

A TRADITIONAL FALSE PROBLEM: THE RIGORISM OF KANTIAN MORAL AND POLITICAL PHILOSOPHY. THE CASE OF VERACITY

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Abstract

According to many of its traditional critics, the main weakness in Kantian moral-political philosophy resides in its impossibility of admitting exceptions. In nuce, all these critical positions have converged, despite their reciprocal heterogeneity, in the so called accuse of moral rigorism (unjustly, I would say) directed against Kant's moral and political perspective. As such, basically, I will seek to defend Kant against this type of criticism, by showing that any perspective attempting to evaluate Kant's ethics on the grounds of its capacity or incapacity to admit exceptions is apriorily doomed to lack of sense, in its two logical alternatives, i.e. either as nonsense (predicating about empty notions), or as tautology (formulating ad hoc definitions and criteria with respect to Kant's system and then claiming that it does not hold with respect to them). Essentially, I will try to show that Kantian ethics can organically immunize itself epistemologically against any such so called anti-rigorist criticism.

Key terms: political philosophy, ethics, categorical imperative, practical principle, veracity, perfect duty, mendacium, falsiloquium

A very frequent objection to Kant's moral and political philosophy concerns its alleged rigorism. Thus, we are told: Kant's moral and political philosophy does not allow for any exceptions and this would constitute its fundamental flaw. In what sense however? Does it not allow for exceptions that, for one reason or another, *it should* allow for, or *does it not concede* of admitting exceptions when, in fact, doing so? Schiller² is a classical exponent of the former alternative, Benjamin Constant³ of the latter (although indirectly). More clearly stated, in the latter case, the point of the objection would consist in saying not so much that the Kantian moral-political system *does not* allow for exceptions, but quite the opposite, that it does so, but it fails to admit it; given the case, I am quite puzzled by the fact that these two, argumentatively opposed, critical positions joined together in this *anti-rigorist anti-Kantian alliance*. I will not deal here so much with the *Schiller type* objection, i.e. the one linking Kant's alleged rigorism to his apparent rejection of any possibility for granting moral value to the actions which are *accompanied by* inclinations (*feelings*), criticism which, though frequent, I find rather shallow.

Kant does not hold, as his *romantic critics* would have it, that there is an essential and irredeemable conflict between reason and affectivity (i.e. that the opposition between the two is equivalent to the one between morality and immorality, so that any morally right conduct would necessarily lead to unhappiness, while any emotionally gratifying action would be doomed to *unrighteousness*). Kant only says that, when aiming at performing moral actions, we should not seek

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² Namely in his *On the Esthetic Education of Man*. The point of his criticism of Kant is well summed up in the following lines: *Gerne dien' ich den Freunden, doch tue ich es leider mit Neigung./Und so wurmt es mich oft, daß ich nicht tugendhaft bin./Da ist kein anderer Rat, du mußt suchen, sie zu verachten./Und mit Abscheu alsdann thun, wie die Pflicht dir gebet.* (I gladly come to my friends' aid, although i do it by inclination./ And so I am often troubled, by the thought of not being virtuous./There is no other way, you must try to oust them./And indignantly hold to what duty commands – my translation). Sattler, Alexander, *Schiller-Briefe über die Ästhetische Erziehung des Menschen*, Norderstedt, Grin Verlag, 2009, p.56.

³ Constant, B. (1998), “Des réactions politiques”, in *Écrits de jeunesse (1774-1799)*, L. Omacini and J.-D. Candaux – (eds.), Tübingen, Max Niemeyer Verlag.

their moral value in the feelings, of any nature, accompanying those actions. He neither says that *we should not feel* if we want to be moral, nor that if feeling, while being moral, we are moral no longer. Roughly speaking, according to Kant, we can feel whatever we want to feel as long as we do not guide or value our *morally aimed* actions by those feelings. Why? Basically because morality, as Kant sees it, has to be *necessary and universal* while feelings, no matter how *altruistic* in intent, are always *contingent and particular* and, quite obviously, we cannot ground something necessary and universal on something that is contingent and particular.

