

Kant's Categorical Imperative: two objections¹

(This handout follows the handout 'Kant's Categorical Imperative'. You should read that handout first.)

Kant claims in *Foundations of the Metaphysics of Morals* that the fundamental principle of morality is this: 'Act only on that maxim through which you can at the same time will that it should become a universal law'. He calls this the 'Categorical Imperative'. In this handout, we look at two objections to this claim. (Further objections to Kant's deontological morality are discussed in the handout 'Three issues for Kantian deontology'.)

UNIVERSALISABILITY AND MORALITY

Is Kant right to think that acting on maxims that are universalisable is morally right or permissible, while acting on maxims that are not universalisable is morally wrong? Are there counterexamples? Let's start by asking whether there be a case of acting on a universalisable maxim that is morally wrong. We might think that this is just a matter of phrasing the maxim cleverly. In the example of stealing the gift above, I could claim that my maxim is 'To steal gifts from large shops and when there are seven letters in my name (Michael)'. Universalising this maxim, only people with seven letters in their name would steal only gifts and only from large shops. The case would apply so rarely that there would be no general breakdown in the concept of private property. So it would be perfectly possible for this law to apply to everyone.

Kant's response is that his theory is concerned with my actual maxim, not some made-up one. It is not actually part of my choice that my name has seven letters, or perhaps even that it is a gift I steal. If I am honest with myself, I have to admit that it is a question of my taking what I want when I can't afford it. For Kant's test to work, we must be honest with ourselves about what our maxims are.

Can we find a counterexample of this kind? Suppose I am in dire straits. I really need money to get food and shelter, and the situation is growing urgent. But I am too proud to ask people for help. So I con them instead: I borrow money on the promise of repaying it, but I don't intend to keep my promise. I wouldn't do this unless things were desperate. Is my maxim universalisable? It seems so. If, as a matter of law, everyone made promises they didn't intend to keep whenever they wanted something, that would be impossible. People would no longer believe promises; and you can't make a promise unless someone accepts it! But my maxim is much more specific, because it is 'to make a promise I don't intend to keep

¹ This handout is based on material from Lacewing, M. (2017) *Philosophy for AS and A Level: Epistemology and Moral Philosophy* (London: Routledge), Ch. 3, pp. 259-61, 263-5

rather than ask for help, but only in the face of such desperate circumstances'. This can be universalised, it seems, as it wouldn't occur often enough for promise-making to become impossible.

But now, is what I do wrong? If we think it is not, then this example is no counterexample - my maxim can be universalised, and my act is not wrong. But if conning people in this situation, rather than asking for help, is wrong, then this is an action that is wrong, and yet the maxim is universalisable. Kant's Categorical Imperative fails to give us the right answer. It is not always right to do something where the maxim is universalisable.

Another possible counterexample is furnished by one of Kant's own examples in 'On a Supposed Right to Lie from Altruistic Motives'. Suppose someone comes to your house to seek refuge from someone who wants to murder them. Soon after they have hidden, the would-be murderer arrives and asks you where they are. Even in this situation, Kant says, you should not lie. Lying is always wrong, because we cannot universalise the maxim to deceive people. Most people would disagree, and argue that lying in such a situation is the right action. But perhaps Kant is wrong about our maxim in this case. Perhaps the maxim is to tell a lie to save a life can be universalised.

Are there any clearer counterexamples of maxims where acting on them is not morally wrong, but the maxim is not universalisable? Say I am a hard-working shop assistant, who hates the work. One happy Saturday I win the lottery, and I vow 'never to sell anything to anyone again, but only ever to buy'. This is perhaps eccentric, but it doesn't seem morally wrong. But it cannot be universalised. If no one ever sold things, how could anyone buy them? It is logically impossible, which makes it wrong according to Kant's test. So Kant's Categorical Imperative again gives us the wrong answer. It is not always wrong to do things which require other people do something different.

MORALITY IS A SYSTEM OF HYPOTHETICAL IMPERATIVES

Is Kant right to think that failing to act in accordance with the Categorical Imperative is a failure of reason as well as morally wrong? Are there, in fact, any categorical imperatives, rules we must follow on pain of being irrational if we don't? In 'Morality as a system of hypothetical imperatives', Philippa Foot argues that there are not, and that what it is rational for someone to do depends on what they want.

An imperative for Kant is something that ought to be done. Hypothetical imperatives state that you should or need to do the action as a means to something you want. Here 'want' has a wide meaning, covering not just passing or occasional desires, but also your long-term projects and plans. For example, if you are committed to getting a good education, then you should study hard, even when you don't feel like it. Categorical imperatives present the action as some something you should or must do, full stop, 'without regard to any other end'. Kant argues that they are 'objective', that acting on them is a matter of being rational rather than fulfilling a subjective desire.

