

Kant and the Nature of Duty

4.1 The Good Will

Immanuel Kant wrote a number of books on ethics, but the most widely read of them is the *Groundwork* (sometimes translated *Foundations*) of a *Metaphysic of Morals*. This can appear an intimidating title for quite a short and clear, though quite technical, book. There are discussions of examples concerning promising, suicide, and other such practical cases, but the general aim of the book is to discuss the nature of morality as such, rather than to generate a set of moral norms to guide conduct. It is a work designed to show us the nature of moral norms, rather than their specific content. Or, to anticipate what Kant will say, it is a work which suggests that there is actually only one norm - it will be termed 'the categorical imperative' - with all more specific moral norms, such as 'do not commit suicide', being implications of it.

Kant's *Groundwork* begins with the following claim: 'It is impossible to conceive anything at all in the world, or even out of it, which can be taken as good without qualification, except a good will.'¹ One central element of Kant's perception of morality is already clear here, namely that there can be something which is good without qualification.

'Without qualification' will mean at least that we do not speak of such a thing as being good for something (washing the dishes, raising taxes). We do characteristically speak of actions as being good for the fulfilment of various aims, and we are not wrong to do so, but these 'instrumental' goods are not the goods of morality.² Such actions are good in context, as we may say, but other contexts may make them irrelevant or even dangerous.

The good will is a will which determines its choices of action according to the dictates of duty. That is, the good will chooses actions which conform to 'the moral law' - a phrase which H.J. Paton actually uses as the title of his translation of Kant's *Groundwork* - but it does more than this. Let's accept that there are a range of actions which constitute right or wrong actions, actions which must be done or avoided. Action in conformity with these is necessary for a will to be good. It is not, though, *sufficient*; for we could act out our duty with any number of motivations, and for any number of reasons. A person who does his duty 'accidentally' (say, every time a choice of actions presents itself he gives the choices

¹ Kant, *Groundwork of a Metaphysic of Morals* (in: H.J. Paton, *The Moral Law* (London: Hutchinson, 1948) p.59. Also James P. Sterba, *Ethics: The Big Questions* (Oxford: Blackwells, 1998) p.171.

² Does happiness, or 'pleasure and the absence of pain', serve the same function in utilitarianism, being an 'end in itself, good for no further thing? In forms of utilitarianism where utility is seen as admitting no qualitative but only quantitative distinctions (Jeremy Bentham's form of utilitarianism, for example) this might well be so: pleasure is a certain something, good in itself. In Mill's utilitarianism, pleasure is a certain kind of generic category covering all sorts of things which may turn out to be trumped later on by 'higher' pleasures, with no common standard by which to measure them in terms of each other. Here, too, pleasure in the abstract is 'good without qualification', but no particular instance of it turns out to be so, because it is always at risk of being overturned by some other, higher pleasure.

numbers, rolls a die, and performs the action indicated, astonishingly always getting the 'right' answer) does not have a good will. A person who does his duty out of fear of a lawgiver, even a lawgiver who correctly embodies all of one's duties in legislation, will not have a good will. (Not even if the motivation is not fear but love, and the lawgiver not a politician but a parent!) It is not merely doing one's duty, but doing it out of duty that counts. Exactly what this will amount to - what it will 'feel like' - is unclear. Kant is frequently accused of absurdity at just this point. If I recognize that something is my duty, but also that it is something which I very much desire to do for its own sake, I may do it, though with a primary motive of desire for the thing done, and not a pure desire to do duty.

To express the thing counterfactually: if it had not been my duty to do this thing, I would still have wanted to do it, and have given in to my desire to do it. Kant is concerned about this, and anyone who sees morality in anything like the way he does will be concerned too. (A utilitarian could be worried about someone who did something which just happened to serve general utility, but who did it purely out of selfishness; he might say that the person did the right action, but be severely critical of his motives.)