Essentially, his point would be that any feeling, however *selfless* in its aim, is *selfish* in its nature, i.e. by its very nature of being subjectively felt, lacks the kind of universality which is required for a moral principle. We would not want to have to do, on the other hand, with a feeling which would not be *subjectively felt*. Correlatively, *feelings change*, that is *good natured feelings* do not necessarily ensure *good natured actions*: love, however *good natured* in its *being-felt*, can very well lead to morally condemnable actions. On the other hand, Kant holds, neither do the *real positive results* of a conduct guarantee its moral character. Why? Because the actual results of an action are not in the full control of the agent performing the action. One could very well *hurt* somebody while trying to *help*, just as one could *help* him, while trying to hurt him. Just as we should not be condemned for *doing the wrong thing for the right reasons*, we should not be (morally) commended for *doing the right thing for the wrong reasons*. How our intended actions actually turn out depends on a multitude of other factors over which we have limited control, or even none whatsoever. But if neither the feelings had while performing an action, nor the actual results to which it leads afterwards, account for its moral value, than what does? Kant's answer: the intent behind it, that is, *knowing of wanting to do the right thing for the right reasons*. And which are the right reasons? Those reasons which, given the context, could lead any imaginable human being to the same intent. Only actions *intended through* such reasons have moral value. But feelings, as we have seen, do not possess this sort of *unilateral necessity* with respect to the actions they lead to. They are in a state of perpetual flux, namely, they are so changing that not only different people feel different things in the same context, but the same person can feel different things in the same context and, all the more, the same person feeling the same thing in the same context could want to do quite different things. That is not necessarily bad, quite the contrary, it accounts for the feelings' *vital value*, i.e. for the intimacy, spontaneity and authenticity the lack of which would make human existence not just dull, but rather *improbable*. But precisely this *vital value* which makes feelings *worth being had* is what makes them also unfit for serving as moral principles. When, given a specific context, we intend to act morally in a specific way, we should consider strictly those reasons of which we know that would lead any other human being, real or imaginary, to the same intent in the same way and, consequently, myself at any other time when meeting the given context. Only purely rational reasons are capable of doing that and that is because reason is the only *trait* of the human being which is *universally shared in the same way*. That is what we could call, in Kantian terms, the *universalizability of our maxims*⁴ and this notion runs through his entire moral and political philosophical system:

*Act only according to that maxim through which you could at the same time will that it should become a universal law.*⁵

(The Categorical Imperative, the first formulation, Variant i)

*Act as if the maxim of your action were to become through your will a universal law of nature.*⁶

⁴ Approx. reasons for acting in a certain way in specific situations.

⁵ Kant, Immanuel, *Groundwork of the Metaphysics of Morals*, Cambridge, Cambridge University Press, 1998

(The Categorical Imperative, the first formulation, Variant ii)

*Act in such a way that you always treat humanity, whether in your own person, or in the person of another, never simply as a means, but always at the same time as an end.*⁷ (The Categorical Imperative, the second formulation)

*All maxims proceeding from our own law-making ought to harmonize with a possible kingdom of ends as a kingdom of nature.*⁸

(The Categorical Imperative, the third formulation)

*Right is...the totality of conditions, under which the will (Willkür) of one person can be unified with the will of another under a universal law of freedom.*⁹

(The Principle of Right, variant i)

*Every action is right which, or the maxim of which, allows the freedom of the will of each to subsist together with the freedom of everyone.*¹⁰

(The Principle of Right, variant ii)

Basically and paradoxically, we could say that Kant rejects affectivity while stressing reason as moral principle precisely because the former is not empathetic enough¹¹ for such a position, while the latter is. That's about it with the former, *Schiller type* anti-rigorist objection to Kant. The basic idea is that this type of criticism lacks sense because it accuses Kantian ethics of lacking something which it was precisely designed to lack, i.e. exceptions. That is exactly what the entire Kantian moral project was about: offering a systematic model of morality provided with necessity and universality, i.e. explicitly not admitting exceptions. Exceptions in what sense? In the sense of moral grounds for breaking, or at least not observing, the moral principle (whatever that may be). On the other hand, we could understand by *exceptions*, exceptional circumstances under which feelings could provide moral value to certain actions. An objection to Kant's moral philosophy based on such an interpretation of the term *exception* falls again short because of simply being superfluous. Any type of morally acceptable action has its corresponding rational maxim, by this not meaning however that it is forbidden to also have positive feelings about it. As previously said, according to Kant, we can have all kinds of feelings we may like during our moral conduct as long as they are only a non-essential companion of our actions and not their determining factor. Moreover, not all actions have moral relevance: there are also actions that are neither moral, nor immoral, they simply don't have anything to do with morality and in their respect humans are *morally permitted* to act by virtue of their feelings. In short, there is no necessary incompatibility in Kantian ethics between (rational) morality and affectivity and, as such, there is no need for the concept of *exception* in such an interpretation.

