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CONSEQUENTIALISM, EGOISM, AND THE MORAL LAW

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I. KANT ON UTILITARIANISM

It is often claimed that Kant rejected utilitarianism. The basis for this claim, however, is not entirely clear. It would, of course, be foolish to deny that Kant's ethical writings have a distinctly non-utilitarian flavor. One clear example is his discussion of punishment (1797a: 331–334) and another example is his essay "On the Alleged Right to Tell a Lie from a Benevolent Motive"¹. In these cases, and many others, Kant exhibits his non-consequentialist tendencies. Furthermore, Kant's supreme principle of morality, the categorical imperative, is not the principle of utility. Indeed, Kant claims that all of "the confusions of philosophers concerning the supreme principle of morals" results from their failure to see "that the moral law is that which first defines the concept of the good" (1788: 64). In contrast to teleological accounts of moral reasons, Kant's "second proposition" in the first chapter of the *Groundwork* states.

An action done from duty has its moral worth, *not in the purpose* to be attained by it, but in the maxim with which it is decided upon . . . the moral worth of an action does not depend on the result expected from it, and so too does not depend on any principle of action that needs to borrow its motive from this expected result . . . nothing but the *idea of the law* in itself, *which admittedly is present only in a rational being* . . . can constitute the pre-eminent good we call moral (1785: 400–401).

Kant argues that the moral worth of an action done from duty does not depend on the consequences of the action, but depends only on the legislative form of the maxim. He concludes that the principle of right, which determines the moral permissibility of maxims of action, is "the categorical imperative . . . act only on that maxim through which you can at the same time will that it should become a universal law" (1785: 421). It thus seems that one of Kant's central claims is that the moral

law (the right) is not to be understood as that which maximizes the good. If Kant is correct, then it would seem that utilitarianism, and any other consequentialist normative principle, is misguided. It is thus claimed that Kantian deontology involves a priority of the right over the good and thus at the most fundamental level it opposes classical utilitarian teleology.

Nonetheless, a careful reading of Kant reveals that he did not adequately consider utilitarianism or other consequentialist *normative* theories. A consequentialist normative theory is any theory which asserts that the fundamental normative principle directs us to bring about good ends. Kant's arguments focus on questions of moral motivation and the *justification* of normative principles, but not on the structure of the principle of right. Kant argues that the *determining ground* of the will must be a formal principle of duty, but even if the arguments for this conclusion succeed, they do not show that the *material* or content of the basic normative principle does not involve promoting the good. In short, Kant's arguments may show that a moral agent does not promote the good because of inclination, but they do not rule out a duty-based consequentialism: that is, a duty-based justification of a principle of right which is consequentialist in structure. Indeed, most of his arguments are fully consistent with such a conclusion.

Kant did not defend normative consequentialism. Indeed, he seems to interpret the content of the principle of right such that it generates agent-centered constraints on the pursuit of moral goals. But, if the arguments which follow are correct, then it will be an open question whether the form and content of the moral law generate such constraints. The answer will turn on controversial considerations which are independent from Kant's discussion of moral motivation and the form of the moral law — for example, the adequacy of the distinction between perfect and imperfect duties, the extent of required aid to others, and the scope of acceptable or required coercion in the enforcement of the moral law. In another paper, I have argued that these aspects of Kant's normative theory do not succeed in generating agent-centered constraints. In this paper, I intend to show that this conclusion is compatible with Kant's discussion of the legislative form of the moral law, his theory of the good, and his account of moral motivation.² Since

contemporary ethical theorists consider Kant's arguments in the *Groundwork* and the *Critique of Practical Reason* as straightforwardly anti-consequentialist, it is important to correct this misconception.

In section (II), I discuss Kant's account of the good will and his distinction between purposes adopted from inclination and purposes adopted from a sense of duty and, in section (III), I discuss Kant's related distinction between formal and material maxims. In these two sections, I argue that, since the formal/material distinction has to do with the motivation of a moral agent and not the content of the moral law, consequentialist normative principles need not be material principles. In section (IV), I argue that Kant's theory of the good is consistent with a consequentialist normative principle. In addition, I argue that Kant's arguments for his conclusions about the good do not rule out any non-egoist consequentialist principle. These three sections establish that there are good reasons for doubting that Kant's arguments demonstrate the inadequacy of normative consequentialism. In sections (V)—(VI), I consider three arguments from the *Critique of Practical Reason* which purport to establish that the moral law must be a formal principle. In each case we shall see that Kant's conclusions are compatible with a consequentialist interpretation of the matter or content of the moral law. In addition, I maintain that Kant's point was to establish that moral motivation, unlike empirical motivation, is not based on subjective desire or the pleasure we experience when our inclinations are satisfied. Kant's target was a sophisticated form of hedonistic rational egoism, not consequentialism. It is thus not surprising that Kant's arguments for the formality of the moral law fail to provide good reasons for rejecting normative consequentialism.

II. THE GOOD WILL AND CONSEQUENTIALISM

H. J. Paton has claimed that as a consequence of a valid argument in the first chapter of the *Groundwork*, Kant "rejects all forms of utilitarianism".³ Since Paton does not formulate the alleged argument, let us consider Kant's various remarks and see if they provide a reason for rejecting consequentialist normative principles.

Kant does claim that "a good will is not good because of what it effects or accomplishes — because of its fitness for attaining some

proposed end” (1785: 394), “the moral worth of an action does not depend on the result expected from it, and so too does not depend on any principle of action that needs to borrow its motive from this expected result” (1785: 401). There are three conclusions here: (i) Kant correctly argues that the moral worth of an action, in so far as it reflects on the agent, does not depend on the *actual* effects or consequences of the action; but (ii) he does not demonstrate the additional conclusion that its worth does not depend on the result the agent *expected* from the action; and (iii) he does not demonstrate that the good will is not good because of its fitness for attaining some proposed end; that is, its tendency to bring about good effects or consequences.