The problem with Kant's view is not this rather obvious one, but rather that he appears to invite a rather counterintuitive contrast between the motivations of two people who both have a true reverence for duty, but where for one it is a delight, and for the other a burden and a struggle. Kant appears to offer the latter of these the higher praise, which makes it appear that acting from duty is at its best a struggle and an effort. When it requires no effort it is of no moral worth. A phrase from a prayer of the Church of England reads 'It is our duty and our joy...' It may seem that, for Kant, the performance of duty is better when it has no association with joy.

Kant does indeed offer passages which hint that this is so. It is probably best to regard these passages as attempts to guard against any easy accommodation of duty and desire. His preferred word for the relation of the will to moral law is often translated 'reverence', and the contrast of 'reverence' with 'desire' is quite instructive. It implies the need for a good deal of nuance to be applied to the words we choose when speaking of a person who 'wants' to do his duty.³ 'Reverence for law' implies more than a superficial warm feeling of satisfaction when one keeps promises.

It is tempting to look to God for a model of the ideal relationship of reverence for what is one's duty and action in accordance with duty. God is, after all, probably immune from the sorts of distractions which lead human beings astray from the path of duty. Kant does not pursue any speculations in that direction. It seems likely that he would decline to do so on principle. The role which God plays in his moral system is not this intriguing one of providing a contrast between our own reluctant and struggling efforts and God's effortless

³ The words 'a person' raises a further theme which will be instructive in this connection. Kant is convinced that the foundation of morality lies in reason. His conception of reason is such as to permit the possibility that others besides human beings could exhibit reason, and could connect reason to action. Just as in utilitarianism, where once the foundational values are given as 'pleasure and the absence of pain' the question will eventually arise 'what of other, non-human creatures which may feel pain?', so in Kant's ethics it will be an obvious question whether there are other rational beings to whom his moral theory applies. Someone who wanted to adopt a Kantian stance in moral philosophy might treat this as a purely hypothetical question (if there were rational beings...) and then effectively speak of human beings without a second thought. Kant, in fact, does believe that the class of all moral agents includes at least one non-human member, namely God. God, however, is importantly different from human beings at least in this respect: he does not have a body, and appetites which might serve (in human beings very often do serve) to undermine our reverence for duty will not apply to God.

performance of duty. God is indeed 'holy' in that He performs His duty always, but at one level this is an irrelevance for us; God is not sufficiently like us for His abilities to give any indication of our capacities. God will turn out to play an important role in Kant's reflection on the moral life, but we will need to return to this later on, once a sketch of Kant's theory has been offered.

4.2 Deontological theories of ethics

In the routine classifications to which theories in moral philosophy are subject, Kant's ethics is termed 'deontological'. Indeed, it is often regarded as the deontological theory. It is curious, therefore, to note that the word 'deontology' is said to have been invented by Jeremy Bentham (a noted utilitarian) who regarded the utilitarian moral theory as a theory of duty. When deontological theories are contrasted with ones based on the consequences of actions, it is worth asking what that means about the role of duty in consequentialist moral theories. Any utilitarian who believes that it is one's duty to fulfil the demands of the principle of utility is committed to a moral theory which is, at least to this extent, deontological.

The significant contrast between Kant and utilitarianism lies, not in the concept of duty (which utilitarians may share), but in Kant's denial that moral worth has anything to do with consequences. The claim that the only unqualifiedly good thing is the good will has the effect- grotesque or glorious, depending upon one's point of View - of meaning that a right action may have extremely unwelcome consequences. Kant actually recognizes happiness as significant for the moral life, but he is much more impressed by the difficulties we face in giving an account of what our happiness would consist in. Authentic happiness is something to hope for, but the only way we may work for it is to do our duty. Indeed, it is one element of our duty to work for happiness, but this can only (Kant holds) involve the performance of duty. To give an example, if I were sheltering an innocent man from his persecutors, and the persecutors arrived at my door threatening to murder him and asked where I was hiding him, duty would bind me to tell them. I am under an obligation not to deceive them (so may not try to 'throw them off the scent' by deception), and must act out of reverence for the moral law. We see that one effect of Kant's moral theory will be a form of radical moral individualism; it is my own moral purity which is preserved by this act, even at the probable cost of the innocent man's life. This is one point where intuitions conflict over Kantian ethics.⁴

