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## *Kant and the Utilitarians*

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One of the standard manoeuvres in contemporary moral philosophy is to present Kant's ethics and utilitarianism as alternative ethical theories. New students learn that there are two main types of ethical theory, those which are consequence-based and those which are not. The first type is called teleological ethics, the second one is called deontological ethics. As typical examples of teleological ethical theories, one refers to classical utilitarianism (Jeremy Bentham and John Stuart Mill) and such 20th-century developments as rule utilitarianism (R.B. Brandt and others) and preference utilitarianism (R.M. Hare). As typical examples of deontological ethical theorists, one refers to Immanuel Kant and W.D. Ross.

To illustrate and clarify the difference between teleological and deontological ethics, students are often submitted to exercises which ask for Kantian and utilitarian solutions to philosophical dilemmas of various sorts, drawn both from literary classics like Dostoevsky's *Crime and Punishment* and from other sources. A typical example will run along the following lines. There is unrest in the population. The government authorities think that order can be restored if a certain person is condemned for things which he hasn't done. But the people believe he is the culprit. Would it be morally right to sacrifice a human scapegoat in such a case? What would a utilitarian say to this, and what would a Kantian say? Usually, the exercises are presented in such a way that the students will tend to think that Kantians would always condemn punishing the innocent, whilst utilitarians might come to different conclusions, depending on how they estimate the long-term consequences of punishing the innocent.

This pedagogical practice presupposes that Kant's moral philosophy can be properly regarded as an alternative to utilitarianism on the normative level. Kant, Bentham, Mill, Ross, Hare and so on are looked upon as producers of competing nor-

native ethical theories. The basis for this practice is laid by the textbooks in the field of ethics. Selections from Kant's *Grundlegung zur Metaphysik der Sitten* in English translation are contrasted with selections from Bentham, Mill, Ross, etc.

A representative example of what I have in mind is R.B. Brandt's 1961 book, *Value and Obligation*. Brandt begins his textbook with chapters on the good and the right ("What is Worthwhile?", "Which Acts are Right?"). John Stuart Mill turns up in the first chapter with a substantial selection from *Utilitarianism*. The second chapter begins with some pages on ethical egoism and "classical ethical intuitionism", followed by 10 or 12 pages from the first paradigm of utilitarian thinking, Jeremy Bentham's *An Introduction to the Principles of Morals and Legislation* from the 1780s, immediately followed by some twenty pages from H.J. Paton's translation of Kant's *Grundlegung zur Metaphysik der Sitten*. The chapter ends with excerpts from W.D. Ross, John Rawls and Thomas Aquinas. Brandt thus sees Kant's *Grundlegung* as an early contribution to the ongoing discussion on criteria of moral rightness of actions. This is a rather questionable way of handling Kant. Indeed, Brandt himself expresses some qualms about this in the brief introduction to the section on Kant:

This essay [i.e. the *Grundlegung*] is not concerned solely with the question of which acts are right. Indeed, it emphasizes a question with which it begins: Which men and actions are morally praiseworthy? Kant's answer to this question is that what makes a man praiseworthy is not what he achieves but whether he acts from regard for duty as he sees it.<sup>1</sup>



This could perhaps be accepted as a somewhat imprecise account of the beginning of the first section of the *Grundlegung*, but it is misleading to say that the book begins in that way. Kant's *Grundlegung zur Metaphysik der Sitten* begins with a long preface where the author explains what he tries to do in the following pages. In the world of philosophical textbooks, this is usually omitted. Brandt goes on to say that the central part of this work consists of a presentation and defence of a general principle for the rightness of actions, which Brandt sums up in this way: “doing *A* is morally permissible (right) if the man is willing for *everyone* to make it a rule to do *A* in circumstances *BCD*”. This might perhaps be accepted as a preliminary indication of one of the aspects of Kant's Categorical Imperative, but it is also seriously misleading, as we shall see shortly.

Brandt ends his little introduction in an ecumenical mood:

Kant himself was very critical of utilitarianism; but one wonders whether one might not accept Kant's principle and still be a utilitarian — or even an egoist.<sup>2</sup>

He winds up by questioning whether Kant's theory should be regarded as a substantial answer to the question “Which acts are right?”, adding that it might be something “more abstract and basic”. Maybe we are dealing with a “theory of the justification of ethical statements”.