Leaving aside the problem of negligence, a consequentialist can accept the first conclusion: an agent is praised or blamed for what she conscientiously strives to accomplish; if the goal was good and the means was the best the agent could foresee, then she has done all she can; her conduct is admirable, the consequences be what they may. A consequentialist can maintain that the practice of praising or blaming on the basis of an agent’s intentions, rather than actual consequences, is the best means of promoting the good. The first of Kant’s conclusions is compatible with the thesis that a good will strives to bring about the best possible outcomes. Indeed, a good will may be good because it has a propensity to bring about good ends. It does not produce good consequences in every case; but it is still a reliable source of good consequences. An additional argument is necessary to show that a good will is not good because of its fitness for bringing about good consequences. Since only this additional conclusion conflicts with consequentialism and since we shall see that it does not follow from Kant’s arguments, Kant has not produced a valid argument sufficient to undermine “all forms of utilitarianism”.

Kant presents three related considerations to support his complex conclusion. Kant states that (a) we believe that an act performed with good intentions has moral worth, and we admire the agent, even when no good results (1785: 394); that (b) other natural causes, like the weather or the tides can promote good outcomes, yet these events do not have the same moral worth as acts performed by conscientious moral agents (1785: 401). These two remarks only show that the moral worth of an action does not depend on the actual outcome of the

action; they do not show that the moral worth of an action has nothing to do with its fitness for bringing about good outcomes. Indeed, Christine Korsgaard has argued that the point of the above remarks is not to refute consequentialism but rather to elucidate the special kind of value that we attribute to a good will; Kant's remarks do not refute normative consequentialism because they are not intended as arguments against consequentialism.⁴ The question, however, is whether the special value of the good will is compatible with consequentialism. Kant's first two remarks provide no reason for rejecting normative consequentialism.

Kant's argument in his preface seems to get to the heart of the matter. Kant explains, (c) if an action is to have moral worth it must be done from a sense of duty and not simply from a contingent inclination; when actions which accord with duty are performed simply because of some inclination "the non-moral ground at work will now and then produce actions which accord with the law, but very often actions which transgress it", when actions are not performed "for the sake of the moral law . . . the conformity is only too *contingent and precarious*" (1785: 390; emphasis added). In evaluating the moral worth of an act we must consider whether the agent intended to do her duty; it is only when an agent intends to do what is right that there is some assurance that the act was not just a fortuitous event. An agent's conscientious performance of duty is likely to be rooted in a virtuous character and, thus, unlike the selfish agent whose actions contingently conform to duty, the conscientious agent is likely to continue to act in conformity to duty. Of course, even conscientious moral agents are capable of error or self-deception; but it is nonetheless more reasonable to count on the dutiful conduct of a conscientious moral agent. Clearly, this is not a non-consequentialist argument for the goodness of a good will. Indeed, here we have the beginning of a consequentialist explanation of the moral importance of a good will.

This consequentialist explanation of the moral importance of the good will is in tension with Kant's thesis that the goodness of the good will is completely intrinsic to its willing. The issue, however, is whether Kant has good reasons for this thesis. Stephen Darwall has commented that a more sympathetic interpretation of this last argument would be as follows. Unless an agent guides her conduct by her own sense of right, it will only be fortuitous that she does what she regards as right (i.e.

what is right in her own view). In the above interpretation, the emphasis was on the external consequences of the actions. On this interpretation, the emphasis is on an agent's internal affirmation of principles and the conformity of her acts to these principles. Two points about this version of the argument. First, even this version is consequentialist. The idea is that moral reasons should supremely regulate an agent's conduct *because* otherwise it will be fortuitous that the agent acts in ways she regards as right. The argument still bases the idea of moral autonomy, viz., an agent's conduct should be supremely regulated by moral reasons, on the greater *reliability* of the "internal condition" of the motive of duty for producing something "external" — right acts. Second, the central issue is whether Kant produced a refutation of consequentialist normative theories. On Darwall's interpretation, the principle the agent affirms may still be a consequentialist normative principle. Neither version of this argument provides a reason for rejecting the principle of utility, or any other consequentialist principle, as a principle of right. On either version, a morally good agent may be an agent who conscientiously performs action which tend to produce the greatest overall good.

Kant's first three arguments do not support either the conclusion that a good will is not good because of its fitness for furthering good ends or the conclusion that the moral law must be purely formal. Perhaps it is Kant's "second proposition" in the *Groundwork* which is supposed to refute all forms of consequentialism. Why does Kant claim that the moral worth of an action does not depend on the purpose of the action or the result expected from the action, but does depend on the maxim of the action and the idea of the law?⁵

Immediately prior to presenting the second proposition Kant presents four examples of the motive of duty versus inclination; the most famous of which is the example of the contrast between the naturally sympathetic person and the dutiful philanthropist (1885: 397–399). At the beginning of this example Kant states that "to help others where one can is a duty;" but he then claims that the actions of sympathetic persons in spreading happiness around them have "no genuinely moral worth." Kant's philanthropist, on the other hand, has no inclination to help others and may even be personally averse to such actions, but nonetheless helps those in need because it is a duty. Now Kant has

taken much abuse for this example and conclusion,⁶ but for present purposes let us accept Kant's account and see what follows from it. The point of the example is to compare two actions both of which have the same *purpose* but which have distinct determining grounds, or maxims. The naturally sympathetic person, like the dutiful philanthropist, has the immediate purpose of helping others; both individuals help others for its own sake and "without any further motive of vanity or self-interest". Nonetheless, the immediate reason or motive of their actions are distinct. Dutiful persons have the purpose of helping others because it is a duty; sympathetic persons have the purpose of helping others because "they find an inner pleasure in spreading happiness around them". The dutiful person is moved to help others because it is a duty, the sympathetic person is moved to help others because it is pleasant. In this sense the maxims or determining grounds of the actions are distinct even though the purposes are the same. In considering Kant's position we must keep in mind this distinction between the purpose of the action and the determining ground, maxim, or motive for adopting the purpose. Since, according to Kant, an action has moral worth if and only if it is done from duty, only the actions of the dutiful person have moral worth. Since both the dutiful person and the sympathetic person have the same purpose, the moral worth of an action done from duty must involve the determining ground or reason why the purpose is adopted and not simply the purpose of the action.

