A Comprehensive Approach to Ethics: Rereading Kant

Joseph D. Stamey

In this paper I attempt to show that the three commonly employed methods of ethics—utilitarianism, natural law and formalist—can best and should be seen as components of a comprehensive approach which, for want of a better term, I will call Inclusive Ethics.

Utilitarian ethics is oriented toward ways of proposing and testing—we can say of discovering—what we will find to be valuable (future oriented). Natural law ethics has tended to be oriented toward what people in various societies believe to have already been discovered to be valuable and worth protecting or preserving ("virtues" and patterns of life). Probably the most serious criticism levied against natural law approaches to ethics is that they have tended to take existing moral and social patterns of some society and believe that these are necessary for all human societies. These may include patterns of government (monarchy) or property relations (feudalism or capitalism). Traditional Catholic teaching outlawing some methods of birth control has been based on the idea that one of the *natural* (and essential) purposes of engaging in sexual activity is to produce offspring, therefore any activity that "artificially" frustrates this is immoral. A more general form of this criticism is that natural law ethicists *tend* to assume that "human nature" is more fully known—what its capacities and purposes are—and more fully determined that it in reality is. Many contemporary ethicists have preferred utilitarianism's tendency to see human nature as something open and evolving, and human values as something to be discovered and created, not given in advance in some kind of blueprint or owner's manual.

In contrast to the two forms of teleological (value based) ethics, formalist or deontological approaches to ethics do not begin with values and derive moral rules from them but (seem to) begin with some system of moral principles or laws or rules taken as absolute. Of course, one of the rules in a formalist system may tell us always to create the largest possible amounts of value or good. But the difference can be illustrated this way: A teleological ethicist may tell us that we should always (or sometimes) tell the truth because it will lead to the best results. A formalist (or deontologist) might say that we should always (or sometimes) tell the truth because it is the right thing to do (or because telling the truth is a fundamental moral law). Not all the laws or rules in a formalist system will be derived from or justified by values we want to achieve (as in utilitarianism) or acknowledge (as in Natural Law ethics).

Immanuel Kant is often thought to be the greatest formalist ethicist. I don't consider Kant to be a formalist, as I will explain a few paragraphs farther along, but there is an important formalist element in Kant's approach to ethics. Kant calls the fundamental principle of morality the Categorical Imperative. The categorical imperative is the commandment to be moral that Kant thinks every rational being always gives himself or herself even if or when disobeying it.

This is why Kant's ethics looks like a formalist approach: he says that no matter what goals or values we may have in mind when we are considering or are about to do something, we should always be sure that it would be rational to will that everyone in that kind of situation would act on the same rule that we choose for ourselves. His first (of three major) formulations of the categorical imperative is: Always act on a rule that you can will to be a universal law.

Suppose there is a large amount of food in the refrigerator and I am hungry. I know that this food has been bought for my family's use and that some other members of the family are expecting to eat some of it later but there is more than enough for all of them. Also, no one who is starving is presently knocking at the door and even if there were starving people I might not think it is my duty to share my family's food with them. I might take them to some place where meals are provided for the homeless. So I think to myself: I am hungry, I need to eat some lunch before I go to class. Even though I have time enough and enough money to go somewhere else, I will take some of the food in the refrigerator (leaving enough for the others who are entitled to it when they need it). This personal rule I adopt for my own behavior—Kant calls it my maxim—*can* be universalized. It would be reasonable for anyone in a similar situation to follow that rule.

However, suppose I see that there is only enough food for one sandwich in the refrigerator and that this has been set aside by agreement to be eaten by my sister when she gets home from work when it will be too late to go out and buy something else. If I say to myself: "I am hungry, I need to eat lunch before I go to class, I will eat this food that belongs to someone else which can't be replaced," my maxim would not be something it would be reasonable to universalize. I couldn't rationally will that everyone who is hungry should feel free to take someone else's food just because it is more convenient for that person. I should decide to go somewhere else to eat.

