



UNIVERSITÄT
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Deontological Ethics

Ethics

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- I. Deontological Ethics
- II. Kant: Background
- III. Kant on the Good Will
- IV. The Categorical Imperative

3 Schema



Deontological Ethics

5 Deontological Ethics

- We can define deontological ethics negatively: **any normative theory** which **denies** that an action is right if and only if it maximises the (impersonal) good
 - On this negative definition, virtue ethics would also be deontological
- It is difficult to give a positive characterisation of deontological ethics
 - Everyone agrees that Kant advocates a deontological position, but that's not his own label
 - Deontological ethics starts with **duties**, rather than the good
 - We will discuss **typical** features of non-consequentialism and Kantian ethics

6 Deviating from Consequentialism (McNaughton/Rawling)

- **Options.** It is permissible for an agent to pursue some personal commitment, even if doing so would not maximise the good
Example: it is morally permissible for me to spend money on my gardening project
- **Constraints.** It is impermissible for an agent to harm some other agent, even if doing so would maximise the good
Example: In **TRANSPLANT**, it is not permissible for the surgeon to kill one innocent person
- **Special Relationships.** We have duties to specific people that we must fulfil, even if doing so would not maximise the good
Example: I should save *my* mother from the burning building, even if this means five other innocent people die

7 Agent-Relativity and Agent-Neutrality (McNaughton/Rawling)

- The utilitarian only recognises **agent-neutral value** or **reasons**
 - The value of the gardening project is the same from everyone's perspective, including mine
 - It does not matter who kills whom—the fewest people should die
 - It does not matter whether this is my mother or someone else's
- Options, constraints, and special relationships introduce **agent-relative value**
 - The gardening project is *my* project, which gives *me* a permission to spend money on it
 - In **TRANSPLANT**, the surgeon has a reason that *s/he* not become a murderer
 - This person is *my* mother, and so *I* have a reason to save her, a reason others do not have
- Consequentialism **only** recognises agent-neutral value,
while non-consequentialism **also** recognises agent-relative value

8 Rights Consequentialism

RIGHTS CONSEQUENTIALISM. An action is right if and only if it minimises the number of rights which are violated

- Let us assume that innocent people have a right not to be killed. Now consider **BOULDERS**. One evil people has set five boulders in motion. If uninterrupted, each boulder will kill one innocent person. I can throw an innocent person to stop all five boulders, but this person will be killed in the process
- According to **RIGHTS CONSEQUENTIALISM**, you should kill the one innocent person
- A version of rights consequentialism is advocated by Amartya Sen

Discussion

1. Is rights consequentialism a utilitarian position? Why (not)?
2. Does rights consequentialism offer us a plausible way to think about this situation?

10 Constraints

- Rights consequentialism is a consequentialist but not utilitarian position
 - ‘Violating a right’ is considered something bad in outcomes
 - But ‘violating a right’ is not reducible to an effect on welfare, so this position rejects welfarism
- Nozick: rights are not something which makes outcomes bad; instead, rights take the logical form of **constraints**
 - Logical form: ‘it is impermissible for agent A in situation S to do action φ ’
 - Example: **DON’T KILL**. It is impermissible to kill an innocent person
- Constraints are **agent-relative**: / should not kill
 - According to **DON’T KILL**, it is impermissible for me to kill the one person in **BOULDERS**, even though this means that more people overall are killed

11 The Paradox of Deontology

- P1 Everyone's rights matter equally
- C1 Thus, if two (or more) person's rights are violated, this is worse than one person's rights being violated
- P2 According to deontological ethics, sometimes we should let two (or more) rights be violated instead of violating one person's rights
- C2 Thus, deontological ethics sometimes tells us to do what is worse
- P3 It is irrational to choose what is worse
- C3 Thus, deontological ethics is irrational

The paradox in a nutshell: if we care about rights, why should we not care that fewer rather than more rights are violated?

DISCUSSION: What can the deontologist respond?

