

Consequences in Kantian Ethics

Ermanno Bencivenga

Early in the movie *Defiance*, Jews are being rounded up by the Nazis in Belarus, and the locals are helping the process, reporting on Jews and assisting in their capture. One local family has done so to the parents of Tuvia Bielski (played by Daniel Craig), who enters their house and exterminates all the males there.¹ What would Kantian ethics say about his behavior?

Two qualifications are in order before I attempt an answer. First, I do not presume that any brand of ethics could be expected to “resolve” such an issue; and I would be suspicious of any that assigned itself this task. As will become clear shortly, it is an agonizing issue, largely because no resolution of it is in sight; an ethics—that is, a philosophical reflection on morality—should make it possible for us to understand why it is agonizing, not (try to) make the agony dissolve. Second, *what* Kantian ethics is is a controversial matter, and no progress can be made on the question I asked, and on the larger questions which it is supposed to illustrate, without taking some specific position on the controversy. Here I will espouse without argument the position I articulated and defended in my *Ethics Vindicated*,² and will summarize below what in that position is relevant to our current concerns. So my paper could be read both in the usual order, from left to right, as drawing some implications

¹ The movie is based on a true story, but here I will take the liberty of disregarding this aspect of it and focusing on (some of) the elements that emerge in the fiction.

² Ermanno Bencivenga, *Ethics Vindicated* (New York: Oxford University Press, 2007). When appropriate, I will quote from Kant, mostly in footnotes. These quotes are meant to be illustrative of my points here, not to substitute for the arguments I provide in my book. But I do consider it valuable, sometimes, to have Kant speak for himself.

of my view of Kantian ethics for those who find that view acceptable, and also from right to left, as providing support for my general view among those who find the implications attractive.

I will refer to units of behavior, neutrally, as *moves*—since whether a move is an *act* or not (whether it can be taken as manifesting any *activity*, or whether the one moving that way can be regarded as an *agent*) is part of what the problem is. A move is *moral* (and it qualifies as an act) if it is rational, that is: if its maxim can become a universal law. A maxim, however, is not to be understood as (anything close to) an *intention*: knowing oneself, Kant says, does not amount to eavesdropping on oneself³ but rather to observing oneself and trying to understand what one's *character* is. As one's character is the law of one's behavior, that in turn amounts to bringing out the various regularities present in one's behavior. Every move, just because it is part of the real world, must fall into a regular *natural* pattern; and Tuvia's move, understood naturally, certainly falls (at least) into a pattern of rage and revenge. Does it *also* fall into a rational pattern? Can we also say that this is what a rational argument would prove one *must* do under the circumstances?

Without simplifying the situation too much, we can assume that there are two possible patterns relevant to the last two questions. Phrasing them as rules (candidates for universal laws), they would look as follows:

³ “[T]he observation of oneself . . . must not consist in eavesdropping on oneself; we have, rather, to observe ourselves through actions, and pay attention to them. The endeavor to know ourselves, and tell whether we are good or bad, must be carried on in life, and we have to examine our actions to see if they are good or bad. . . . So a man always has to get to know himself in a gradual fashion.” Immanuel Kant, *Lectures on Ethics*, trans. by P. Heath (Cambridge: Cambridge University Press, 1997), 193.

- (a) Do not respond in kind. Offer an example of forgiveness to counter the greed and malevolence of the locals.
- (b) Do not let the greedy, malevolent locals be rewarded, or even stay in peace. On the contrary, make an exemplary statement of your contempt and condemnation of their behavior, so as to discourage it forever.