Brandt's suggestion that Kantian and utilitarian ethics might be reconciled is based on his own imprecise rendering of the first main formulation of the Categorical Imperative, which indeed makes it difficult to see the differences between Kant's ethics and some versions of utilitarianism (i.e., rule utilitarianism and preference utilitarianism). According to Brandt, Kant thought that an action *A* is morally right if the actor is willing to make it a rule for everyone to do *A* in circumstances *BCD*. But if you read Kant's text with attention, you will see that moral rightness, according to Kant, does not depend upon what you and other human beings

are willing to accept, everything taken into account. The criterion of moral rightness of an action, according to Kant, is that it is possible to accept it *without ending up with inconsistencies in one's will*. The central object of Kant's analysis is the notion of a rational being's will. All rational beings want to avoid inconsistencies. No attempt can be found in Kant's text to define the concept of a rational being, but the wish to avoid inconsistencies must undoubtedly be counted as one of the characteristic features of such a being. This is something which belongs to the core of the idea of a rational being as conceived in the Western tradition of philosophy. It has nothing to do with our preferences, which belong to the empirical sphere. It is something which by necessity pertains to all rational beings and which, therefore, is accessible to the philosopher who operates on the level of the *a priori*.<sup>3</sup>

What we find in Brandt's textbook is an attempt to press Kant's ethics into an established mould for moral philosophy. The mould stems from the utilitarian tradition, in particular the version of it which was elaborated by G.E. Moore in his little book *Ethics* from 1912. The central task of moral philosophy, according to this tradition, is to search for well-grounded answers to the questions of what is good in itself and what actions are right, and to clarify what it means for an ethical judgement to be valid. In order to be able to press Kant's ethics into this pattern, you have to practise selective reading. You have to neglect those aspects of Kant's moral philosophy which don't fit into the mould. Utilitarianism is turned into a Procrustean bed. Those parts of Kant's writings on ethics which don't fit into the bed have to be cut away, like the preface to the *Grundlegung* and Kant's remarks on applied ethics.

R.B. Brandt is not the only philosopher in recent times who has suggested that Kant's ethics and utilitarianism should not be regarded as sharp contrasts and that the two traditions might well be compatible with each other. Let me go on with an example from the field of applied ethics. In the last two to three decades, applied ethics has developed into a vigorous philosophical arena. Applied ethics



is often seen as a field for the application of ethical theories (hence the very name of this branch of ethics), and the ethical theories most often referred to are 'Kantian ethics' and 'utilitarianism'. The American philosopher Ruth Macklin is one of the more prominent representatives of the branch of applied philosophy called medical ethics or, more generally, bioethics. She thinks that it is possible to speak of experts in the field of ethics. In order to qualify as an ethical expert, one must be familiar with the main types of ethical theory, and she adds that "The advantage of having a theory, as philosophers have argued at length, is that it enables particular judgments to be systematic and well grounded, instead of *ad hoc*."<sup>4</sup> She goes on to say that in the field of medical ethics, the main theories are Kantianism and utilitarianism and that in practice, one finds a combination of those two theories. When one refers to the patient's autonomy, dignity and self-respect, that is a Kantian element, and when one refers to beneficial or harmful consequences in a long-term perspective, that is a utilitarian element, according to Macklin.

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My main objection to this line of thinking is that these are versions of Kantian and utilitarian ethics which are so diluted that the result is hopelessly confusing and vague. It is not the case that only utilitarians can appeal to consequences when thinking about ethical matters. "All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy", as John Rawls has put it.<sup>5</sup> The same goes for dignity. It is not the case that Kant is the inventor of the ideas of personal dignity and self-respect. All sound persons will take account of both dignity and consequences in their ethical acting and thinking.

The difference between Kantians and utilitarians is not that they speak about completely different things, but they have very different ways of handling considerations of dignity and consequences on the analytical level, due to their different programmes for moral philosophy.

Considerations of consequence in the utilitarian fashion do not belong to the field of *pure ethics*, as Kant saw it. In his opinion, it is of the utmost importance to have a proper division of labour in the intellectual field. In particular, you have to distinguish between that which is necessary or *a priori*, on the one hand, and that which is empirical or *a posteriori*, on the other hand. He regarded it as the philosopher's special task to find and clarify whatever necessary components there might be in the fields of knowledge, ethics and aesthetics. That is also the programme for the *Grundlegung zur Metaphysik der Sitten*, as explained in the preface to that book. The book begins with the following statement: "*Die alte griechische Philosophie teilte sich in drei Wissenschaften ab: die Physik, die Ethik und die Logik.*"<sup>6</sup> ("Ancient Greek philosophy was divided into three sciences: Physics, Ethics, and Logic."<sup>7</sup>) It is worth noting that Kant thought of ethics as a *science*. Throughout, Kant uses the word '*Wissenschaft*' (science) in its classical sense, according to which a science is a system of true statements, derived from first principles which are evident or necessarily true. The modern understanding of science as empirical research is the result of developments which took place after Kant's death.<sup>8</sup> To make good the claim that ethics is a science, it was imperative to localize and formulate the necessary principles from which the rest of ethics follows.