In short, this type of criticism is doomed to nonsense, basically because it addresses empty notions, by this meaning that the conceptual domain relevant to Kantian ethics (i.e. by the very definition of the terms) excludes the concept of exception (not so much in the sense of not being considered, but in the sense of being considered precisely in such a way that it does not have any constitutive consequence or effect on the moral system as such). In a Wittgensteinian formulation we

⁶ *Ibidem* p.89.

⁷ *Ibidem* p.96.

⁸ *Ibidem* p.104.

⁹ *Ibidem* p. 230.

¹⁰ *Ibidem*.

¹¹ I.e. *universally empathetic*.

might have it that the logical domain defined by the totality of the atomic objects /names (i.e. of the basic concepts within Kant's moral system) and by the sum of all their potential combinations excludes the concept of exception. If you will, we could say that accusing Kant's moral system of *not admitting exceptions* is like objecting to the meaning of the term *unmarried* on the grounds that it doesn't admit exceptional cases in which unmarried persons could be married. More to the point, that is to say: in Kant's moral philosophy, the concept of exception is referred to in relation to the moral law precisely in order to define the latter in such a way as to exclude it.

Now for the second, *Constant type*, objection to Kant. As previously stated, this kind of criticism has to do not so much with Kantian moral system *not admitting exceptions*, but rather with the fact that it actually admits exceptions while not acknowledging it. Therefore, the accuse here is not so much of rigorism but rather of incoherence. I will attempt to show that this approach is also doomed to lack of sense as *tautology*. Basically, that is because, previous remarks being considered, any perspective accusing Kantian moral philosophy of not admitting exceptions and wanting to avoid the fate of *addressing empty notions*, must say that on the basis of its own, *homemade* understanding of the notion of exception. But this however is argumentatively both circular and *ad hoc*: it comes up *post hoc* with its own definition of exception and then accuses Kant of not adhering to it.

Let's be more specific. First of all, we could differentiate between two generic understandings of the term *exception* with respect to the Kantian moral system: what we could call *empirical exceptions*, on the one hand and *moral exceptions*, on the other.

In the former case, saying that Kantian moral theory admits empirical exceptions, would amount to observing that in *actual life* nobody fully lives up to the Kantian moral standards: no real human being has ever respected to full amount in his actual conduct either the categorical imperative, or its *political counterpart*, the principle of right, quite the contrary, these norms prove far more often to be disregarded than observed. The Kantian response to that is quite obvious, having to do with the difference between the *descriptive* and the *prescriptive* dimension of reason. The main difference between the theoretical reason (knowledge) and the practical reason (morals) lies in the fact that while the task of the former is to, so to say, *represent reality*, that of the latter is to *normatively mould it*, more specifically to determine our behavioral reaction to it on the basis of our specific nature (reason). Therefore, while the availability of the empirical judgments is, to some degree, affected by the measure in which they correspond to the empirical, sensible, reality, that of the practical judgments is not. That is because while in the theoretical field of the empirical knowledge reason depends in its activity, at least on some degree, on *something other than itself* (i.e. the *matter* of the phenomenon or the sensible content of our experience), in the practical one it does not. With respect to the practical realm reason is, so to say, *in itself* and must operate as such. Therefore, while what we *know* depends in some measure on what we *can* know, what we *want*, i.e. *intend*, to do does by no means depend on what we *can* do. In final analysis, for Kant, as far as pure reason is concerned, we *know* what we *can* and do what we *must*. These are the terms on which Kant established, in a more general sense, the (philosophically) famous principle of the preeminence of the practical reason with respect to the theoretical one: what we know (more specifically the necessary preconditions of knowledge in general¹²) supervene on what we *must* do (intend). That is why Kant specifies in his *Groundwork of the Metaphysics of Morals* that he does not aim to provide us with a *moral anthropology*, i.e. a comprehensive description of our moral customs (which are always culturally dependent), but with a rational practical moral system, i.e. an apriorily defined set of interlocked duties which are universally valid, that is independent of any empirical (i.e. cultural, social, historical, psychological or biographical) factors. Hence, it is quite obvious that Kant's moral philosophy is completely impervious to this reading of the notion of exception, namely as *empirical exception*.