It is a transcendental condition for the significance of moral inquiry that in every situation we must assume that one rational rule applies and one move, resulting from an application of that rule, is the right one. In any given situation, even if I knew what that rational rule is, I would never be able to conclusively establish that *my* move resulted from an application of it—to pass this kind of judgment, I would have to know not just the totality of my behavior, past and future, but also how I *would* behave in an indeterminate number of counterfactual states of affairs.⁴ But some situations are even worse than that: there I am not only inevitably uncertain about my “motivation” (that is, my character, insofar as it pertains to the situation), but it is even the case that each of the rules available can be considered wrong in some important way, and yet I still have to do one thing or the other. Socrates would certainly object to rule (b), insisting that one ought never to respond to evil in kind;⁵ but can we

⁴ “How many a man walks guiltless of such crimes, only because he did not fall into similar circumstances; had he been brought into the same temptation, he would also have been guilty of the same offence.” Kant, *Lectures on Ethics*, 192-93. “We have only to ask whether we are certainly and immediately conscious of a faculty enabling us to overcome, by firm resolve, every incentive to transgression, however great (*Phalaris licet imperet, ut sis falsus, et admoto dictet periuria tauro*). Everybody must admit that he *does not* know whether, were such a situation to arise, he would not waver in his resolve.” Immanuel Kant, *Religion and Rational Theology*, trans. A. Wood and G. Di Giovanni (Cambridge: Cambridge University Press, 1996), 93-94n.

⁵ See for example *Crito* 49c: “One should never do wrong in return, nor mistreat any man, no matter how one has been mistreated by him.” Plato, *Crito*, in *The*

lightheartedly choose inertia (an unsympathetic reading of forgiveness, still one perfectly in line with the adoption of a *critical* philosophy) knowing full well that it may encourage the further extermination of innocents?

Situations of this kind are known in the philosophical tradition as ethical *dilemmas*; I will also say here that they are cases of *war*. I use this terminology because it is relevant to Kant: in contrast with a general tendency to think that, when it comes to such a violent occurrence as war, morality is suspended and anything goes, he claims that reason still speaks during a war and still imposes behavior on us—specifically, the kind of behavior that would make it easiest to bring the war to an end and make people interact in more rational ways.⁶ Tuvia is operating in a war, and whatever he does someone is going to be killed as a consequence who would (or at least might) not be killed otherwise; according to the transcendental condition above, there must be one thing that is for him the right one to do, but in light of the consequences I mentioned neither of the options before him has much credibility as being that one thing. He will do whatever he is (physically, psychologically; in a word, naturally) determined to do; but what is reason, again, to think of what he does?

To ask this question is to answer it, given what we know so far: reason will look at the further consequences of his move, beyond the loss of human lives, and consider how promptly, stably, and effectively that move brings about peace, and will be tossed back and forth between opposite judgments on the matter. Perhaps making

Trial and Death of Socrates, 3rd Edition, trans. G.M.A. Grube (Indianapolis: Hackett Publishing Company, 2000).

⁶ “Right during a war would . . . have to be the waging of war in accordance with principles that always leave open the possibility of leaving the state of nature among states . . . and entering a rightful condition.” Immanuel Kant, *Practical Philosophy*, trans. M. Gregor (Cambridge: Cambridge University Press, 1997), 485.

an example of the malevolent locals will contribute to less complicity on their part with the Nazis' crimes, and even to the Nazis' demise, which would be a step in the right direction; but perhaps it will also encourage violent behavior in the long run, whenever one feels, however arbitrarily, that one is being abused, however slightly, which would be wrong; and perhaps opposing violence to every case (or perception) of abuse will end up minimizing abuse, and violence as well, which would be right. The more the future is unpacked, and the more Tuvia's options are let play themselves out, the more drastic this oscillation is likely to become. At the limit, we must assume that one option will emerge as the right one, and reason would approve of that; but we do not (and Tuvia does not) live at the limit, nor do we even have any constructive way of thinking of that limit. The best Tuvia, or anyone, can do is *hope* that his move be the right one; and he, or anyone, can do so if (Kant says) he can recognize an improvement in his disposition—that is, in the pattern his behavior displays.⁷ Is any such hope legitimate in this case?