Kant went on to say that that the ancient division of philosophy (in the old sense in which philosophy covers all theoretical knowledge) was absolutely correct, but the ground of division had to be explained. To do so, he made use of two distinctions: the distinction between formal and material knowledge, and the distinction between pure and empirical knowledge.



Formal knowledge is said to be concerned with “the forms of reason”, material knowledge with “certain objects of understanding”. Pure knowledge is said to be concerned with *a priori* principles only, whilst empirical knowledge is founded on experience. Kant proposed that logic is the only formal science. The two sciences which consist of material knowledge — physics and ethics — can both be split into two parts: an *a priori* sphere, and an empirical sphere. The *a priori* part of physics he referred to as *the metaphysics of nature*; the *a priori* part of ethics he called *the metaphysics of morals* (*die Metaphysik der Sitten*). The two ‘metaphysical’ areas stand in contrast to the rest of physics and ethics, which Kant referred to as *empirical physics* and *empirical ethics*. *Practical anthropology* is another name used by Kant to refer to the empirical part of ethics.

The resulting map of the world of science (‘philosophy’ in the classical sense of that word) can be summarized in the following way:

Formal knowledge	LOGIC		Pure knowledge (= <i>a priori</i> knowledge)
Material knowledge	PHYSICS (a) Metaphysics of Nature	ETHICS (a) Metaphysics of Morals	
	(b) Empirical physics	(b) Empirical ethics (=Practical anthropology)	Empirical knowledge

Consequence analyses of the utilitarian kind have to be placed in the box which Kant referred to as empirical ethics or practical anthropology, since they fall outside the domain of the strictly neces-

sary. Here we are dealing with what Kant called “prudent advice” (*Ratschläge der Klugheit*) or “pragmatic imperatives”. Kant refers everything which has to do with happiness to the empirical sphere. The result is that the remaining sphere of pure ethics is a considerably more narrow one than the utilitarian and Aristotelian conceptions of the field of ethics. After all, practical wisdom is one of the key virtues in Aristotle's scheme, and prudential considerations form the backbone of all versions of utilitarianism. Kant's distinction between the *a priori* and the empirical aspects of ethics, which is crucial for his research programme, has no important role to play in the utilitarian tradition.

In Kant's opinion, the philosopher's task is limited to the investigation of pure knowledge. The philosopher's analytical skills have no contribution to make when it comes to the field of empirical inquiries. This means that it is highly misleading to juxtapose Kant's moral philosophy and the various contributions to the utilitarian tradition. Kant's moral philosophy deals only with a limited part of the vast field traditionally referred to as ‘ethics’. Most of Bentham's and Mill's writings on ethics fall outside the scope of pure ethics. Much of the criticism which has been levelled against Kant's moral philosophy misses the target simply because the critics have failed to see how limited Kant's analytical programme was.<sup>9</sup> Of course, this does not mean that Kant's way of handling the field of ethics cannot be criticized. His way of using the distinction between the *a priori* and the empirical to map the field of ethics is certainly open to criticism; his way of handling the field of applied ethics is unsatisfactory; his extremely narrow conception of the concept of morals certainly stands in need of criticism; and the very idea of producing an ethics for all rational beings, disregarding everything which is peculiarly human, is perhaps the most estranging aspect of the whole enterprise.<sup>10</sup>



This does not mean that in Kant's opinion the pragmatic aspects of ethics are of no importance. In the foreword to the *Grundlegung*, he writes at one place of pure moral philosophy 'applied to the human being' (*auf den Menschen angewandt*), but in accordance with his philosophical research programme, he must have thought that only the *a priori* aspects of that application fall within the philosopher's domain.<sup>11</sup> Nevertheless, his engagement in moral and political affairs led him again and again to make excursions outside the sphere of the *a priori* which according to his own definition is the philosopher's proper domain. In practice, Kant was much more of an applied philosopher (in the modern sense of that expression) than he ought to have been according to his own official programme.