I have said that a formalist or deontological approach to ethics starts with rules or principles instead of values. It makes sense to ask where these rules come from, i.e., how do we know what the rules or moral laws are? Some formalists say that we know them innately, that we simply are aware by a kind of innate moral sense that it is, for example, always (or sometimes) wrong to tell lies. Some formalist ethical approaches are based on codes of moral commandments found in religious traditions or writings, such as the KORAN for the BIBLE or the ANALECTS OF CONFUCIUS. Many ethical formalists would say that the rules are simply the moral rules of "our society"—whatever that society may be. And all of these options are open. A formalist approach to ethics may be based on the moral code or moral codes of some group, some society, some civilization, some book or writing. Kant said that his ethical system—an analysis and explanation of the categorical imperative—is derived from or based on reason. This puts his ethics close to the natural law tradition, or actually brings the natural law tradition into his ethical approach.

I am going to say that, typically, a formalist ethical approach is based on the values of some group or some society—its basic values. If we want to see the major strength of contemporary ethical formalism, we can find it by examining how is principles assume and express the basic values of our society. If utilitarianism is the ethical approach most favored by behavioral scientists and persons in business and politics, I think it is safe to say that most "ordinary" people in our society are formalists. Their ethical code is the rules or principles they learned at home or in school or Sunday school or from television or on the streets.

This brings me to the fourth approach to ethics, one that combines aspects of the three already discussed. I am not sure what name to give this approach. I suppose it can be called a "comprehensive" or "inclusive" approach to ethics. Sometimes it is called the "Moral Community" approach. Sometimes it is called "Contextualism" (other things, not always the same, are called that though), sometimes "Ethics of Response" or "Response Ethics." In the rest of the paper I will try to characterize this approach more fully.

Many writers on ethics hold to this approach, though not all of them have recognized each other as doing so. One good recent book that takes and explains this approach is a book on business ethics, *Ethical Managing* by F. Neil Brady (New York, Macmillan, 1990). Brady first explains utilitarianism, its strengths and weaknesses, and formalism, its strengths and weaknesses. He also discusses natural law ethics in connection with a discussion of moral virtues. Then he argues that what we need is a "Janus-headed" approach to ethics. Janus was the Roman god who looked both ways, to the past and toward the future. Brady believes we need an ethical method that looks both to the institutionalized values of the past (formalism, which develops and draws on a theory based on the basic values of our society) and the values that as individuals, groups and a society we want to achieve (utilitarianism, which formulates methods of analysis for choosing appropriate goals). He also thinks we need an updated theory of virtues or character traits appropriate for our society. (We are no longer living in an Athenian city-state or in feudal Europe or even in nineteenth century rural or early twentieth century America.)

The greatest strengths of Brady's discussion seem to me to be:

First: He clearly recognizes the past/future stance of formalist/utilitarian aspects of ethical theory and stresses that both are necessary. Utilitarian ethics has traditionally been concerned with the good and the bad (or evil)—with the values we want to achieve. Formalist ethics has traditionally been concerned with rights and duties—with recognizing and protecting the rights of persons and groups and organizations. Natural law ethics has been concerned to some extent with both, often focusing on structural and supposed universal elements of the moral life.

Second: Brady clearly explains how formalist ethical approaches, which *seem* to begin with principles or rules, are really expressions of basic values—values that provide (a possibly tentative and expanding) framework for the achieving of the values that most of us are concerned with from day to day.

Third: Brady reformulates the utilitarian principle in a very useful way. Instead of saying that we should always aim to do what will realize the greatest good—how could we possibly know whether we had succeeded or even what the greatest good would be?—Brady says that we should always aim at an outcome, at a good, that is adequate (and I would say appropriate and relevant) to the situation. So if there is something (or if there are some things) I could do with much better foreseeable results than what I am doing or want to do, I should do it (or them). However, it is meaningless to ask if it (or they) is (or are) the greatest *possible* good(s).

Another twentieth century American, the Protestant religious thinker and moral philosopher H. Richard Niebuhr, developed an approach to ethics that in my view is similarly inclusive. In *The Responsible Self*, Niebuhr described three approaches to ethics: the teleological, the deontological and the ethics of response. These approaches provide three models for ethical reflection and action. When we are thinking teleologically, we are thinking as we do when we are "makers"—like the carpenter who designs the desk he intends to build, the teleological ethicist designs a plan of action to bring into being the values she wants to realize. As "responders" or "respondents"—we are aware that we are always in a context where others have already acted and are acting, we are born into a community of moral (including immoral) agents who have already acted and are still acting toward us, and we must find appropriate, relevant, adequate—"fitting"—responses. The response orientation is the most basic but we are usually involved in one or both of the other orientations.