¹² The so called Ideas of the theoretical reasons: the existence of an immutable subject of knowledge (the *ego cogito*), of an immanent unity of the entire experience (*Nature*), of a transcendent unity of the entire experience (*God*), of our transcendental freedom etc..

Now for the latter interpretation of the notion of exception, i.e. as *moral exception*. As previously noted, these type of exceptions should be prescriptive and not descriptive in nature. In other words, this notion corresponds to the idea that one could find certain moral grounds for breaking, or at least, failing to observe determinate moral duties resulting from the categorical imperative. More specifically, the claim is that, on strictly *Kantian* grounds, we could come up with contexts in which the observance of a certain moral duty stemming from the categorical imperative leads to the breach of another moral duty deriving from the same principle. This would be a serious threat to the coherence of the Kantian moral system indeed. On the other hand, we must take account of the fact that Kant himself considers such situations, his solution being to say that in such cases the so called *breach* is not a breach at all but something completely different. Simply put, for Kant, failing to abide by a certain duty for the sake of respecting another is not the same as plainly breaking it, but another act altogether, which is *morally irreproachable*. But how do I decide in such contexts, how do I come to know in keeping with which of the two (or potentially more) duties I should direct my actions? At this point, at least in my opinion, the Kantian moral thought would prove to be very resourceful in offering us solutions. For example, first, we could distinguish between the duty as such and its various implementation strategies and in many cases, on thorough analysis, find that the apparent *inter-duty contradiction* is not so much a conflict between two distinct duties but between two alternative ways of performing one and the same duty, second, if needed, we could establish a hierarchy of duties so that the infringement of the *inferior* one for the sake of the *superior* one does not come out as morally condemnable. That is precisely the case with what I have earlier called the *Constant type* objection to Kant. More to the point, Benjamin Constant formulates in his previously mentioned work¹³ a context in which he speaks of a so called *right to lie out of love for humans* as an alleged exception to the perfect duty of veracity (truthfulness). As such, according to Constant's example, suppose that a friend of hours shows up one night at our door asking us to provide him with shelter as he is followed by a villain. We accept. Afterwards however, the villain himself shows up and asks us if we saw the one he is looking for. What should we do in order for our action to be morally sound? Of course, we could do what regularly any normal person would do in such a case and claim that we didn't see him. However, on Kantian terms, this would allegedly constitute a lie and consequently represent a breach of the perfect duty of veracity. On the other hand, if we told the truth, we would endanger the life of another human being. To this would amount the sort of moral ground for breaking a perfect duty I was earlier speaking of and as the Kantian moral system would seem to treat this type of conduct as morally unacceptable would mean that there is something flawed about it, or at least so the objection goes. Basically, my pro-*Kantian* response would be that this type of *untruthfulness* does not constitute a lie, i.e. a moral breach of the perfect duty of veracity, but a completely different act. There are two interrelated sets of distinctions which Kant makes in this respect: (i) the one between *mendacium* (consciously making false statements after explicitly claiming to tell the truth) and *falsiloquium* (consciously making false statements without explicitly claiming to tell the truth), respectively (ii) the one between *veracity* and *open-hearted-ness*. With regard to the first distinction, it must be said that Kant characterizes only the *mendacium* as a breach of the perfect duty of veracity, i.e. *wrong*, while treating the *falsiloquium* as morally indeterminate, i.e. neither good, nor wrong (in his terms, only *congruous with the duty*, but not *out of duty*¹⁴).

¹³See note 3.