12 Responses to the Paradox of Deontology

- **Reject P1** (or the inference from P1 to C1): **Incommensurability**. we cannot weigh rights in terms of strength; we cannot say that violating one person's rights is better or worse than violating more person's rights
- **Reject P3: Alternative Theory of Rationality**: P3 presumes that rationality always requires maximising agent-neutral value
 - this is too narrow a view of rationality
 - the argument is question-begging, because it silently presumes that only agent-neutral value exists

13 Monism and Pluralism

- A deontological ethics might be monistic or pluralistic
 - A **monistic** deontological ethics gives one principle by which all our duties are ordered
 - A **pluralistic** deontological ethics gives several, mutually irreducible principles
- **W. D. Ross (1877-1971)** advocates pluralism. He gives a list of basic duties:
 1. (a) duties of fidelity, which come from having made a promise; (b) duties of reparation, which come from having done something wrong
 2. duties of gratitude
 3. duties of justice
 4. duties of beneficence
 5. duties of self-improvement
- Pluralist views must explain how conflicts between basic duties are to be resolved
- The most famous attempt to provide a monist deontological ethics comes from Kant

Kant: Background

15 Immanuel Kant (1724-1804)

- *Critique of Pure Reason* (1781)
- *Groundwork of the Metaphysics of Morals* (1785)
- *Critique of Practical Reason* (1788)
- *Critique of Judgment* (1790)
- *Metaphysics of Morals* (1797)

16 Three Humean Theses

- **Empiricism.** (i) Reality is everything we can empirically observe, and (ii) nothing else exists (more carefully: we cannot know that anything else exists)
- **Desire-Belief-Action.** Action is determined by desires being combined with beliefs
 - Desire: I want something sweet
 - Belief: This ice cream is sweet
 - Action: I choose this ice cream
- **Anti-rationalism.** Reason alone cannot motivate us to act
 - Reason is secondary to desire insofar as it merely tells us the means to pursue our desires
 - it is “not contrary to reason to prefer the destruction of the whole world to the scratching of my finger” (T 2.3.3.6)
 - Morality is based on a specific type of altruistic desire, **sympathy**

17 Kant's Metaphysics (Simplified)

- Kant **rejects part (ii) of empiricism**: human beings possess both a **noumenal** and a **sensible** part ('transcendental idealism')
 - The sensible part is part of nature which is empirically observable, and is deterministic in nature
 - The noumenal part is non-empirical, and cannot be observed by any means
 - We cannot know what the noumenal realm looks like, but we can philosophically show that it exists, and that certain assumptions about it are rationally justified
- Because of our noumenal part, we possess **free will**
 - God & angels have a 'perfectly good will' (GMS 414): they necessarily act in accordance with moral reason
 - But due to humans' sensible nature, we do not always choose in accordance with reason; this is why principles of duty apply to us

18 Kant's Philosophy of Action (Simplified)

Because of our double nature, we can freely choose between two pathways:

1. We can follow our **inclinations** (*Neigungen*) which belong to our empirical nature
 - Kant also speaks of *Triebfedern*, *Lust/Unlust*, etc.
 - Kant accepts **Desire-Belief-Action** but only for our sensible part
2. We can follow our noumenal nature which connects us to reason
 - We are **negatively free** insofar as we can reject the impact of the inclinations
 - We are **positively free** insofar as we can legislate the moral law for ourselves, on the basis of our reason: this makes us **autonomous** (auto-nomos: being a law to oneself)
 - Kant accepts **rationalism**: reason alone can motivate us to act

19 Kant without the Metaphysics

I desire and I find myself with a powerful impulse to act. But I back up and bring my impulse into view and then I have a certain distance. Now the impulse doesn't dominate me and now I have a problem. Shall I act? Is this desire really a *reason* to act? The reflective mind cannot settle for perception or and desire, not just as such. It needs a *reason*. (Korsgaard 1996, 93)

- We can interpret this as a phenomenological argument for our ability to stand back from our desires and inclinations
- We must act, and to act we **must decide**: even not moving is a decision, and one cannot decide to let oneself be causally determined