We have said that Kant's theory is a theory of the fulfilment of duty based on reverence for law, and have introduced the phrase 'the moral law'. We have also indicated that fulfilling the law out of a sense of obligation to someone or something else (parent, religion, nation) which presents that law to us will not, for Kant, be morally good, even if one fulfils the moral law perfectly in all one's dealings. Two questions which we might ask of Kant are, firstly, how we know the content of the moral law, and secondly, in what way we recognize that we

⁴ The example sketched briefly in this paragraph is one discussed explicitly by Kant in reply to Benjamin Constant. Constant takes it as obvious that a theory which has this implication must be faulty. *Kant's On a supposed right to tell a lie from benevolent motives* is translated in a number of places, including T. K. Abbot's selection in his *Kant's Theory of Ethics* (London: Longmans, Green and Co., 1909, 6th edition), pp.361-365. We should note that 'not telling a lie', which is certainly a duty in Kant's eyes, is different from being required to tell the truth; but it seems that refusal to tell a lie will often have consequences of a highly regrettable kind.

are bound by it.

The brief answers to these questions are, first, that we recognize the ‘content’ of the law through reason, and secondly, that we know we are bound to keep this law as a matter of duty because we are rational beings, committed through reason to the fulfilment of duty. To have reverence for the demands of duty is simultaneously to respect our selves; to violate duty is to act against our selves.

4.3 Autonomous, and categorical

A key element of Kant’s moral theory lies in the relation of the moral law to each individual rational being. Because morality cannot be about obedience to an external authority, the authority must come from within. It would not really be appropriate to invoke the language of ‘conscience’ at this point, because as classically conceived conscience is a recognition inside an individual of a moral law which is grounded externally (in God’s commands, for example). Conscience may be a recognition that we are bound by an external authority. For Kant, morality is an expression of freedom; ‘What else then can freedom of will be but autonomy - that is, the property which will has of being a law to itself.’ ‘...[A] free will and a will under moral laws are one and the same.’⁵ This conception of freedom may seem at first very strange to modern ears, accustomed to thinking of freedom as a removal of constraints. It is, however, important to note that, if freedom to be ourselves is not to collapse into our being subject to desires (as Kant would presumably take utilitarianism to do), freedom will involve some sort of criterion or criteria for being oneself authentically. Having rejected the possibility of such criteria coming from outside ourselves, Kant has to look to the possibility of the self discovering its own parameters.

‘Discovering’, of course, rather than ‘inventing’. Kant’s moral theory exposes the superficiality of labelling moral theories as ‘subjective’ or ‘objective’. We have said enough to make it clear that for Kant subjectivity is an important dimension of any proper account of the moral life. Yet ‘subjective’ can readily give rise to an impression that morality is a matter of personal taste. (Compare ‘subjective theories of aesthetic value’, which typically place the basis of aesthetic beauty in the perception of the subject; ‘beauty is in the eye of the beholder’.) There is nothing of ‘taste’ in Kant’s conception of morality, and it is clear that morality has the same content ~ the moral law is the same ~ for everyone. If, in order to count as ‘objective’, a moral theory needed simply to ensure that there was a single moral law universally applicable, then in *this* sense Kant’s moral theory is as objective as any. One lesson which we learn from this is to be suspicious of over-simple classifications. Depending upon one’s perspective, Kant’s moral theory has both the character of *subjectivity* and of *objectivity*.

The word ‘autonomy’ implies that the agent sets his own norms, is ‘a law to himself’. Yet the agent is rational, and the possession of reason constitutes a rigid constraint upon the content of moral law. One way to bring out the way in which morality transcends the

⁵ Kant, *Groundwork of a Metaphysic of Morals* Chapter III (H.J Paton, *The Moral Law*, p.107).

particular whims and desires of the individual is to move to a major distinction which Kant makes, and which has become part of the standard furniture of moral philosophy. It is a distinction between two sorts of imperative, which he terms 'categorical' and 'hypothetical'.