¹⁴ This is one of the classical distinctions in Kant's moral philosophy. The basic idea would be that in evaluating the moral value of an action, one must take into account not just the deed as such (all the less it's actual results, as it has already been pointed) but its *maxim*, i.e. its reason. The point is that there are some actions that, although they do not breach any moral law as such, they have no moral value because the reason behind them is not morally valid, i.e. strictly rational. In pseudo-Kantian terms one might characterize them as *contingently moral* as opposed to the genuine moral actions which are necessarily so. The former are *contiguous with duty*, while the latter are *out of duty*. The most famous example is the one in which one supposedly sees a needy person begging on the street. Now, if he/she helps him/her just out of peaty, the former's action is *contiguous with duty* (i.e. not unmoral), however it

Therefore, in the aforementioned dilemmatic context I could still choose to help my friend and not tell the truth by committing *falsiloquium* and not *mendacium* (technically speaking most of our real life so called *lies* are *falsiloquium* and not *mendacium*). Of course, to be completely honest, there still remains a problem because although not an unmoral deed, the *falsiloquium* is not a moral one as well and this would mean that in this situation, on Kantian terms, the act of helping another human being (perhaps saving his/her life) has no moral value. However, I do not think that this is an unsolvable problem, at least so long as we have sufficient imagination to think in the *Kantian spirit* and not unilaterally in his *letter*, so to say.

As for the second distinction, Kant says: *All that an honest, but refrained (not open hearted) man says, is true indeed, despite of not telling the entire truth. As opposed to him, someone who is dishonest says something the falsity of which is known to him. The statement of the latter bears the name of lie in the theory of virtue. And be it completely harmless, it is still not inoffensive; in fact it is a serious harm brought upon one's duty to himself, namely to an indispensable one, the breaching of which diminishes the human dignity in our own person.*¹⁵ In other words, although the perfect duty of veracity compels us to tell the truth, it doesn't compel us to tell the entire truth. Consequently, in the aforementioned context, I would still have the morally legitimate option of being vague and imprecise in my affirmations, thus, hopefully, saving my friends' life.

Hence, by repeated uses of *falsiloquium* and this *limited open-heartedness* I could come up with a strategy that is both practically useful (in saving my friends life) and morally permitted (though not morally valuable).

Now, in the end, I would like to address a most common objection to Kantian ethics. When faced with this kind of moral theory most people react by claiming that *nobody would ever react in real life in such a way, at least not completely*. This is the basis for both the intuitionist and the utilitarian criticisms of Kant. Point taken, but this is not what Kant attempts to do, in fact, from his perspective, this is not what any moral theory in general should attempt to do, that is provide an accurate description of our moral behavior. As previously stated, according to Kant, moral theory should be prescriptive with respect to our empirical reality, that is, provide a set of idealized standards on the basis of which we can (i) direct our moral actions and (ii) evaluate the moral value of our actions. Behind this claim lies the stoic moral assumption of his philosophy that surely doesn't sound quite as extravagant as his other claims, namely the notion that *we should be held morally accountable only for those aspects of our being (actions, situations in which we partake, attitudes, reactions etc.) that are in our complete control*. On common sense level we tend to agree more with this fact as I'm sure that everyone has at least once in his life found himself in the bitter position of having wanted to do the right thing (help someone for example) only to find that by this he made matters worse, due to unexpected factors. So as the *real world outcome* of our actions is always determined by a lot of other factors than the ones we can control, what actually matters for the evaluation of the moral value of our actions is our *intent* and not their outcome. As such, if we wanted to renounce the ideal-prescriptive character of the Kantian theory in favor of a more *down to earth* (i.e. *descriptively accurate*) moral conception, we should be ready and able to morally cope with the idea of blaming someone for something that wasn't dependent on him on the first place, we would have to, so to say, find it in ourselves to blame Oedipus for his (predetermined) destiny. How would a political model built on such moral grounds look like, I dare not imagine, but I'm sure it

is no genuine moral action as peaty is a feeling and feelings are not valid moral grounds (considering that the same feeling can sometimes lead to morally good actions and sometimes quite the contrary). In this context, only the former's rational respect for the needy as a human being (directly derived from the categorical imperative) is a reason that can provide moral value to the action of helping him/her. For further detail you can consult Kant's *Groundwork of the Metaphysics of Morals*.

¹⁵ Kant, *Briefwechsel*, Vol.II, Müller, München, 1996, p.564 (my translation).

would be less *democratic* than both the utilitarian and the intuitionist critics of Kant would appreciate.

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