What Tuvia knows is that he has killed people, and that he was enraged by their behavior and avenged himself for the capture of his parents. We can imagine that he was enraged before, and that he proved himself similarly inclined to revenge. It is certainly possible that this particular case of rage and revenge will turn out to be exactly the thing that reason would want him (or anyone in those

⁷ “[A] human being who, from the time of his adoption of the principles of the good and throughout a sufficiently long life henceforth, has perceived the efficacy of these principles on what he does, i.e. on the conduct of his life as it steadily improves, and from that has cause to infer, but only by way of conjecture, a fundamental improvement in his disposition . . . can yet also reasonably hope that in this life he will no longer forsake his present course but will ever press in it with ever greater courage. . . . By contrast, one who has always found himself unable to stand fast by his often repeated resolutions to be good but has always relapsed into evil, or who has been forced to acknowledge that in the course of his life he has gone from bad to worse . . . can reasonably entertain no hope of improving.” Kant, *Religion and Rational Theology*, 110.

circumstances) to do, that this move is exactly what is needed to bring about reason's eventual triumph; but he is not going to witness that triumph—he is stuck with a pattern for his behavior which does not look very promising, or hopeful.

Let's go slowly on this point because it is a delicate one; and to clarify it let's first bring in a different perspective on it. Hegel would say that reason will indeed eventually assert itself as *being*—not just ruling—the whole of reality; but that also means that Tuvia or anyone else (including the Nazis) are *the same thing as* reason, or rather spirit (that is, reason that indeed asserts its identity with the whole of reality). So, when (for Hegel, it would not be enough to say “if”) the move Tuvia makes now turns out to be the one in which reason (finally!) recognizes a necessary condition of its own triumph, Tuvia will be there, as will everyone and everything else: he will participate in that triumph and be able to see any previous apparent shortcoming of his behavior gloriously redeemed by the “absolute” perspective thus acquired. That is Hegel, but what about Kant?

There is a practical postulate of immortality for Kant, but practical postulates are not constitutive of experience; they only express needs of ours, as the limited, physical beings we are, to behave *as if* certain things were the case.⁸ Specifically, I must behave as if my progress toward moral perfection could develop in an infinite time, while knowing perfectly well that the time I have to make that progress is *not* infinite. What Kant says in this regard about epistemic progress can be easily extended to our present concerns:

⁸ “[I]t was a duty for us to promote the highest good; hence there is in us not merely the warrant but also the necessity, *as a need connected with duty*, to presuppose the possibility of this highest good.” Kant, *Practical Philosophy*, 241 (my italics).

nature has apparently made its decision regarding the duration of man's life with things other than the furtherance of the sciences in view. For just when the most gifted man stands on the brink of the greatest discovery that his skill and experience can allow him to hope for, old age makes its entrance; his mind becomes dull and he must leave it to a second generation . . . to make a small contribution to culture's progress.⁹

It is not spirit's moral integrity that matters for Kant; it is an individual human being's. And, from the point of view of an individual human being, her moral integrity may be irremediably compromised by some behavior, as that behavior may justify no confidence in an improvement in her character and there may be no time left for her to witness the behavior's (and her own) possible redemption. Tuvia may die in carrying out his vengeance (he doesn't), or the war may end without his behavior making any appreciable difference; and of course it may also turn out that, way down the road, it will be proven otherwise and that behavior will emerge as a decisive factor on the side of reason, but most likely Tuvia will not be there to see it.

Fiat iustitia, pereat mundus is the famous slogan embodying Kant's extreme deontologism. But accepting this slogan does not amount to a refusal to regard consequences as relevant or even crucially important. What the slogan means is that the rational, impartial spectator who is forever doing reason's work of assessing worldly events (including her own behavior) will not be impressed by how (self-)destructive any moves are and will always be relentlessly pursuing the same question: are these the kinds of moves that can be seen as representative of reason, as expressive of reason's supreme dignity? Since the natural world in which these events take place is the seat of radical evil, the rational spectator will never be able to posit an easy, effortless agreement between reality

⁹ Immanuel Kant, *Speculative Beginning of Human History*, in *Perpetual Peace and Other Essays*, trans. T. Humphrey (Indianapolis: Hackett Publishing Company, 1983), 55n.