We are used to sentences which begin 'you ought to do...' or 'you should do...' (or maybe just 'do this...'). These look like they have in turn the character of a description of one's duty, a recommendation and an imperative. In any of these cases, it would be possible to provide a context for the sentence, of the sort 'If you want to achieve the following goal...'

If you want to climb hills in winter, take a pair of crampons. If you want to bake lighter bread, you should let it rise a little more before putting it in the oven. If you want to reduce your risk of cancer, you ought to give up smoking. None of these says anything about whether one has a duty to take crampons, give dough longer to rise, or give up smoking. It might be the case that these things actually are duties, but their status as duties is not proved by there being a project in which they form a necessary component. Each of the things mentioned is a good thing relative to the end sought. That 'relative to the end sought' is important, because for Kant duties are absolute, and not relative to any special end. Just as the only thing good without qualification is a good Will, so something will only be a duty if it is obligatory without qualification.

Kant terms the sort of imperative we gave examples of above - imperatives which bind us only in a particular context, or where there is a particular project in view -

'hypothetical' imperatives.⁶ Moral imperatives, by contrast, are categorical. Where we recognise something as a moral duty, we are not recognizing it as holding for certain people under certain conditions, but for all people everywhere. 'Never make a lying promise' (i.e. never make a promise you are uncertain that you will be able to keep) is, for Kant, a categorical imperative, a moral duty. It admits of no qualification such as 'unless doing so is the only way to prevent your children from starving'.

It is probably wrong to speak of 'categorical imperatives' in the plural. Kant believes, in fact, that there is only one, though that one imperative will resolve itself into a range of more specific moral duties, which comprise what we could think of as the content of the moral law. Kant gives a number of 'formulations' of what he thinks of as the categorical imperative. If they are intended to be equivalents, it is important that they have the same effect - that is, that they imply the same moral duties as each other. One of the notorious elements of Kant's moral theory lies in the problems which readers find in squaring the various formulations with each other. Kant discusses the relationship of three of his formulations⁷ (p.79f), though arguably he actually has four:

'Act only on that maxim through which you can at the same time will that it should become a universal law.'

'Act as if the maxim of your action were to become through your will a universal law

⁶ He further subdivides hypothetical imperatives, according to whether the end sought is being merely entertained, or actively sought. A seminar for trainee doctors might discuss what ought to be done in a certain possible case, and come up with an answer, even though no such case had ever been seen. A general practitioner faced with a patient showing serious signs of a specific illness will say 'take this medicine' as a direct, though still hypothetical, imperative. In the former case, Kant speaks of a problematic practical principle; in the latter, of an *assertoric* practical principle. These are contrasted with principles of action which are categorical. He calls these categorical principles 'apodeictic' practical principles.

⁷ In the page numbering of the second edition, sometimes used in translations (eg. in the margin of Paton's translation), the formulations are reviewed on p.79f; in Paton, this is on p.97f.

of nature.'

'Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.'

'All maxims as proceeding from our making of law ought to harmonize with a possible kingdom of ends as a kingdom of nature.'

Kant believes that the first two of these are simply equivalent, and has to argue for the relationship which he believes holds between the others. In thinking about normative ethics - ethics concerned with moral judgements - Kant himself is clearly of the view that the formulae of universalizability are most important, and these are the formulae most discussed by commentators. The formula of ends and means has become part of the commonplace of moral discourse. It would be interesting to know how far it expresses a deep intuition which would be widely held independently of Kant's ethics, and how far the widespread influence of Kantian ethics has honed people's "intuitions" on this matter. In many respects the last formulation, raising as it does the possibility of a 'fulfilment' of the moral vision of absolute duty, is the most interesting, though we will not be able to discuss it at any length here.

