts this interpretation; it explicitly stresses that the damage caused by lying to other persons or to the liar himself is not the real ground for its immorality. Lie is “the greatest breach of the duty of man against himself” (6:429,4); it is “throwing-away and so to speak annihilation of one's human dignity” (429,23f.). The damage that can arise from it does not concern “the characteristic of the vice” because then “it only would consist in the breach of a duty against others” and just as little the damage “that he contracts himself because then it would only, as a mistake of prudence, conflict with the pragmatic, not with the moral maxime, and it could not be seen as a breach of duty” (429,17-23).

## II.

„Each person“, so the programmatic statement in John Rawls' *Theory of Justice* (1971), „possesses an inviolability founded on justice that even the welfare of society as a whole cannot override.“ From a twofold point of view, the *Theory of Justice* is a turning point in contemporary moral philosophy: in turning away from utilitarianism and turning to the Kantian tradition, and in returning from the meta-ethical discussion to substantial questions of morals. In the *Theory of Justice* Rawls explicitly refers to Kant. He opposes the one-sided stress on the formula of the universal law in the discussion on universalizability as criterion of moral norms, and, instead of it, he refers to Kant's concept of autonomy.

I would like to go into Rawls' interpretation of Kant in his *Lectures on the History of Moral Philosophy* (1991)<sup>2</sup>, and actually into his interpretation of Kant's method which Rawls' calls „Moral Constructivism“. The Categorical Imperative is a method by which the material duties of right and duties of virtue are generated. Rawls compares Kant's constructivism in moral philosophy with constructivism in mathematics. „The idea is that judgments are valid and sound if they result from going through the correct procedure correctly and rely on true premises.“ (238). What is being constructed are the specific categorical imperatives. The method itself is not being constructed but explicated only. Kant believes that our every day human understanding is implicitly aware of the requirements of practical reason, both pure and empirical“ (239).

The Categorical Imperative is a method of construction. This method of construction is not constructed itself; rather, it is an explication of our ordinary moral consciousness. This ordinary moral consciousness has a foundation, and this foundation is mirrored in the method of the Categorical Imperative. It is „the conception of free and equal persons as reasonable and rational“ (240). „That we are both reasonable and rational is mirrored in the fact that the CI-procedure involves both forms of reasoning.“ (240). We are rational because we put ourselves ends and consider how we can reach them. „We are also said to be reasonable, since if we weren't moved by the reasonable, we would not take what Kant calls a pure practical interest in checking our maxims against the procedure's requirements“ (240f.).

The basis of Kant's constructivism is his conception of a person „along with the conception of a society of such persons each of whom can be a legislative member of a realm of ends“ (240). These concepts are not constructed and they are not laid out. „Rather, these conceptions are elicited from our moral experience“ (240). They are implicit in our everyday moral

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<sup>2</sup> John Rawls, *Lectures on the History of Moral Philosophy*. Edited by Barbara Herman, Cambridge, MA 2000.

consciousness. „It is characteristic of Kant’s doctrine that a relatively complex conception of a person plays a central role in specifying the concept of his moral view” (237).

Constructivism is not a subjectivism; it doesn’t deny the objectivity of moral judgements. A correct moral judgment is one that conforms to all the relevant criteria of reasonableness and rationality as they are combined in the CI-procedure. Such a judgment will be acknowledged as correct by any fully reasonable and rational and informed person. A conception of objectivity includes an account of our agreement in judgments. Kant accounts for this agreement by our sharing in a common practical reason. Reasonable and rational persons must recognize more or less the same reasons and give them more or less the same weight. “To say that a moral conviction is objective, then, is to say that there are reasons sufficient to convince all reasonable persons that it is valid or correct. To assert a moral judgment is to imply that that there are such reasons and that the judgment can be justified to a community of such persons” (245).