Now, does any of this provide a reason for rejecting consequentialist normative principles? First, Kant distinguishes actions determined by duty and actions determined by inclination and argues that dutiful actions have moral worth. Since a consequentialist can aim to promote the good because of a conception of its rightness or a sense of duty, and not because of a natural inclination, the above distinction provides no reason for denying moral worth to actions based on a consequentialist normative principle. Second, Kant argues that the moral worth of actions done from duty does not depend, as its determining ground, on the purpose of the action but rather on the maxim of the action. Nonetheless, the ultimate purpose of all dutiful action may be to promote the greatest possible good. Kant's example of the dutiful philanthropist, who acts in accordance with the duty of making the happiness of others his or her end, clearly shows that *in this passage* Kant is not arguing

against a consequentialist account of the content of the moral law. In these sections of the *Groundwork*, Kant has not argued against the view that a conscientious moral agent strives to promote the greatest good.

Kant's thesis is that, if an action is to have moral worth, the determining ground of the will cannot be the inner pleasure we experience in performing the action or any desire for personal benefit. As a consequence, the purpose of the action, considered independently from its determining ground, cannot be the source of its moral worth. Kant concludes, however, that the moral law is purely formal: it determines the will because of its legislative form alone and not because of any material content (1788: 48). The implication seems to be that all principles with material content presuppose, as the determining ground of the will, a desire for personal benefit or pleasure.

III. FORMAL AND MATERIAL PRINCIPLES

Before we turn to Kant's account of moral motivation and his arguments that the moral law is a formal principle, we must first clarify his distinction between the form and the matter of a principle. Kant writes,

all practical principles which presuppose an object (material) of the faculty of desire as the determining ground of the will are without exception empirical (material) . . . by the term "material of the faculty of desire," I understand an object whose reality is desired (1788: 21).

Kant intends to prove that moral maxims must be formal maxims. The formal/material distinction, however, leaves room for a broad interpretation, which classifies as a 'material maxim' any maxim which aims to realize a set of ends, or a narrow interpretation which classifies as a 'material maxim' maxims which have as their aim the satisfaction of a mere inclination or desire. On the narrow interpretation it is the *motive* for adopting a principle and not the *content* of the principle which determines whether or not it is a material principle. It is easy to conflate these two possibilities. Paton, for example, states that "the moral maxim is not based on any mere inclination to produce certain results: it holds irrespective of the ends which the action is intended to produce"⁷. If the maxim of my action is to promote the greatest good, whatever the consequences to my self-interest, then the maxim does not hold "irrespective of the ends which the action is intended to produce." Nonethe-

less, we need not presuppose that the basis of the action is a “mere inclination.” More generally, when Kant talks about material maxims presupposing “subjective ends” he can mean either “ends of a subject” or “ends which satisfy the interests or inclinations of the subject.” If he means the former, consequentialist principles are material. If he means the latter, consequentialist principles need not be material.

Kant does state that any principle which presupposes as its determining ground an object whose reality is desired is a material principle. Since consequentialist principles presuppose a conception of the good (object), one might claim that they are material principles. The issue, however, is whether the principle “presupposes as its determining ground” a desire for an object; the issue is not whether the principle presupposes a conception of the good. Consequentialist principles need not presuppose that all rational beings, independent from their sense of duty, in fact desire the good (object) that they ought to promote. A dutiful consequentialist may strive to promote the general good, not because of a natural inclination to do so, but because it is the right thing to do.

If the formal/material distinction involves the *reason or motive* of an agent adopting a moral principle and not the *purpose or content* of the principle, then consequentialist principles are not necessarily material principles. Neo-Kantians are thus faced with a problem: if the formal/material distinction has to do with moral motivation and not the content of the principle of right, then how can Kant’s arguments for the formality of the moral law rule out consequentialist principles of right?

I believe that Kant’s position is clear. Since, as Kant often states, all maxims have a matter or content (1785: 436), his point is to emphasize that the determining ground or motive of a moral agent cannot be a mere inclination to bring about some state of affairs. Indeed, Kant’s doctrine that, if there is a categorical imperative, then something must exist as an end-in-itself, as an “objective end” for all rational beings, demonstrates that not all ends of a subject are “subjective ends” (1785: 427–428). In addition, Kant’s examples of the motive of duty in the *Groundwork* clearly demonstrate that duty may require us to promote good consequences (1785: 397–400). As Kant explicitly states, “to help others where one can is a duty” (1785: 398). As we saw above, both the sympathetic person and the dutiful person act directly, without

any further goal, so as to promote the happiness of others. The difference is that the determining ground of the will of the sympathetic person is inclination not duty. (Kant's conception of an objective end and its compatibility with normative consequentialism are discussed at greater length below.)

Consequentialist normative principles are material principles only if there is a necessary or causal link between the content of a principle and the motive for adopting the principle. For example, if all principles which aim to promote an end presuppose a desire for pleasure, then any principle which presupposes an end would be based on hedonistic self-interest. In other words, if (phenomenal) psychological hedonism were true, then all material principles would be principles of self-love (rational egoism). I return to this point in sections (IV)—(VI). We shall see that it is the assumption of psychological hedonism which leads Kant to reject consequentialist normative principles.

IV. KANT'S THEORY OF THE GOOD⁸

We have been focusing on Kant's distinction between formal and material maxims and I have suggested that, since one can adopt a consequentialist normative principle because of a conception of its rightness, even if we are not naturally inclined to promote the good, consequentialist normative principles may have a "determining ground" which is in the requisite sense formal. There is, however, an independent reason for thinking that the determining ground of the moral will must be a non-consequentialist formal principle. According to Kant, "the moral law is that which first determines the concept of the good". It is only after one has discovered a "law which directly determined the will a priori" that one can seek an object suitable to the good will (1788: 64). A good will is a perfectly rational will; that is, rational action is conduct supremely regulated by moral laws. The object of rational willing or a good will is the good. We must first discover the moral laws which regulate rational conduct and then we can determine what is good. Since consequentialist normative principles require us to promote the good, it might be claimed that all such principles have the foundations of duty backwards: the good does not determine the moral law, the moral law determines what is good. Prior to considering Kant's

arguments for the formality of the moral law, it is necessary to address this objection.