Let me conclude with a discussion of a more recent attempt to combine Kant's ethics and utilitarianism. In the last few decades, R. M. Hare has developed a moral theory ('universal prescriptivism', 'preference utilitarianism') which is intended to fuse elements from the Kantian and the utilitarian traditions into a consistent whole. In a couple of papers from the early '90s, he concerned himself explicitly with the similarities between Kant and the utilitarians (including himself), arguing that the two traditions are indeed compatible.<sup>12</sup> "It is wrong to think, as many do, that Kantianism and utilitarianism have to be at odds."<sup>13</sup> When comparing Kant's ethics and the utilitarian tradition, Hare finds a number of similarities. In both camps, he finds an emphasis on respect for human beings and the principle of universalizability. That that is so is hardly surprising. It would indeed have been more surprising if Kant and the utilitarians had disagreed on such fundamental matters. After all, respect for persons is one of the cornerstones of any ethics worthy of serious attention. The core of the principle of universalizability is the rule that similar cases should be treated in the same way. This is a general principle which is necessarily presupposed by any ethics which aspires to consistency. In fact, the principle applies not only in the field of ethics: it is

a general rule of rationality which holds in all walks of life. It would indeed be irrational to maintain that two cases are absolutely alike in all relevant respects and at the same time claim that they ought to be treated differently.

In order to show that Kant's ethics is compatible with utilitarianism, it is not enough to show that Kantians and the utilitarians have overlapping interests. Nor is it enough to point to the fact that a Kantian and a utilitarian might well arrive at the same conclusions when thinking about ethical matters. Something more substantial is needed. Hare's suggestion is that, on reflection, a Kantian will also think that the moral rightness of an action depends upon what we are willing to accept when we take all the consequences for everybody concerned into consideration. He is inclined (he writes) to think that Kant actually was a kind of utilitarian, a "utilitarian of the rational will".<sup>14</sup> But in the same way as Richard B. Brandt some decades earlier, Hare's argument rests upon an ambiguity in the crucial formulation.

In the 1991 paper, we find the following formulation: "What maxims we can adopt, or what moral judgements we can accept, will then depend on what we are prepared to prescribe for all like situations." A very general formulation like this could, I think, be accepted by both Kantians and utilitarians, but this would be a case of pseudo-agreement, an agreement which depends upon an ambiguity. The expression "what we are prepared to prescribe" can be taken to mean "what we are prepared to prescribe when we take the likely consequences for everybody concerned into account and at the same time stick to the principle that equal cases should be treated equally". This is how a utilitarian would take it. When taking the probable consequences for everybody concerned into account, the utilitarian would be concerned with the welfare effects of alternative courses of action. In practical life, Immanuel Kant would probably have done the same — after all, he is reported to have been a kind and humane person — but according to Kant's analysis this has nothing to do with pure ethics. In such cases we are operating



on the empirical level, as he saw it. We are on the level of practical anthropology, not on the philosophical level of analysis of the *a priori*. The expression “what we are prepared to prescribe” could, however, also be taken to mean “what we are prepared to prescribe when we see to it that inconsistencies in our will are avoided” or, to be more precise, “what a rational being would be prepared to prescribe when that being sees to it that inconsistencies in its will are avoided, using the method of counterfactual thought experiments”. That is how a Kantian would have to take it. This interpretation brings us to the moral level as Kant defined it: the level of the *a priori* foundations for all our practices.

Behind the possible verbal agreement on the general formulation proposed by Hare, there is a fundamental disagreement concerning the proper way to find out what one is prepared to prescribe for all like situations. The utilitarian method is to make a survey of all the probable consequences of all the available alternatives and then to weigh them against each other, ending up with that alternative which is likely to increase happiness most. All human beings, including Kantian philosophers, will use this method more or less unconsciously when faced with practical problems. This is the method of cost-benefit analysis, which all sensible people will resort to when concerned with problems of an economic nature. But according to Kant, all this belongs to the level of practical anthropology. On the *a priori* level of pure ethics, one must use a quite different method for finding out what one is prepared to prescribe for all like situations, i.e., thought experiments. In order to avoid inconsistencies in one's will, one will have to imagine what would happen if everybody did the same as oneself is thinking of doing, *irrespective of the likelihood of that happening*. On the level of pure ethics, we are not at all concerned with probabilities and welfare effects.

The crucial difference between Kant and the utilitarians at this point could be summed up by saying that the utilitarians are concerned with the factual, whereas Kant (in his capacity as a philosopher) was concerned with the counterfactual.