### III.

Stephen Darwall<sup>3</sup> compares two different ways in which you might try to give someone a reason to stop causing you pain, say, to remove his foot from the top of yours. (a) You can say that your being in pain is a bad state of the world and that, therefore, he has a reason to change it. The world would be better if you were not in pain. In giving him the reason in this way, you wouldn’t so much be addressing it to him as getting him to see that it is there anyway, independently of your getting him to see it; you would be directing him epistemically rather than practically. (b) You might say something that asserts your authority to demand that he moves his foot. You might demand this is as the person whose foot he is stepping on. The reason you would address would concern his relations to others; that he is keeping his foot on yours causes another person’s pain. The reason would not be addressed to him as someone who is in the position to produce a better state of the world. “It would be addressed to him, rather, as the person causing gratuitous pain to another person, something we normally assume we have the authority to demand that person not do to one another” (7).

If you argue in the first way, the person standing on your foot could answer: ‘By the shocking spectacle of keeping my foot firmly on yours, I stop ten other persons causing gratuitous pain; and a world with ten persons without gratuitous pain is better than a world with one

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<sup>3</sup> Stephen Darwall, *The Second-Person Standpoint. Morality, Respect, and Accountability*, Cambridge, MA 2006.

painless person.’ You could justify betraying an innocent person by saying that it would prevent the betrayal of ten other persons. This way of arguing contradicts to our moral intuitions. Our intuitions say: The moral judgment on your action does not only depend on their consequences (agent neutral); it depends, as well, on the question whether you or another person has caused the evil (agent relative). Therefore, if you want to give me a moral reason to remove my foot from yours, you have to argue in the second way. Moral reasons “are in their nature relational, that concern, not how it would be good for the world to be anyway, or even what kinds of acts are called for by their intrinsic nature, but how we are to relate to one another” (38).

How can we analyze and reconstruct these intuitions? What are the presuppositions and what is the structure of the second form of arguing? Darwall calls a reason for acting of the second sort “a *second-personal reason*. What makes a reason second-personal is that it is grounded in (*de jure*) authority relations that an addresser takes to hold between him and his addressee” (4). The moral standpoint is the second-person standpoint: “the perspective you and I take up when we make and acknowledge claims on one another’s conduct and will” (3). Addressing second-personal reasons “always carries certain presuppositions concerning the second-person authority, competence, and responsibility of addresser and addressee alike [...] an addresser attempts to give an addressee a reason for acting that is grounded in normative relations that [...] he presupposes the addressee can be expected to accept” (20).

As free and responsible persons we address to each other reasons for acting. But what, more specifically, do these reasons require? Darwall’s second-person standpoint is a contractualist approach. The dignity of persons commits us to regulating our conduct by principles that are acceptable, or not reasonably rejectable, to each as free and rational agents. To “make a demand of someone as free and rational, one must presuppose that the person can freely determine himself by that same demand, that the demand is one he can accept, or not reasonably reject, as free and rational, and therefore make of himself” (306).

Contractualism is an interpretation of Kant’s formula of a kingdom of ends. Every rational being “must regard himself as giving universal law through all the maxims of his will” (4:433,12f.). “We have an equal standing not just in executing or enforcing the moral law (whatever its content), but also in «determining» its content” (307). The laws of the kingdom of ends are “common laws” (“*gemeinschaftliche Gesetze*”)(4:433,18) also in the sense that each person is a lawgiver.

Contractualism interprets Kant's idea not in terms of an actual determination of these laws by actual persons, but in terms of the laws being determined by some hypothetical, idealized process of agreement of equal free and rational persons as such, for example behind a veil of ignorance regarding individuating differences.

What is the content of the laws rational beings agree on in this idealized situation? What are the interests individuals have as members of the kingdom of ends? What are the interests individuals have as members of the kingdom of ends and which they want to protect by the laws they are giving in the idealized situation? Rational beings, Kant answers, are interested in preserving their own dignity. In the interpretation of Thomas E. Hill, Jr.: "Rational beings, Kant says, necessarily view their «rational nature» as an «end in itself», which implies placing a stringent priority on realizing these dispositions over satisfying various contingent ends when these two values («dignity» and «price») conflict."<sup>4</sup> They acknowledge rational agency as an end in itself. "That is, preserving and respecting the rational agency of the members is a central aim of the kingdom's legislators, and this has a higher priority, in case of conflict, than promoting the various ends that the members may adopt."<sup>5</sup>