I offer three responses.

(1) On Kant's theory of the good, we will the good because it is the object of rational action (1785: 413 and 1788: 57–66). Kant's theory of the good is rather complicated; for a detailed discussion, I refer the reader to Christine Korsgaard's recent papers.⁹ But the basic idea is as follows. We all know that a good will is the only thing good without qualification and that a good will is a rational will. Kant maintains that rational nature is the source of all value and is thus the only thing which has unconditional value. All other goods have conditional value; and the condition of their value is the actual choice of rational beings. As Korsgaard puts it, rational choice has "value-conferring" status. Rational nature sets itself apart from the rest of nature because it can act on principle, that is, rational beings have the capacity to (freely) choose and act on ends. When chosen rationally, when the condition of their value is met, our ends are objectively good. According to Kant, the ends of rational acts are good, because they are the objects of rational acts. Leaving aside complications and details, Kant maintains that, in some important sense, the good is determined by the practical law or objective principles which determine the rational will.

Nonetheless, even if the practical law which determines the practically good must be a formal principle of rational willing, the matter of the law may involve promoting the greatest overall good. I shall question the plausibility of Kant's theory of the good below; but, for the moment, let us accept Kant's account of the nature of value (or Korsgaard's interpretation of Kant's view) — that is, rational nature is the source of all value and is thus the only thing that has unconditional value. All other things only have value insofar as they are chosen by rational beings. On Kant's view, as interpreted by Korsgaard, the good consists of the unconditionally valuable and the conditionally valuable. Within the good there is a lexical priority of value: unconditional value may never be sacrificed to conditional value. That is, rational beings and the basic conditions necessary for their existence may never be sacrificed in order to promote happiness or other conditional value.¹⁰ But such a hierarchy of value is simply not inconsistent with normative consequentialism. Even if one accepts the claim that rational nature has

value-conferring status and thus also has unconditional value, the moral law may nonetheless involve promoting the good. On this interpretation of Kant, we have an unconditional duty to *promote* conditional value (we have a duty to promote the happiness of others in so far as we are able) and, given Kant's theory of value, we ought to *promote* the conditions necessary for the existence of rational beings (the unconditionally valuable). A consequentialist normative principle tells us to promote the good. If one accepts Kant's two levels of value, then one must first promote the unconditionally good and then promote the conditionally good, but one must still strive to promote the greatest good.¹¹

More generally, it is crucial that one distinguish the foundation or justification of one's basic normative principle and the principle itself. As such diverse consequentialists as R. M. Hare, J. C. Harsanyi, J. S. Mill, and G. E. Moore clearly indicate, there are many roads leading to a consequentialist normative principle — some of them teleological at the foundational level some of them not. Hare's universal prescriptivism argues from the logic of moral concepts to a consequentialist normative principle. Harsanyi argues that in a Rawlsian "original position" free and equal rational contractors would maximize average utility by choosing a rule utilitarian decision strategy. And then there is Mill's naturalism, Moore's intuitionism, and several other recent alternatives. Kant's theory of the good is distinct. The concept of rational action determines what is good. Nonetheless, the matter of the fundamental normative principle may be to promote the greatest good. In more Kantian terminology, the form of the principle of rational action may determine the content of the good, but the matter of the principle may nonetheless involve promoting the good. Kant's contention that the form of the moral law determines the acceptable matter or content is consistent with a duty-based consequentialism. (Kant's argument for the priority of form over matter is presented and considered below.)

(2) Kant's theory of the good is compatible with normative consequentialism. It is worth noting, however, that Kant's specific *argument* for his conclusion about the practically good does not rule out a more standard consequentialist theory of the good. Kant writes, "the practically *good* is that which determines the will by concepts of reason, and therefore not by subjective causes, but objectively — that is, on grounds

valid for every rational being as such" (1785: 413). Kant distinguishes being moved by subjective causes or inclinations and being guided by reason, and he states that practical good determines the will by reasons which are valid for all rational beings. Kant's argument for this conclusion is as follows.¹² (i) If the concept of the practically good is not derived from a practical law, "it can only be the concept of something whose existence promises pleasure and thus determines the causality of the subject (the faculty of desire) to produce it" (1788: 58). According to Kant, practical good is either based on a practical law or it is based on a desire for pleasure. (ii) But good and evil are not the same as pleasant and unpleasant (1788: 58). We distinguish our well-being (*Das Wohl*) and the good (*Das Gute*) (1788: 59). (iii) An action may lead to much unhappiness for the subject and still be good or lead to much happiness for the subject and still be evil (1788: 60). (iv) Thus, the practically good is not the furthering of our personal happiness but a "manner of acting" which is derived from a practical law (1788: 60ff). A practical law (moral law) determines the concept of the practically good.

This argument provides no justification for ruling out a consequentialist normative principle (practical law) which is not hedonistic and egoistic. At most, Kant establishes that practical good involves acting on principle and it does not involve mere inclination or the furthering of personal happiness. The argument does not rule out all consequentialist principles of action. Consider each part of his argument: (i) Consequentialist principles provide reasons for actions and they need not ground the moral law on our personal well being or on a desire for pleasure. (ii) According to many consequentialist principles, good and evil are not the same as pleasant and unpleasant. (iii) An action may be required by a consequentialist principle even though it does not further my happiness and an action may lead to much personal happiness but nonetheless be impermissible. (iv) It follows that the above argument does not rule out consequentialist normative principles. The practical law which determines the practically good may be the principle of promoting the greatest overall good. A good will may be good because it strives to promote the good without regard to its self-interest.