Foot notes that we do commonly contrast moral judgments with hypothetical imperatives in this sense. We find two uses of 'should' or 'ought' in how we use language. In the first use, if we discover the person doesn't want what the imperative assumes, or we discover the action isn't a suitable means, then we no longer say they should act on it. For example, 'you should take the third left if you are going to the restaurant': if you are not going to the restaurant, or the third left is a dead-end, then we no longer say that you should take the third left. But we also use the words 'should' and 'ought' when we don't withdraw our claim that 'you should do x'. 'You shouldn't lie', 'But I don't care about the truth, I really want to trick him', 'That's irrelevant; you shouldn't lie'. You can't rebut or escape the requirement to act just by showing that it isn't doesn't help you get what you want.

However, so far, this point is only about language, and it isn't enough to show that Kant is right that moral judgments are categorical in the sense he means. To see this, think of the rules of etiquette or the rules of a club. For example, in the UK, handshakes should be brief (so Debrett's guide to etiquette tells us). If... what? The imperative doesn't mention something you want. We might try to spell it out, e.g. adding 'if you want to fit in' or 'if you want people to think well of you', but this isn't how etiquette works. Even if someone doesn't care what others think, it is still a breach of etiquette for them not to release another person's hand after shaking it. Likewise, in Foot's (now old-fashioned) example, if the club rules say, 'Do not take ladies into the smoking room', there isn't a hidden assumption 'if you want to remain part of the club'. Suppose someone doesn't want to remain part of the club, thinking it fusty and sexist, and he will quit tomorrow for good. Is he now allowed to take ladies into the smoking room? No. In these examples, we don't withdraw the 'should' depending on what someone wants.

These are examples of non-hypothetical imperatives. Clearly, they are not unconditional or inescapable in the sense that Kant thinks moral judgments are. They are not categorical in Kant's sense because by themselves they don't give us a reason to act. Whether you have reason to observe the rules of etiquette or the rules of the club will depend on what you want. If you don't like the rules of the club, don't join - nothing wrong in that.

Moral judgments are also non-hypothetical imperatives in this sense. But this fact does not yet show that they are categorical in the sense of giving everyone and anyone a reason to act in accordance with them. To show this would be to show that immorality is irrational, which is just what Kant argues. But, claims Foot, this is because Kant assumes that acting immorally involves disregarding a rule that you have accepted (e.g. that no one should lie) or again that it is inconsistent to want other people to act in a way you don't intend to (e.g. that they should tell the truth while you lie). But this is simply not so. 'Irrational actions are those in which a man in some way defeats his own purposes', and acting immorally need not involve this (although it may, e.g. by making enemies of people you may later need as friends).

Why do we think that the rules of morality are categorical when the rules of etiquette are not, even though both are non-hypothetical? Foot argues that the answer lies in our feelings about morality. The 'binding force' of morality is simply

the feeling that moral judgments are inescapable. And our feelings are the result of how moral rules are taught. The rules of morality are taught and enforced much more stringently than the rules of etiquette. As a result of how we as children are trained to behave in morally right ways, we feel that we 'must do' what is morally right, whatever our desires or plans. There is no other meaning we can sensibly give to the idea that morality is 'categorical'.

Foot recognises two possible objections to her view. First, if she is right, then what does 'acting out of duty' amount to? If moral judgments are not categorical, it seems that doing what is right 'because it is right' no longer gives us a reason to act. Foot's response is that Kant is mistaken in thinking that the motive of duty was the only morally good motive.

We genuinely care about others' good quite apart from thoughts of duty. We can understand 'doing the right thing because it is the right thing to do' as being motivated by morally good concerns. This looks like moral action on the basis of hypothetical imperative, e.g. you are helping because you want to help. This isn't wrong, but 'wanting to help' needn't be a passing desire. A virtuous person is one who is dedicated to moral ends, not someone who acts morally just so long as they 'feel inclined'.

Second, doesn't Foot's view undermine morality? In particular, what can we say to people who simply don't care about morality ('amoralists')? Isn't it true they ought to care? And isn't this a contrast with the case of someone who doesn't want to join the club? Foot responds that amoralists could accept that the moral 'ought' is non-hypothetical, but still not think it gives them a reason to live by moral rules. Amoralists takes themselves to have no reason to be moral. We can say that they may well be mistaken, and could spoil their own lives. But there is no more that we can say than this, for the moral 'ought' has no magical force to give everyone a reason to be moral, irrespective of what they want in life.