#### IV.

In 1958, G.E.M. Anscombes published her paper *Modern Moral Philosophy*, and in 1964, there has been published the first complete English translation of Kant's *Metaphysics of Morals*. These two dates mark the beginning of a new view on Kant's moral philosophy. Anscombe demands an ethics of virtue should take the place of an ethics of duty or law. The contemporary virtue ethics which claims to be an opposite standpoint to the Kantian ethics is a challenge for the Kantian scholars to study the doctrine of virtue of the *Metaphysics of Morals* in order to defend Kant's moral philosophy against the criticism of the virtue ethics.<sup>6</sup>

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The result of this discussion is that Kant's moral philosophy appears in a new light. Before the dominating picture was determined by the *Groundwork on Metaphysics of Morals* and the *Analytic* of the second *Critique*, and of the different formulas of the Categorical Imperative it

<sup>4</sup> Thomas E. Hill Jr., *Dignity and Practical Reason in Kant's Moral Theory*, Ithaca, NY 1992, 245.

<sup>5</sup> Ebd. 247.

<sup>6</sup> Vgl. Mark Timmos (Hrsg.), *Kant's Metaphysics of Morals. Interpretative Essays*, Oxford 2002; Andrea Marlen Esser, *Kants Ethik fürs Endliche. Kants Tugendlehre in der Gegenwart*, Stuttgart-Bad Cannstatt 2004; Marcia Baron, *Moral Paragons and the Metaphysics of Morals*, in: Graham Bird (Hrsg.), *A Companion to Kant*, Oxford 2006, 335-349; Monika Betzler (Hrsg.), *Kant's Ethics of Virtue*, Berlin 2008.

was the formula of the universal law moral philosophy was especially interested in. Outstanding characteristics of this picture are: the contrast between practical reason and the lower faculty of desire; the resulting contrast between material practical principles and merely formal laws; universalisability as criterion of the moral evaluation of maxims and the impression that thereby the activity of practical reason had been characterised completely. How this picture is corrected and supplemented by the study of the *Metaphysics of Morals*? I would like to point to four accents.

1. Virtue is a subject of Kant's moral philosophy. Kant develops the concept of virtue starting from the contrast between duty and inclination. „Virtue is the strength of a human being's maxims in fulfilling his duty. – Strength of any kind can be recognized only by the obstacles it can overcome, and in the case of virtue these obstacles are natural inclinations, which can come into conflict with the human being's moral resolution”; it is “a self-constraint [...] through the mere representation of one's duty in accordance with its formal law” (6:394,15-23). Virtue is “the moral capacity to constrain oneself” (6:394,27-29). “All duties involve a concept of constraint through a law. Ethical duties involve a constraint for which only internal lawgiving is possible, whereas duties of right involve a constraint for which external lawgiving is also possible” (6:394,24-27).

With the tradition, Kant determines virtue as *habitus* (aptitude); an aptitude „ is a facility in acting and a subjective perfection of choice (Willkür)“ (6:394,5f.). In the *habitus*, Kant distinguishes between “habit” and “free skill” (*habitus libertatis*). Virtue is not a habit. It is “skill in free lawful actions”, but it must not thereby be *defined*. Rather, this determination needs a supplement: Virtue is the skill in free lawful actions “to determine oneself through the representation of the law in acting”. This skill is not a quality of choice (Willkür), i.e. of the faculty to act and not to act but of the will, i.e. of the faculty of desire, insofar as it can determine choice to action. The will is a “universal-lawgiving faculty of desire” (6:407,16f.), and virtue is its “skill” or “facility” (6:407,5) to bring its “law to execution” (6:409,9f.) i.e. to determine choice.