4.4 Applications of the formulae

The formula of universalizability appeals to many of Kant's readers as embodying the belief that morality should have the same content for everyone. An action could only possibly be right for me if in the same circumstances it could be right for anyone else. In operation, the formula of universalizability operates negatively; if I cannot will that the maxim of my action should become a universal law, I ought not to perform that action. It is hardly surprising that Kant's ethics appears quickly to resolve itself into a series of absolute negative moral norms ('never break a promise', 'never lie', 'never commit suicide', 'never commit adultery', *et cetera*). These are, by their nature, the kinds of norms which can be universalized. Positive norms such as 'always tell the truth' are obviously problematic; which truths? To whom? An absurd suggestion is occasionally made that Kant makes any action which can be universalized an absolute duty on all people. It is better to see the categorical imperative as permissive of those actions which do not fail the universalizability test, and prohibitive of those which do.

How, though, does it work? Kant's four examples (roughly pages 53-57) give clues, and must be studied in order to avoid misunderstanding. John Stuart Mill, for example, who as a utilitarian is hardly a sympathetic commentator, imagines that what is going on is something like this: I imagine myself making a lying promise (Kant's second example), then think 'what if everyone did this?', recoil in horror from such a ghastly possibility, and the repulsion I feel convinces me that I should not make such a false promise. This is, of course, relying upon the unacceptability of consequences, and thus cannot be Kant's considered view. What Kant says in this particular case is instructive. The 'maxim' here is one of self-love; in virtue of love of myself I make a promise which I do not intend to keep. The maxim which is to be universalized is effectively 'do what it suits your own purposes to do'. Imagine that this were indeed universalized. What would become of promising in such a situation? The words 'I promise' would surely become, as Kant says, empty shams. Acceptance of the maxim of self-

love undermines the institution of promising; my action contains a form of contradiction, and cannot be consistently willed.

Not all of Kant's examples have this rather neat form, and some may appear to be special pleading designed to rule out actions or inactions which Kant finds objectionable. To this extent, maybe Mill's criticism has a point. The central contention, though - that reason's universal pretensions, when applied to practical questions of action, may imply absolute, categorical positive and negative duties, and do so in defiance of any consequences, whether merely possible or actually inevitable - constitutes one of Kant's central contributions to moral philosophy. The other major contribution lies in the attempt which Kant gives to root morality in the individual, and thus ensure a form of moral freedom in which each individual is a self-legislating centre of moral judgement. It would be possible to accept a form of Kantian ethics which did not make this latter move. Maybe the project of realizing the implications of the categorical imperative is a public matter, and not 'private' to the judgement of each individual. If that is so, it raises issues of authority and responsibility to 'experts' or to social conventions which Kant appears hostile to. The significance of Kant for contemporary moral philosophy need not be limited to accepting or rejecting the whole of his moral theory.

4.5 Maxims and morals

We already admitted in passing that one of the problems which readers can have with Kant's ethics lies in the absoluteness of its prohibitions: can it be right that we should never tell a lie, whatever the consequences? An obvious means of reconciling a generally Kantian approach to ethics with the possibility of less absolute prohibitions involves concentrating on the nature of the 'maxims' which are to be universalized. What if, instead of universalizing the making of a false promise, one universalized the making of a false promise in such-and-such circumstances? True, if the person to whom one made the promise knew that this was a circumstance where a false promise was allowed, he might be worried. However, this knowledge might well not be available to him. If the circumstance in question were one where it was the only means to ensure that one's children had food, we might think it legitimate to try to get food through a false promise (say, to pay one's bill tomorrow even though one has no money).

Ingenious though the suggestion might seem, it fails to do justice to Kant's conception of a maxim. Note that his account of the maxim in the case of the false promise was not 'making a false promise', but 'acting out of self-love'. In the case of trying to get my children food, my maxim might be helping others in dire need. Kant will not, I think, deny that helping others in need is a good. He might well, though, claim that its being 'my children' which provoke my interest in making a lying promise points to the fact that it is really self-love which motivates me. (There are many needy people I do not lift a finger for, perhaps to my shame.) If this is right, Kant's original objection will hold. Even if it is wrong, I am still committing myself to a fundamental fissure in the use of promises, between true and false ones, and am legitimating a maxim of lying when need arises which might itself be challenged. My expectation that my promise will be believed is based upon the expectation of truthfulness

which I and others have. Yet in making this promise I undermine that expectation, whilst actually relying upon it in the process. This seems inconsistent, so fails the test. Yet if this is the only means to help my children, it seems that they must starve.