Kant's arguments only show that the motive for promoting the good can not be hedonic self-interest. But, Kant has not made some sort of

logical blunder. His point was to emphasize that moral motivation, unlike empirical motivation, is non-hedonic and non-egoistic. As a consequence of his psychological hedonism, he does not adequately consider alternative consequentialist normative principles.

(3) Thus far I have argued that a Kantian lexical priority of value is not inconsistent with a consequentialist normative principle and that the practical law which determines the practically good may be a consequentialist principle. In addition, the argument for the conclusion that rational nature is unconditionally valuable is not convincing. As developed by Korsgaard, Kant's argument maintains that rational nature is unconditionally valuable *because* it is the condition of all value. What is the basis of this inference? An obvious candidate is the following principle: If something is a necessary condition of all value, then that thing has unconditional value. Korsgaard's argument seems to be the following:¹³ Without the capacity for rational choice there could be no judgement that anything has unconditional value. Furthermore, value is not something that exists in the world prior to and independent of the judgement of any rational agent. Thus, if there is no judgement that something has value then there is no thing that has value. The argument concludes that rational nature is unconditionally valuable because it is the condition of all value. Since having unconditional value and existing as an end-in-itself are equivalent, it follows that rational nature exists as an end-in-itself.

The argument assumes that a necessary condition of all value must be unconditionally valuable. Is this a plausible inference? In cases that do not involve a necessary condition of *all* value, the inference is not plausible. For example, assume that a necessary condition of tomatoes being valuable is that there are beings that are hungry. It does not follow that the existence of hungry beings is unconditionally valuable. Similarly, assume that the condition of all value is a good will (or rational nature); for example, a person's happiness is valuable in proportion to his or her virtue (or the realization of ends is valuable if the ends are chosen rationally). Why should it follow that virtue (or rational nature) is unconditionally valuable? From the premise that ends are only valuable if they are rationally chosen it follows that rational nature brings value into the world, but it does not follow that rational nature has unconditional value. On the contrary, it may be the case that rational nature has value only if it in fact brings value into the world.

Korsgaard sometimes writes as if value is some stuff and as if rational beings are full of this value and are the “source” of this stuff. She writes, “goodness, as it were, flows into the world from the good will”¹⁴. This is, I assume, simply a metaphor; but it is clearly ill chosen. After all, “the primary advantage of the Kantian theory of goodness” is suppose to be that even “intrinsic value . . . is not ontological”¹⁵. Since Kantian value is not ontological, rational beings do not need to be full of value to be a condition of value. Since prior to rational choice there is no value, it would be preferable to say that value is produced by or originates from rational beings. But why then should one conclude that rational beings have value independently from and over and above the value they produce?¹⁶

This last point is worth noting, but it is not essential to the main argument of this paper. Even if there is a good argument for a lexical priority of value, Kant’s theory of the good does not provide a basis for rejecting a consequentialist normative principle. First, Kant’s theory of the conditionally good and the unconditionally good, a lexical priority of value, is compatible with the normative principle that one ought to promote the good. Second, given Kant’s argument, the practical law which determines practical good may be a non-egoistic consequentialist principle.

With this objection out of the way we may return to where we left off. In the previous two sections, I argued that even if the determining ground of the fundamental moral principle is a conception of its rightness, the fundamental moral principle still has an end or content and the principle could be consequentialist in structure. If one accepts Kant’s arguments and normative consequentialism, then a conscientious moral agent strives to promote the good because it is right or required by a practical law. On Kant’s view, however, a good-willed person is determined to perform actions because the maxim of the action has universal form; it is the universal form which makes the action right. The issue thus becomes whether or not Kant’s arguments, that the determining ground of the moral law is its universal form, provide a reason for rejecting a consequentialist interpretation of the moral law’s content. In the process of considering this issue we shall also reconstruct and consider the adequacy of Kant’s reasons for concluding that the form of the moral law is prior to and determines the content of the moral law.

V. RATIONAL EGOISM AND THE MORAL LAW

We shall consider three interrelated arguments for Kant's conclusion, two in this section and one in the next section, and inquire whether or not these arguments support the rejection of consequentialism. Kant's arguments focused on the principle of self-love, and not on utilitarianism. For our purposes, the principle of self-love can be identified with psychological egoistic hedonism. Indeed, we shall see that his claim that the moral law must be purely formal results from his misguided endorsement of psychological hedonism.¹⁷ Of course, that Kant embraced a version of phenomenal psychological hedonism, which was the prevalent psychological theory of the day, is not news; but the degree to which psychological hedonism infects his moral arguments has not been adequately appreciated. Simply put, Kant's argument that the form of the moral law must determine its content presupposes the empirical assumption of psychological hedonism.¹⁸ Let us first look at Kant's arguments against rational egoism and then see if they generalize to all consequentialisms.

(i) One line of argument in Kant's writings emphasizes the self-evidence of his thesis. Kant claims that we all know that the principle of furthering one's own happiness (self-love or rational egoism) is the direct opposite of the principle of morality. Only those in "the schools", who have an axe to grind in support of some theory, "are audacious enough to close their ears to that heavenly voice" of morality within us (1788: 35). Even the "commonest intelligence" can easily and immediately see that the principle of morality is not the principle of self-love (1788: 36). Even "a child of say eight or nine years old" can without doubt distinguish the requirements of morality and the incentives of self-interest (Essays: 286). In the *Groundwork* Kant emphasizes that immorality results from the "powerful counterweight to all the commands of duty . . . the counterweight of his needs and inclinations," which makes "the mind waver between motives", and not from an ignorance of the principles of morality (1785: 403–405 and 410–411). There are many places where Kant makes these sorts of claims. According to Kant, knowledge of a moral law, which is not the law of self-love, is immediately and self-evidently available to all rational beings. Indeed, Kant even believes that the particulars of duty are self-evident.