and morality; she will always be looking at situations that, to a greater or lesser extent, are cases of war; hence her question will always revolve on how best to bring this constant war to an end and establish the perpetual peace which would realize that effortless agreement. This, in practice, means that she will be constantly, painstakingly, tirelessly examining consequences: both the possible consequences of what is done now and the actual consequences of what was done then.¹⁰

There is a caricature of Kant circulating in both the professional and the semi-professional literature (by the latter, I mean the numerous textbooks or other pedagogical tools, some of them online, that compare and contrast Kantian ethics with its various counterparts). I will charitably refrain from naming any names, as everyone knows what I am talking about: according to Kant, you are supposed to do the right thing, which means follow the right rule, for example not lie, and then you will be OK—whatever the consequences. How unfair this caricature is to (again) a *critical* philosopher who characterized one's pursuit of one's moral perfection, long before Kierkegaard also borrowed that Pauline expression, as to be carried out "with fear and trembling,"¹¹ I leave it to others to judge. Within the confines of this paper, it is enough for me to spell out the following two points with absolute clarity:

- (1) What the right rule is in any given circumstance is an open question, to be addressed (though never decided) by a consideration of the patterns emerging from an application of the different candidates available, hence of *the consequences* of all these different applications.

¹⁰ I will return to these two classes of consequences, and to their distinction, at the very end.

¹¹ Kant, *Religion and Rational Theology*, 109.

(2) Though we must proceed as if there were a teleology to nature, hence as if nature and morality will eventually come to an agreement, we cannot take ourselves to be there when that happens. The pattern of our actual behavior, which constantly unfolds during a war, will often not justify any hope in our own moral improvement. Moves we make and we might subjectively regard as instrumental to that eventual agreement (which might even be our subjective reason for making them—with all the delusiveness that often characterizes such subjective reasons) might often also be moves that, for all we know, irremediably damage our moral integrity.

Such is human life, that is, the life of finite rational beings. As Kant says:

Individual men and even entire peoples give little thought to the fact that while each according to his own ways pursues his own end—often at cross purposes with each other—they unconsciously proceed toward an unknown natural end, as if following a guiding thread; and they work to promote an end they would set little store by, even if they were aware of it.¹²

I will wrap up this discussion by addressing an ambiguity that may have bothered some readers. What consequences am I talking about? Earlier I mentioned together possible future consequences and actual past or present ones, but it is part of Kantian lore that a sharp dividing line must be drawn between possibility and actuality here—that a utilitarian, say, would judge morally relevant the consequences a move *actually* has whereas a Kantian would only be interested in the hypothetical working out of *possible* consequences

¹² Immanuel Kant, *Idea for a Universal History with a Cosmopolitan Intent*, in *Perpetual Peace and Other Essays*, 29.

as she subjects various maxims to the “categorical-imperative test.” Here is where the lore runs the risk, once again, of turning into a caricature. To be sure, a lot of confabulation about possible outcomes is relevant to a moral assessment of what we do at any one time, but no conclusion reached through this process has any chance of being final, as all of it depends on how we construe what we do: what elements of the situation we take to be essential to defining it as what situation it is. And we can always be proven wrong in this construal: elements of the situation which we regarded as unimportant may reveal themselves later to be decisive for whether our move was in fact made in the interest of reason. So I do indeed (as I might have seemed) want to have it both ways: it is a perfectly human (that is, rational, insofar as humanity is the only garb in which rationality shows up for us) approach to living one’s life to always imagine what might follow from one’s moves and to choose moves accordingly, but because humans in fact never conquer nature they must also always be open to be contradicted in their hypothetical judgments by how things *actually* turn out. That is one main reason for the inevitable (indeed, recommended) fear and trembling, and why no “test” can ever make us feel safe. My last quote expresses this point in the words not of the master himself, but of one of his students:

Professor Kant finds fault with *conscientia certa*, insofar as this is taken to mean the objective certainty of the rectitude of the action. It is the business of the understanding to examine whether an action be right or wrong; conscience presupposes this, and is subject only to the duty of providing an awareness of having undertaken the examination with great thoroughness.¹³

¹³ Kant, *Lectures on Ethics*, 362.