4.6 Perfect and imperfect duties

It may be that Kant is right; I should not make a lying promise. Nothing has been said about the positive duties of others to help. I might well have a duty to make my family's needs known to those who can help; and they in turn may have a duty to help those in need. Their duty cannot be an absolute duty to help all in need (which in all likelihood they will not have the resources to do - Kant is convinced that there can only be duties which it is possible to fulfil, as, for him, 'ought implies can')⁸ but will be a duty to use the surplus of their resources to assist the needy, without any specific guidance as to where this assistance might go. What can appear a vague positive duty of charity should not, for all of its vagueness, be ignored as an implication of Kant's ethics. The apparently ugly sense of moral self-purity, or purity of will, which can come from disallowing the sometimes terrible consequences of the fulfilment of my duty (say, refusing to tell a lie), must be balanced against the suggestion that my hoarding of goods beyond my minimum needs is a form of self-love. Self-love is a maxim which, as we saw above in the case of false promises, cannot be universalized. There may be a much more heroic dimension to Kant's ethics than is often recognized.

The duty of charity, because it does not bind us to any particular type of action on any specific occasion, is sometimes termed an 'imperfect duty'.⁹ The label appears a little unfortunate, in that it makes such duties appear somehow under suspicion! It does, however, form a useful contrast with the negative duties which we have outlined such as never lying, and never making a false promise. The 'never' of these duties, along with their positive action-guiding content, has given them the label 'perfect duties'. In refusing to violate the demands of a perfect duty, we know that we are doing right. Knowing that we are behaving rightly in relation to imperfect duties is a much harder matter, one which might cause us any amount of soul-searching. But a moral theory which has this implication might well be one which matches our moral intuitions, for perhaps we do accept that we should feel more shame than we do in the extent to which we hoard wealth when others live in need. Stressing that Kant's ethics may have this implication is a means of guarding against the presumption that only utilitarianism is an ethic of extreme demands. If this is a fault of utilitarianism, it may be a fault of Kantianism too. Perhaps, though, it is not a fault at all.

One important reason to emphasize positive duties is to remind us that, even if we are powerless to help those in need whilst fulfilling our duty, there may be others with duties of

⁸ For a critical discussion of Kant's approach to the theme of 'ought' and 'can' see Roger M. White, 'Ought Implies Can: Kant and Luther - a Contrast' in George MacDonald Ross and Tony McWalter (editors), *Kant and his Influence* (Bristol: Thoemmes Press, 1990).

⁹ For example, there is no duty to give to *this* street beggar, on *this* occasion, £10, however needy and deserving he may be, and however much I can afford it.

charity which can step in at this point. If they do not, we must still accept the limits of our duty; but the demands of duty do not stop at ourselves, and refusing to fail in our own duty need not be the same as despairing of the whole of morality. The possibility that morality, the performance of duty, may not be worth the price is one which appals Kant. It is the necessity of believing that the whole body of duty, and its fulfilment, is worth the price which drives Kant in the direction of faith: to the beliefs in immortality, and in God.

4.7 Ends and means

The formulation of the categorical imperative which came third in our list above spoke of treating human beings (and by implication all rational agents) never simply as means, but also as ends. The 'all' includes myself - one reason why suicide would be excluded relates to my using my own self as a means to the end of alleviating my suffering, an end which, unlike accepting medication, results in my destruction. Kant is realistic in expressing the imperative as he does. We treat people as means to ends - ours and theirs - all the time. Teachers, doctors, shop assistants... there can hardly be any work which does not involve both using and being used as a means of some sort. The importance, then, is not in denying this, but in supplementing it with an affirmation of human dignity which says that each human being is also an end. In our ordinary daily conduct this may amount to no more than the ordinary politeness which constitutes the recognition that the person from whom I buy my rail ticket is indeed a person, and not a machine; to say 'thank-you', where it is not an automatic response (perhaps so automatic that it might even be said to the machine as well!), is an important element of this.