(ii) Second, Kant also appeals to the moral emotions to show that the moral law is not based on self-love. Kant at many places draws attention to the fact that when we act on the basis of self-love we “cannot silence the accuser” within us (1788: 98). Even those who seem to have been born villains find the reproaches of their behavior well-grounded (1788: 61 and 99). Similarly, the feeling of respect for moral persons, Kant argues, is something that a rational being necessarily feels. He writes,

To a humble plain man, in whom I perceive righteousness in a higher degree than I am conscious of in myself, *my mind bows* whether I choose or not. . . . Respect is a tribute we cannot refuse to pay to merit whether we will or not; we can indeed outwardly withhold it, but we cannot help feeling it inwardly (1788: 77).

Similarly, Kant argues that, no matter what we may have gained in the way of fortune or the means to happiness, when we compare ourselves with the moral law we feel shame. Since we reproach ourselves even when we otherwise gain, this moral reproach must come from a “different criterion of judgment”.

He who has lost at play may be vexed at himself and his imprudence; but when he is conscious of having cheated at play, even though he has won, he must despise himself as soon as he compares himself with the moral law. This must therefore be something else than one’s own happiness. For to have to say to himself, “I am a worthless man, though I’ve filled my purse”, he must have a different criterion of judgment than if he approves of himself and says, “I am a prudent man, for I’ve enriched my treasure” (1788: 37).

The standard of self-love, of prudence, is one thing, the standard of morality is another. That this is so, Kant thinks, is brought out if we reflect on our experiences of the moral emotions.

The primary emphasis of Kant’s first two points is that moral motivation is distinct from self-interested motivation. Since consequentialism need not be based on self-interest, these arguments do not tell against a consequentialist normative principle. Nonetheless, Stephen Darwall has suggested that there is another argument here: “fundamental principles of morality must be a priori principles if we believe them to apply to all persons (to all moral agents) and not just to those who happen to share certain (for example, human) traits.”¹⁹ Two points: First, we need to be specific about what we mean by “apply to all persons.” Kantians often maintain that moral principles must provide a motivating reason which is sufficient for all rational beings. But this claim is controversial. One can believe that moral principles

apply to all persons without also believing that all rational persons thereby have a sufficient reason to act on the basis of moral reasons. The universality of moral principles does not entail that a rational agent's best reasons for action will always be (or will always coincide with) the demands of moral reasons.²⁰

Second, fortunately, we can avoid these difficult questions about motivation and moral reasons. Once again, even if moral reasons motivate all rational agents, the correct moral reasons could still be consequentialist in structure. Kant argues that the determining ground of the moral law is the legislative form of the moral law, but as we have seen Kant's arguments for this conclusion do not demonstrate that the moral law will have a non-consequentialist content. If all rational agents are moved by the moral law and if a consequentialist normative principle provides the matter of the moral law, then it would apply in the relevant sense to all rational agents. There is nothing intrinsic about consequentialist principles which entails that they apply only to those who share certain (for example, human) traits. If moral principles do indeed provide motivating reasons for all rational agents (in some Kantian sense), then the correct consequentialist principle would provide motivating reasons for all rational agents. Kant has provided no reason for believing that the content of the moral law must be a non-consequentialist principle.

(iii) Finally, and this is the most important point for Kant, we have direct access in our experience of moral motivation to a capacity of the will which is at odds with the demands of self-love. When confronted with the self-evident demands of duty (as outlined in (i) above) we *know* that we can *act* contrary to our interest and in conformity with the moral law. It is only because of this capacity to act contrary to our self-interest and in conformity with the moral law that we experience the moral emotions (1788: 98–100). And it is only because of this non-egoistic capacity of the will that transgressions of the moral law are culpable (1788: 37–38, 97–98, 100).

According to Kant: If we act morally we are motivated by something other than our self-interested desires (1785: 397–400). But reason, in its normal means-ends capacity, presupposes some antecedent self-interested desire of the agent (1788: 21–25). The principles of empirical means-ends reason are hypothetical imperatives, rather than

the categorical imperatives of morality. Thus, our experience of the moral ought shows us that reason also has a “higher purpose” (1788: 61–62). It proves that pure reason can be practical: it can guide us independently of our empirical (self-interested) desires (1788: 121). The imperatives of morality are not based on a survey of our empirical desires, because moral imperatives apply to all rational beings whatever their self-interested desires happen to be. The character of the will that makes a priori categorical imperatives possible is thus, according to Kant, noumenal freedom (a free will) and conversely, that we experience being motivated by categorical imperatives is evidence that we in fact possess noumenal freedom (a free will) (1788: 29, 120–121). As a corollary, through moral motivation we have access to (practical knowledge of) our intelligible selves and our noumenal freedom (1788: 94). As we shall see below, there are gaps in this argument; but this rough characterization will do for now.

VI. CONSEQUENTIALISM AND THE MORAL LAW

If Kant is to establish his thesis that the moral law must determine the will in virtue of its form alone, and thereby rule out utilitarianism, then his third argument must do all the work. This last argument, however, presupposes the truth of psychological hedonism: it presupposes that all motives other than the moral motive are ultimately grounded in a desire for pleasure.

Kant writes,

The determining ground of choice consists in the conception of an object and its relation to the subject, whereby the faculty of desire is determined to seek its realization. Such a relation to the subject is called pleasure in the reality of an object, and it must be presupposed as the condition of the possibility of the determination of choice (1788: 21).

According to Kant, we can not make sense of an agent’s motivation to seek an object without assuming that the agent is determined (caused) to seek the object because it will give pleasure. This is so “whether the pleasures have their origin in the sense or in the understanding” (1788: 22–23). Since any desire for an object (an empirical situation) is grounded in the agent’s susceptibility to pleasure and pain, Kant concludes, “to be happy is necessarily the desire of any rational but

finite being, and thus an unavoidable determinant of its faculty of desire” (1788: 25).²¹

As a consequence of his psychological hedonism, Kant maintains that if universal happiness were the determining ground of the will, then we would have to presuppose that the agent finds a natural satisfaction in helping others. Kant writes,

the happiness of others may be the object of the will of a rational being, but if it were the determining ground of the maxim, not only would one have to presuppose that we find in the welfare of others a natural satisfaction but also one would have to find a want such as that which is occasioned in some men by a sympathetic disposition . . . The material of the maxim can indeed remain but cannot be its condition, for then it would not be fit for a law. The mere form of a law, which limits its material, must be a condition for adding this material to the will but not presuppose it as the condition of the will (1788: 34).