Finally, I believe that the ethical thinker who first fully developed the comprehensive or moral community approach to ethics in modern times was Kant.

I have argued that the first formulation Kant gives of the moral law or categorical imperative is a formalist one—always choose to act in conformity with a rule that could be a universal law of moral choice.

This doesn't say anything about values. But if it is true that formalist ethics are always based on the basic values of (a) society, then this rule must be, and in his second formulation of the categorical imperative Kant tells us what he believes the basic values of a truly moral society involve: respect for persons. His second formulation of the moral law is: Always treat humanity whether in your own person or in that of another as an end (as being of unconditional intrinsic value) and never merely as a means. Kant in fact believed that this was no new moral insight, it had been recognized in some of the world's religions, preeminently in Jewish and Christian scriptures with the commandment to "love your neighbor as yourself"—meaning to respect both your neighbor and yourself as having unconditional worth and value. This brings the natural law element into Kant's ethics.

Finally, in the third form of the categorical moral law Kant says that we should always see ourselves to be members of a universal moral community that includes all morally capable beings. We should see ourselves as co-legislators, justifying and legitimizing our individual and common projects on the basis of the (universal) moral law that each member formulates from himself or herself and for herself and himself and all the others.

This last formulation of the moral law brings in the utilitarian dimension of moral choice. We are all concerned to choose goals and formulate plans of action aimed toward them that will fulfill our needs and realize our desires for a meaningful life. If something is a genuine, recognized human need (natural law, formalist ethics) we and others are entitled to it, we mutually (to the extent that we are moral and informed) validate one another's claims to it. In situations of scarcity, however, when not everyone's needs *can* be met, then we must decide responsibly (as a moral community) how to act justly—so that even those whose needs cannot be met adequately are treated fairly and with respect.

Sometimes is discussions of rights and duties, we use the term "legitimate desires." We speak of people having the right to have their needs met (if their needs can't be met there has to be a basic justice, due process and fairness in the way the decision is made that the needs can't be met) and we say that they have the right to have their legitimate desires fulfilled.

What is a "legitimate desire"? It is a desire for something that can't be considered—at least is not yet considered—a basic human need, therefore a basic human right, but is for something that would not conflict with anyone else's rights. Our legitimate desires are desires for things that can be morally justified. If some people desire to discriminate against some members of the population by depriving them of the vote or of educational opportunities because of their ethnic background or gender then this is not a legitimate desire, since it has already been found to be unjustifiable. There are no legitimate or relevant reasons to discriminate on the basis of ethnic background or gender. If, on the other hand, I desire to have certain educational requirements or standards or tests before members of our society can practice medicine or law or drive a car, more rigorous than those already in force, then maybe I can make the case, can persuade society to accept these. Then society will have judged that this was a legitimate desire of mine. When and what kinds of desires are or should be held to be legitimate desires is a controversial topic, but is a topic that can be dealt with most adequately in the framework of an inclusive or comprehensive approach to ethics.

METHODS OF ETHICAL ANALYSIS

Kant's Categorical Imperative

I. Deontological Ethics

Niebuhr: "citizen" law/rule/principle oriented

FORMULATION 1: Always act on a principle that could become a universal law.

II. Teleological Ethics Value or goal oriented
Niebuhr: "maker"

A. Utilitarian Ethics
Seek the greatest good of (for) the greatest number.

FORMULATION 3: Always understand yourself as a co-legislative member of the moral community.

B. Natural law ethics
Seek to fulfill your natural (hierarchically ordered) potentialities.

FORMULATION 2: Always treat members of the moral community as ends-in-themselves and never merely as means to other ends.

III. Response Ethics

Niebuhr: "answerer"

FORMULATION 3.

Always respond fittingly to the actions of moral agents.