Virtue must be acquired. One cannot immediately do everything that one wants; rather one has before to practice his powers. The moral maxim gains its strength in the conflict with the inclinations that are opposed to it. „Virtue is the product of pure practical reason insofar as it gains ascendancy over such inclinations with consciousness of its primacy (based on freedom)“ (6:477,10-12). Practicing virtue aims at a frame of mind that is both valiant and cheer-

ful in fulfilling its duties. Virtue has to muster all its forces to overcome the obstacles it must contend with; it has to follow the Stoic saying: accustom yourself to put up with the misfortunes of life and to do without its superfluous pleasures. But something must be added to it, “something which, though it is only moral, affords an agreeable enjoyment to life. This is the ever-cheerful heart, according to the idea of the virtuous Epicurus” (6:485,3-5)., because “what is not done with pleasure but merely as compulsory service has no inner worth for one who attends his duty in this way and this service is not loved by him” (6:484,26-28).

2. With the concept of virtue the subject ‘reason and emotion, duty and inclination’ has been addressed but not yet been exhausted. Virtue is the strength of the will in the struggle with the inclinations which are *opposed* to the moral law. But Kant as well speaks of inclinations which *comply* with the fulfillment of the moral law and he knows that these inclinations can be formed and cultivated.

The awareness of duty is based on a feeling. Kant knows a moral feeling that is the subjective condition of the receptivity for the concept of duty; without this feeling we could not become conscious of duty. The moral feeling is „the susceptibility to feel pleasure or displeasure merely from being aware that our actions are consistent with or contrary to the law of duty“. It is a necessary condition for the determination of choice. „Every determination of choice proceeds from the representation of a possible action to the deed through the feeling of pleasure or displeasure, taking an interest in the action or its effect“. There can be not duty to have moral feeling or to acquire it, since “any consciousness of obligation depends upon moral feeling to make us aware of the constraint present in the thought of duty; instead every human being (as a moral being) has it in him originally. Obligation with regard to moral feeling can be only to cultivate it and to strengthen it through wonder at its inscrutable source” (6:399,19-400,1).

The regular fulfillment of duty is, as Kant shows with the example of duties of love, followed by feelings that support the fulfilling of this duty. „Love is a matter of feeling, not of willing, and I cannot love because I ought to [...] But benevolence (*amor benevolentiae*), as conduct, can be subject to a law of duty” (6:401,24-28). “Beneficence is a duty. If someone practices it often and succeeds in realizing his beneficent intention, he eventually comes actually to love the person he has helped. So the saying «you ought to love your neighbor as yourself»” means: “do good to your fellow human beings, and your beneficence will produce love of them in you (as an aptitude of the inclination of beneficence in general)” (6:402,14-21).

It is an indirect duty to cultivate the compassionate natural feelings in us, for these are “im-



pulses that nature has implanted in us to do what the representation of duty alone might not accomplish” (6:457,33-35).

3. The *Metaphysics of Morals* draws a differentiated picture of the tasks of practical reason. The difference of the ethical duties from the duties of law is that in the ethical duties to moral law can command only the maxim of the actions and not the actions themselves. The two ends that the moral law commands are the perfection of myself and the happiness of the others; these are ends that are at the same time duties. These ends let it open to what extent and by what actions they are to be realized; therefore, in complying with the duties of virtue there remains a “scope” (Spielraum, *latitudo*) for the free choice (6:390,6f.). The ends restrict each other; the time and strength I use for charity, I cannot both use for cultivating my faculties; I have to decide which is the stronger ground of obligation.

Because of this wide scope, in the doctrine of virtue practical reason is confronted with questions that the doctrine of law does not know since it has to do with narrow duties only i.e. since it prescribes definite actions. Ethics, „because of the latitude it allows in its imperfect duties, unavoidably leads that call upon judgment to decide how a maxim is to be applied in particular cases [...] So ethics falls into a casuistry, which has no place in the doctrine of rights” (6:411,10-17). Casuistry is a practice in how to seek truth. Judgment has to decide which ground of obligation is stronger, e.g. that the duty to love one’s parents is stronger than the duty to love one’s neighbor in general.