The happiness of others cannot be the determining ground of the will because it would then be based on our desire for pleasure and would thus be a principle of self-love.

It is interesting to note that in this passage Kant explicitly allows for the compatibility of the categorical imperative and a principle of universal happiness. Kant’s objection is very subtle: the material of the maxim can be the happiness of others, but the determining ground (the motive presupposed by the maxim) must be solely the legislative form of the maxim. Only then, he argues, do we avoid maxims of self-love. In justification of this point, Kant argues that when the object of the will of a rational being is the happiness of others “the determining ground of the will” is that “we find in the welfare of others a natural satisfaction . . . a want such as that which is occasioned in some men by a sympathetic disposition. This want, however, I cannot presuppose in every rational being” (1788: 34). Since such a determining ground of the will lacks universality, Kant concludes that it is an unfit moral motive. It is our capacity to determine our will only by the form of our maxims that provides the universality constitutive of moral motivation (1788: 29).

It follows from Kant’s views about the psychology of motivation that any empirical condition (material determining ground) of the will must be contingently based on pleasure: if the material of the maxim directly determines the will, it does so because its reality brings pleasure to the subject and it is thus a principle of self-love. Since the moral law is not

a principle of self-love, Kant concludes that the form of the moral law must precondition and limit an acceptable content. The determining ground of moral motivation is the form of the maxim alone.

We may reconstruct Kant's argument as follows: (1) There is such a thing as moral motivation and the moral law. (2) Moral motivation and the moral law are not based on self-love. (3) The determining ground of the will (or motive) of all principles with material content is a desire for pleasure, i.e. they are based on self-love (1788: 22). Thus, from (2) and (3), (4) all material principles are unfit for the moral law. (5) If we subtract (or abstract) all of the material content of a principle, then all that is left is its legislative form (or law as such) (1788: 26–29). Thus, from (1), (4), and (5), (6) the moral will is determined by the legislative form of its maxims alone. (7) Moral principles apply universally to all rational beings (1788: 20–21; 1785: 389). Thus, from (6) and (7), (8) Moral principles determine the will because of their universal legislative form; the fundamental law of pure practical reason is “so act that the maxim of your will could always hold at the same time as a principle establishing universal law” (1788: 30).

We are interested in conclusion (6). The basic premises which support (6) are (1), (2), (3), and (5). Premise (3), however is plausible only if one already accepts conclusion (6). The argument, thus, begs the question against consequentialist normative principles. As an example, consider classical utilitarianism: roughly, an action is right, required by the moral law, if it tends to lead to the greatest good for the greatest number. If one is motivated by this principle, then one believes that one ought to advance the good, *whether one likes it or not, whatever the consequences to oneself*. Such a principle need not be based on self-love, and yet it has a material content. Indeed, if the determining ground of a principle is an objective end, an end for all rational beings rather than the subjective end of pleasure, then the principle has material content and it is not based on self-love. Kant's conclusion that the form of the moral law must determine the content of the moral law, follows only if one accepts the misguided thesis of psychological hedonism.

When confronted with the phenomena of moral motivation, Kant should have rejected psychological hedonism. As a consequence of his distinction between the phenomenal and noumenal realms and his

phenomenal incompatibilism, Kant instead argues for the noumenal status of moral will. I shall not pursue this argument and the serious problems it raises for Kant's moral philosophy.²² My concern is modern day neo-Kantians who assume that Kant has provided good grounds for rejecting consequentialism. These theorists wish to develop Kant's moral philosophy without the cumbersome baggage of his metaphysics and I assume that they do not embrace phenomenal psychological hedonism.

VII. CONCLUSION

Kant begins by arguing that if an action is to have moral worth then the motive, the determining ground of the will, cannot be a desire for pleasure. Kant concludes that the moral law is purely formal: it determines the will because of its legislative form alone, and not because of any material content. We have seen that if the formal/material distinction involves only the motive and not the content of the principle of right, then Kant's arguments for the formality of the moral law do not rule out consequentialist principles of right. We have also seen that Kant's theory of the good is compatible with a consequentialist normative principle. In addition, we have evaluated three arguments for the conclusion that the universal legislative form of the moral law is the determining ground of the moral law and seen that in each case Kant's arguments are compatible with a consequentialist normative principle. In addition we have seen that Kant's conclusion that the form of the moral law must determine its content depends on his endorsement of phenomenal psychological hedonism. Finally, I maintain throughout that Kant was not attempting to refute all consequentialist normative principles; Kant's target was rational egoism and Kant's problem was his commitment to both the existence of moral motivation and the dubious doctrine of psychological hedonism.

In this paper, I have not disputed the deontological aspect of Kant's theory at the foundational or justificatory level; and I have acknowledged that Kant often emphasizes the non-consequentialist aspects of common sense morality. The topic of this paper is whether or not Kant provided good grounds for rejecting consequentialist normative theories: theories which assert that the basic normative principle requires us to promote certain ends. We have seen that Kant's foundational arguments

do not provide any good reasons for rejecting consequentialist normative theories.²³

NOTES

¹ 'On the Alleged Right to Tell a Lie from a Benevolent Motive', in *Immanuel Kant: Critique of Practical Reason and Other writings in Moral Philosophy* ed. and trans. L. W. Beck (Chicago, 1949, reprint Garland, 1976). For parenthetical references see:

Kant, Immanuel: 1785, *Groundwork of the Metaphysics of Morals*, trans. Paton. Harper and Row, 1964. Prussian Academy vol. IV.