There are, though, more substantial issues at stake. Medical ethics is full of them - to give a very few examples, in debates over the supply of organs for transplant, the limits set on possible actions are very frequently limits based around the importance of the donor as an end in himself or herself and not merely as a means; in discussions of surrogate motherhood, the extent to which such arrangements may be contractually binding, and the birth-mother's status as an end in herself recognized adequately by a financial payment,¹⁰ and in medical research, the status of an embryo subject to destructive experimentation, or used for the supply of cells in the development of vaccines or transplant tissue. This last case is an interesting one; assuming that it is agreed that the embryo is not conscious, and not the bearer of a self-conscious rationality, would we say that it lacks the dignity to be treated as an end in itself? The dangers of such a move are evident. How much self-conscious reason is needed? A coma patient may lack it, but be expected to regain it; the embryo would, all other things being favourable, also be likely to obtain it in time. Even if creating embryos purely for experimental purposes were illegal - in fact in the UK it is not, and through the licensing arrangements put in place by the Human Fertilization and Embryology Authority about one

¹⁰ The UK law does not permit surrogacy-for-a-wage; it also offers no means of contractual enforcement upon the birth mother to give up the baby, which may be a form of recognition that her status is *more* than merely that of a means, even admitting that she is a voluntarily consenting means, to another couple having a child.

permission a month was granted on average through the 1990s - it remains the case that any embryos fertilized in vitro for fertility treatment were created as the result of human will in a very direct way (and in this sense very differently from the couple who desire a baby and express that desire through sexual intercourse).¹¹ It appears pretty clear that Kant's moral philosophy would rule out IVF treatment, because the child created through this is always conceived as a means and only subsequently (once it exists) capable of being regarded as an end. This is not to deny that a Kantian could support treatment to overcome infertility in many cases. An operation to remove an obstruction in the fallopian tubes, where this is the cause of the infertility, should be perfectly acceptable; here there seems no problem from the perspective of universalizability or of ends and means.

4.8 An intellectualist ethic?

We have examined a number of aspects of Kant's moral philosophy. This discussion has offered a number of avenues for further exploration. The extent to which the theory accords with our ordinary moral intuitions is something which has been mentioned in passing; the role of consequences might play a part here. Within Kant's presentation of his "groundwork" the question of the compatibility and consistency of the various formulations of the categorical imperative, and the concepts of freedom and of free action in the world, are topics which have excited a great deal of debate. The place of God in Kant's moral philosophy is a question which lies on the borders of moral philosophy and the philosophy of religion. Kant's belief in reason as coherent and universal, and implying an 'objective' moral philosophy, offers a very fundamental level at which his work might be subject to further investigation.

A topic which should be raised in conclusion is of a rather different order, and concerns the possibility of a charge of 'intellectualism' which might be brought against Kant.

The charge would take the form of an accusation that Kant relies on each person having the ability to reason through from the categorical imperative to a judgement on the maxim lying behind any particular proposed action, to see if it is permissible or not. This process appears to require a reasonable degree of intellectual sophistication, a quality not equally shared amongst all who should be termed rational agents. Kant is committed to the formula of autonomy, that each is a legislator for themselves; but all are not equally capable of performing this task. At worst, we might find some people excluded from the moral life altogether, because incapable of moral reason.

I do not have any definitive view on these matters. It may be that Kant would have expected even the least philosophical person to know that acting from self-interest was immoral, and also to know that the content of the moral law must be universalizable. Perhaps he held that what the content of that law is must be known to all, even if its relation to reason is not as clear. Certainly, his insistence on autonomy would rule out the goodness of a will which obediently followed the moral advice of a very clever philosopher. What Kant would think about the will of a person who, sincerely desiring to do good and avoid evil, does what he

¹¹ Compare Oliver O'Donovan, *Begotten or Made?* (Oxford: OUP, 1984)

believes good, and avoids what he believes evil, but makes errors of a purely intellectual sort regarding what is good and what is evil, is - to me at least - an unanswered question.