The duties of virtues against others are the duty of love and the duty of respect. “They „are basically always united by law into one duty“ (6:448,19f.). I do not fulfill the duty of love, if I do not at the same time fulfill the duty of respect; the duty of love is restricted by the duty of respect. „So we shall acknowledge that we are under obligation to help someone poor; but since the favor we do implies that his well-being depends on our generosity, and this humbles him, it is our duty to behave as if our help is either merely what is due him or but a slight service of love, and to spare him humiliation and maintain his respect for himself” (6:448,22-449,2). Kant compares these two laws of duty with the natural laws of attraction and repulsion. „The principle of mutual love admonishes them to come closer to one another; that of respect they owe to one another, to keep themselves at a distance from one another“ (6:449,8-11). It is the task of practical reason to find the right relation between these two powers, i.e. to bring these two demands into line.

From the ethical duties of human beings *as such* against one another Kant distinguishes the

ethical duties of human beings against one another *in view of their condition*. They are not a real part of the metaphysical foundations of the doctrine of virtue but they are rules which apply the principle of virtue to experience. Just „as a passage from the metaphysics of nature to physics is needed – a transition having its own special rules- something similar is rightly required from the metaphysics of morals: a transition which, by applying pure principles of duty to cases of experience, would *schematize* these principles, as it were, and present them as ready for morally practical use. How should one behave, for example, toward human beings who are in a state of moral purity or depravity? toward the cultivated and the crude? [...] How should people be treated in accordance with their differences in rank, age, sex, health, prosperity or poverty, and so forth?” (6:27-469,5). This application belongs to the completeness of the metaphysics of morals.

4. The perfect fulfilment of the duties of mutual love and respect lead to an ideal form of human community, to friendship. „Friendship (considered in its perfection) is the union of two persons through equal mutual love and respect” (6:469,17f.). Perfect friendship is only an idea, but it is a practical necessary idea and striving for friendship is a duty set by reason. That striving for friendship is a duty result from the fact that friendship is the perfect fulfilment of the two duties of virtue against others. Through the fulfilment of duty the person makes herself worthy of happiness; in the same time friendship brings about the happiness of life even if not the complete happiness. „It is easy to see that this is an ideal of each participating and sharing sympathetically in the other’s well-being through the morally good will that unites them, and even though it does not produce the complete happiness of life, the adoption of this ideal in their disposition to each other makes them deserving of happiness; hence human beings have a duty of friendship” (6:469,19-24).

That perfect friendship is a “mere” idea result from the following context. When a friend fulfils a duty of love against his friend, his friend sees this as a lack of respect. „From a moral point of view it is, of course, a duty for one of the friends to point out the other’s faults to him; this is in the other’s best interest and therefore a duty of love. But the latter sees in this a lack of respect he expected from his friend” (6:21-24). If “one of them accepts a favor from the other, then he may well be able to count on equality in love, but not in respect; for he sees himself obviously a step lower in being under obligation without being able to impose obligation in turn” (6:471,6-10).

From perfect friendship, Kant distinguishes moral friendship. It is „the complete confidence

of two persons in revealing their secret judgments and feelings to each other, as far as such disclosures are consistent with mutual respect“ (6:471,27-29). Moral friendship is a relation of mutual respect only; there is no interest in the ends and the well-being of the other person. The human being has a need to open herself to others and in the same time she fears abuse. “The human being is a being meant for society (though he is also an unsociable one), and in cultivating the social state he feels strongly the need to reveal himself to others (even with no ulterior purpose). But on the other hand, hemmed in and cautioned by fear of the misuse others may make of his disclosing his thoughts, he finds himself constrained to lock up in himself a good part of his judgments (especially those about other people)” (6:471,30-472,1). In the mere moral friendship the conflict between love and mutual respect described above cannot arise; here the duty of love is confined to meet the need of the human being to open herself to others. This merely moral friendship is not just an ideal but „actually exists here and there in its perfection“ (6:472,26f.).

Since the ideal of friendship can be realized in this way only, moral friendship is duty. It belongs the happiness of life; the human being „can air his views. He is not completely alone with his thoughts, as in a prison, but enjoys a freedom he cannot have with the masses, among whom he must shut himself up in himself” (6: 472,11-14). Moral friendship is only possible under two presuppositions. The first is mutual respect. The friends reveal to each other also their faults, and each must trust that the other does not abuse this knowledge. The second presupposition is the discernment; the friend must be able to trust that his friend can discern what of it that the friend has revealed to him he is allowed to communicate to others and what not.