Kant, Immanuel: 1788, *Critique of Practical Reason*, trans. Beck. Bobbs Merrill, 1965. Prussian Academy vol. V.

Kant, Immanuel: 1797a, *The Metaphysical Elements of Justice*, trans. Ladd. Bobbs Merrill, 1965. Prussian Academy vol. VI.

Kant, Immanuel: 1797b, *The Doctrine of Virtue*, trans. Gregor. Pennsylvania, 1964. Prussian Academy vol. VI.

Kant, Immanuel: (Essays). *Perpetual Peace and other Essays; 1784—1795*. Hackett Press, 1983.

Page numbers refer to the Prussian Academy Edition, which are also provided in the above translations.

² The other paper, 'Kantian Consequentialism' focuses on the many non-consequentialist aspects of Kant's normative theory, especially in the *Metaphysics of Morals*. Roughly speaking, in this paper I argue that much of the compelling aspects of Kant's ethics are compatible with normative consequentialism; in the other paper I argue that, despite Kant's seeming endorsement of deontological constraints, his normative theory fails to justify these constraints. Indeed, I argue that Kant's normative theory bears best a consequentialist interpretation.

³ Paton *The Categorical Imperative* (Pennsylvania, 1947) p. 58.

⁴ Korsgaard's comments at the Central Division of the APA, April 1988; Cincinnati, OH.

⁵ The discussion of Kant's second proposition which follows was prompted by the comments of Judith Baker and Christine Korsgaard at the Pacific APA and Central APA, respectively.

⁶ For a discussion of this issue see Foot *Virtues and Vices* (California Press, 1978) pp. 12—14; and Blum *Friendship, Altruism, and Morality* (Routledge and Kegan Paul, 1980).

⁷ See Paton *The Categorical Imperative* (Pennsylvania, 1947) p. 61. For an excellent discussion of formal and material maxims and principles see Bruce Aune *Kant's Theory of Morals* (Princeton, 1979), esp. pp. 16—18 and 35—47.

⁸ In writing this section, I have benefited from Stephen Engstrom's comments on a paper which I read at the APA Pacific Division meeting in San Francisco; March, 1987.

⁹ See Korsgaard 'Two Distinctions in Goodness' (*Philosophical Review*, 1983); 'Aristotle and Kant on the Source of Value' (*Ethics*, 1986); and 'Kant's Formula of Humanity' (*Kant-Studien*, 1986).

¹⁰ In fact, rightly or wrongly, Kant does not commit himself to a lexical priority; on the contrary his discussion of this issue is explicitly inconclusive. See, for example, Kant 1797b: 86 and 157ff.

¹¹ It may be argued that respect for rational nature involves agent-centered restrictions, i.e., deontological constraints on the pursuit of (moral) goals, rather than a consequentialist principle; but such an argument goes beyond Kant's theory of the good.

In 'Kantian Consequentialism' I reject such an interpretation and defend a consequentialist account of Kant's normative theory (see footnote #2). In this paper, I maintain that Kant's account of the foundation of duty and moral motivation do not tell against a consequentialist interpretation.

¹² At this point, I present only the central argument of the *Critique of Practical Reason*, Analytic, chapter two. There are other arguments in this chapter and in the rest of the *Critique of Practical Reason* which are discussed below.

¹³ The following argument was presented by Stephen Engstrom. Also see Korsgaard 'Kant's Formula of Humanity' (*Kant-Studien*, 1986); esp. pp. 195–197.

¹⁴ Korsgaard 'Two Distinctions in Goodness' (*Philosophical Review*, 1983); p. 181.

¹⁵ Korsgaard 1983: 195.

¹⁶ For an interesting alternative theory of the good, which Kant's arguments do not refute, see Peter Railton 'Moral Realism', *The Philosophical Review* 95 (April, 1986) pp. 163–207; and 'Facts and Values', *Philosophical Topics* 14 (Fall, 1986) pp. 5–31.

¹⁷ I assume that psychological hedonism is false. For the relevant arguments see Henry Sidgwick *The Methods of Ethics* Bk. I, ch. 4 (Dover, 1966/1907 or Hackett, 1981/1907); G. E. Moore *Principia Ethica* ch. III, esp. pp. 68–73 (Cambridge, 1903); Richard Brandt *Ethical Theory* chs. 12–14, esp. pp. 307–314 and 371–372 (Prentice Hall, 1959); William Frankena *Ethics* pp. 20–23 and 85–87 (Prentice Hall, 1973).

¹⁸ I concentrate on the central role of psychological hedonism in Kant's derivation of his conclusion. I leave aside other important and controversial premises like the adequacy of his use of the noumenal and phenomenal realms (1788: 113–119), his claim that practical reason can extend beyond the bounds of speculative reason (1788: 119–121 and 134ff), and the account of natural ends derived from his teleology of nature.

¹⁹ Darwall, written correspondence.

²⁰ See, for example, Philippa Foot's provocative discussions of these issues in *Virtues and Vices* (University of California Press, 1978). The most relevant are essays XI–XIII (esp. pp. 169–173), but also see V–X and XIV.

²¹ The 'impossibility of explaining freedom of the will' and 'making comprehensible the interest man can take in moral laws' is, I assume, a corollary of this argument (1785: 459–460). Kant's description of consciousness of the moral law as a synthetic a priori 'fact of reason' also follows in part from the above considerations (1788: 31).

²² For an excellent discussion of Kant's incompatibilism, psychological hedonism, and the noumenal status of the moral will see Terence Irwin 'Morality and Personality: Kant and Green' in *Self and Nature in Kant's Philosophy* ed. Allen Wood (Cornell, 1984); also see Kant 1793: 15–49.

²³ I would like to thank Sarah Conly, Stephen Darwall, and Peter Railton for their comments on a draft of this paper. Parts of this paper were presented to the Pacific Division, Portland Oregon, March 1988, and the Central Division, Cincinnati, Ohio, April 1988, of the American Philosophical Association. I would like to thank Judith Baker and Christine Korsgaard for their comments.

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