Hare's argument in the other paper from the early '90s — “Could Kant have been a Utilitarian?” — rests upon the same kind of ambiguity in the key formulations. At one point in the paper, Hare quotes the following version of the Categorical Imperative: “*Handle nur nach derjenigen Maxime, durch die du zugleich wollen kannst, daß sie ein allgemeines Gesetz werde.*” (In Abbott's translation: “Act only on that maxim whereby thou canst at the same time will that it should become a universal law.”) Again, he proposes that this is compatible with utilitarianism. Hare's argument goes like this. When we will that a maxim should become a universal law, it must be universalizable. That means that I must be able to will the maxim not only in the situation at hand but also in all other circumstances which are similar to the present one and in which I myself might play a different role. As a result, I can only will those maxims which, everything taken into account in an unbiased way, mean the best solution for all the parties concerned. My objection is that the last sentence is equivocal. “The best solution” can refer to that alternative which seems likely to lead to the best consequences for everybody involved, taking the principle of equal treatment of equal cases into account. It can also be taken to refer to a course of action which is such that it is possible to will it without incurring inconsistency in one's will. The method for finding the best solution in the first sense of that expression is cost-benefit analysis. The method for finding the best solution in the second sense of that expression is thought experiments — “What would happen if everybody did the same?” — which have to be carried out with no regard to the empirical probability that everybody will actually do the same.



If the last proviso is not heeded, we shall have left the moral sphere and entered the world as it is, including strategic thinking based on estimations of probabilities and other empirical matters. I could sum up my argument against Hare's reconciliatory attempt in the following way: "What one can will" means one thing on the level of prudence, viz. what one is prepared to accept after having considered the probable consequences of the available alternatives. "What one can will" means another thing on the level which Kant referred to as "pure ethics": it is what one is prepared to accept when trying to avoid inconsistency in one's will.

There is no need to deny that Kantians and utilitarians might find themselves in agreement on the normative level. The differences lie on the analytic level. Kant and the utilitarians propose different analytical frameworks for ethics. Kant is particularly anxious to sort out the necessary ingredients in ethics from the rest, which leads to his division between pure ethics and practical anthropology and to his idiosyncratic distinction between the moral and the prudential. This interest is not on the utilitarians' agenda, which means

that from Kant's point of view, utilitarian ethics is a confusing mixture of moral and prudential concerns.

One might well find Kant's research programme for ethics unattractive, but it is impossible to neglect it if one wants to do justice to Kant's writings on ethics. Above all, one must not forget that Kant operates on the analytical level. It is on this level that the differences between Kant and the utilitarians come to the fore. If one wants to consider the differences between Kant and the utilitarians rather than their similarities, one would do well to dwell on the notion of moral value. It is one of the pillars of utilitarianism that the moral value of actions depends entirely on their consequences for human welfare. According to Kant, moral value cannot be reduced to human welfare at all. Rightly or wrongly, he maintains that moral value is *sui generis*. Here there can be no question of a reconciliation between the two traditions. We had better search for a viable alternative to these one-sided doctrines.

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*Notes*

1. Brandt, 1961, p. 190.
2. *Op.cit.*, p. 191.
3. Brandt's failure to see what Kant's object of analysis was becomes understandable against the background of the series of misconceptions which characterizes the reception of Kant's moral philosophy in the English-speaking world.
4. Macklin, 1988, p. 57.
5. Rawls, 1971, p. 30.
6. Kant, 1952, p. 3.
7. Kant, 1962, p. 1.
8. Diemer, 1970.
9. Broad (1930) is a good example of this tendency. Broad complains that Kant neglects the role that inclinations and feelings play in many situations, for instance if one intends to marry somebody, without seeing the philosophical reason why Kant didn't treat of such things. Seth (1928) might be cited as a particularly crude treatment of Kant: "Withdrawal into the noumenal world of pure reason becomes the only path to the true or ideal life. The entire life of sensibility is disparaged and despised as shadowy and unreal, a dream from which we must awaken to moral reality", and so forth. The quotation is from p. 168.
10. Kant's concern was the notion of the free will of a rational being in general, abstracting from the features which happen to be characteristic of the human species.
11. In a footnote in Section Two of the *Grundlegung*, Kant compares the distinction between pure and applied ethics with the distinction between pure and applied mathematics and logic. Again, he emphasizes that the principles of morals must not be based on the peculiarities of human nature. Their foundation must be sought in the sphere of the *a priori*. "Applied ethics" in Kant's sense is obviously very different from applied ethics as it has developed in the last few decades. In accordance with Kant's delimitation of the field of philosophy as inquiries into the *a priori*, both pure and applied ethics, in Kant's senses of those expressions, must be thought of as *a priori* enterprises. Applied ethics construed as investigations into the ethical aspects of typically human affairs would fall into the field which Kant referred to as "practical anthropology".
12. Hare, 1991 and 1995. The 1995 paper is a translation of a lecture which Hare delivered in Germany in 1990 with the title "Could Kant have been a Utilitarian?" (published in *Utilitas*, 1993).
13. Hare, 1991, p. 460.
14. Hare, 1995, p. 16.