20 Eichmann on Trial

- Raveh: Dann wollen Sie also damit sagen, dass Ihre Tätigkeit im Rahmen der Deportationen der Juden dem Kant'schen kategorischen Imperativ entsprach?
- Eichmann: Nein, das in keiner Weise, denn diese Tätigkeit und diese Zeit hatte ich ja unter einem Zwang, Zwang eines Dritten zu leben [...]. [...] wenn ich einer höheren Gewalt und einer höheren Kraft unterworfen werde, dann ist ja mein freier Wille an sich ausgeschaltet und dann, nachdem ich nicht mehr Herr meines Willen und Wollens sein kann, kann ich mir ja keine irgendwelchen Prinzipien zu eigen machen, die ich nicht beeinflussen kann, wohingegen ich den Gehorsam gegenüber der Obrigkeit in diesen Begriff hineinbauen muss und auch darf [...].
- Raveh: Diese Jahre, wo Sie ein blinder Befehlsempfänger waren, die fallen heraus aus dem Leben entsprechend dem kategorischen Imperativ?
- Eichmann: Es kann nicht im Sinne der Kant'schen Forderung liegen, Menschen gewaltsam zu töten, weil es an sich Gottgewolltes ist.
- Raveh: Das heißt, es gab eine Zeit, wo Sie nicht nach dem Kant'schen Imperativ gelebt haben?
- Eichmann: Nicht leben konnte, weil ich durch höhere Gewalten nicht in der Lage war, danach zu leben. [...]

Kant on the Good Will

22 ‘In Accordance with’ and ‘Out of’ Duty

- Some actions are ‘in accordance with duty’ (*pflichtmäßig*) other actions are ‘out of duty’ (*aus Pflicht*)
 - Actions **in accordance with duty** are those in accordance with the moral law: we do what we ought to do
 - Actions **out of duty** are those which happen out of respect for the law: we do what we ought to do *because we ought to do it*
- Thus: one can do a permissible action without doing it out of duty
 - Example: giving these lectures would be permissible for me to do even if I did it out of egoism
- However: only actions done out of duty have **moral worth**
 - Kant offers an argument from exclusion (GMS 393-6): everything else only has relative moral worth

23 Four Types of Cases (GMS 397-9)

1. I act **out of duty**, while having **no** or **opposing inclinations** ('ohne alle Neigung')
I keep my promise because it's my duty (and I hate doing it)
2. I act **out of duty**, while having **supporting inclinations**
I keep my promise because it's my duty, but I also like doing it
3. I do **not** act out of duty, but out of an **altruistic inclination** ('unmittelbare Neigung')
I keep my promise because I really can't imagine lying to my nice customers
4. I do **not** act out of duty, but out of an **egoistic inclination** ('in eigennütziger Absicht')
I keep my promise because I know I will be punished if I don't

24 Schiller on Kant

- Schiller's parody of Kantian ethics:

Gerne dien' ich den Freunden, doch tu ich es leider mit Neigung
Und so wurmt es mir oft, dass ich nicht tugendhaft bin.

Da ist kein anderer Rat, du mußt suchen, sie zu verachten,
Und mit Abscheu alsdann tun, wie die Pflicht dir gebeut. (*Xenien* I, 357)

- On the surface level, this is a misunderstanding of Kant
 - Kant does **not** claim that we must hate our friends, or that we must get rid of inclinations towards doing our duty
 - Both actions in category 1 and 2 have moral worth; moreover, Kant can acknowledge that category 3 is better in some way than category 4

Discussion

1. Does Schiller's poem point towards a deeper objection to Kant's theory of action?
2. Is it plausible that moral worth only consists in actions that are done out of duty?

The Categorical Imperative

27 Maxims

- The minimal content of a maxim is ‘under C-conditions, I will do A-acts’
- Kant calls **maxims** subjective practical principles (GMS 400, 421)
 - They are **principles** insofar as they do not concern particular actions, but generalised types of situations (their form is ‘universality’)
 - They are **practical** insofar as they are not predictions about the future, but rather a decision about what I will do
 - They are **subjective**, because they concern what the individual will do, and are formulated by the individual
- We adopt maxims in all intentional action
 - Our maxims might be morally bad, especially if they are based on our inclinations
- Kantian ethics is concerned with evaluating maxims, not directly actions (‘Maximenethik’)

28 Hypothetical and Categorical Imperatives (GMS 414)

An imperative takes the form ‘do X’

- A **hypothetical** imperative is a conditional imperative: ‘do X if you aim for Y’ (GMS 414)
- A **categorical** imperative is unconditional: it applies to every rational being, ‘you should do X (because reason demands it)’

29 Categorical Imperative

Kant offers three formulations of the Categorical Imperative:

- **Formula of Universal Law (FUL)** ‘act only in accordance with that maxim through which you can at the same time will that it become a universal law’ (GMS 421)
- **Formula of Humanity (FH)** ‘So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means’ (GMS 429)
- **Formula of the Kingdom of Ends (FKE)** ‘act in accordance with the maxims of a member giving universal laws for a merely possible kingdom of ends’ (GMS 439)

Kant claims that three formulas are ‘different formulas of the same law’ (GMS 436)

30 Formula of Universal Law

Formula of Universal Law (FUL) ‘act only in accordance with that maxim through which you can at the same time will that it become a universal law.’ (GMS 421)

- Simplifying, we can think of FUL as a four-stage test of our maxims:
 1. State what maxim you are acting on
 2. Imagine a world in which everyone acted in that way
(alternative interpretation: in which it would be permissible to act in that way)
 3. Is such a world compatible with your maxim? (**contradiction-in-conception test**)
 4. Can you will such a world? (**contradiction-in-will test**)
- Maxims which fail the contradiction-in-conception test point to a **perfect duty**
- Maxims which fail the contradiction-in-will test point to an **imperfect duty**

31 Example 1: Keeping Promises (GMS 402-3, 422)

May I make false promises—e.g., borrow money but not intend to repay it?

1. Formulate the relevant maxim: I shall borrow money although I will never repay it (GMS 422:22-3)
2. Imagine a world on which this maxim became ‘a general law’ (GMS 422:28-9)
3. I cannot imagine such a world without contradiction: no one would make promises if everyone knew they wouldn’t be kept (GMS 403)

→ I have a perfect duty to keep my promises, i.e., a duty that I cannot violate under any circumstances

32 Example 2: Helping Others (GMS 423)

May I not help others in need?

1. Formulate the relevant maxim: I shall not help others, even if they are in need (GMS 423:19-22)
2. Imagine a world on which this maxim became a general law
3. I can imagine such a world without contradiction (GMS 423:28-29): it would not be logically impossible
4. But I cannot *will* such a world to be real, as I deprive myself of the help of others that I often need (GMS 423:31-35)

→ I have an imperfect duty to help others, i.e., a duty that I must fulfil, although I do not have a duty to help everyone all the time

Discussion

Are Kant's examples convincing? What (if anything) is missing?

34 Counterexamples

False Positives	False Negatives
<p>“I want to work in a bakery”</p> <p>“I hope to eradicate poverty”</p> <p>“I will save money by shopping the day after Christmas, but not on Christmas itself”</p>	<p>“Whenever a person walks onto my lawn, I will kill them”</p> <p>“I, and only I, Matthias Brinkmann, intend to rob the supermarket tomorrow at 11:23, only once”</p> <p>“I will keep promises that I do not intend to keep as long as everyone else makes promises and keeps them”</p>

35 Formula of Humanity

Formula of Humanity (FH) ‘So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.’ (GMS 429)

- FH does **not** forbid to use people as a means, but to use people **merely** as a means
- It is also impermissible to use **ourselves** merely as a means—e.g., if we squander our talents (or sell our hair, MS 423)
- ‘**Humanity**’ does not refer to *homo sapiens*, but our capacity for rationality
- Parfit’s proposed counterexample: Mary saves John from drowning, but merely to gain a good reputation. She uses John merely as a means, but she does not act wrongly. (Is this convincing?)

36 Overview

- Deontological ethics rejects consequentialism by embracing constraints, options, and special relationships
 - In general, it embraces agent-relativity
- Kant's ethics is strongly **rationalist**: it is built on our ability to reason, and it sees no central role for emotions, feelings, or inclinations
- Kant emphasises the **independence** of ethics: the moral law does not rest on God or (human) nature; indeed, it presumes that we are free to decide
- Kant's ethics evaluates **maxims**, not actions
- Kant's ethics is **deontological**, because
 - It yields **constraints**: we must always respect the humanity in others
 - It yields **options**: we have an imperfect duty to help others, but not a perfect one

37 Tutorials & Next Week

- In the tutorials, you will discuss Kant's *Groundwork for the Metaphysics of Morals*
 - German excerpts of first and second chapter on ELearning, as well as English
- Next week: **virtue ethics**