

Matters of Life and Death

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the sake of famine relief. Beneficence should here take precedence over justice.

If utilitarians cannot draw a firm distinction between the requirements of justice and those of beneficence, then we cannot hope for more precision in matters of justice than the theory as a whole offers us. There will be no area in which the theory can give reasonably precise results, and we may find the theory indeterminate even over the most urgent and perplexing questions. Utilitarianism is an appealing moral theory. Its scope is comprehensive and it seeks precise resolution of moral dilemmas. It aims to tell institutions and individuals which available act or policy is best, which next best, third best, and so on, *when the data are available*. But if it turns out that the comprehensive data that utilitarians need are *usually* not available, then the attraction fades. We are left with indecision rather than precision, even in matters of justice.

I shall now turn to a consideration of Kantian ethics—which does not have the same comprehensive aims, nor the same dependence on data being available—with the hope that it may provide a more usable theory for dealing with a causally intricate and little understood nexus of problems such as those posed by the prospect of “a time of famines.”

IV. KANTIAN APPROACHES TO SOME FAMINE PROBLEMS

§22 A SIMPLIFIED ACCOUNT OF KANT'S ETHICS

Kant's moral theory has acquired the reputation of being forbiddingly difficult to understand and, once understood, excessively demanding in its requirements. I don't believe that this reputation has been wholly earned, and I am going to try to undermine it. In §§23–26 I shall try to reduce some of the difficulties, and in §§27–30 I shall try to show the implications of a Kantian moral theory for action toward those who do or may suffer famine. Finally, I shall compare Kantian and utilitarian approaches and assess their strengths and weaknesses.

The main method by which I propose to avoid some of the difficulties of Kant's moral theory is by explaining only one part of the theory. This does not seem to me to be an irresponsible approach in this case. One of the things that makes Kant's moral theory hard to understand is that he gives a number of different versions of the principle that he calls the Supreme Principle of Morality, and these different versions don't look at all like one another. They also don't look at all like the utilitarians' Greatest Happiness Principle. But the Kantian principle is supposed to play a similar role in arguments about what to do.

Kant calls his Supreme Principle the *Categorical Imperative*; its various versions also have sonorous names. One is called the Formula

of Universal Law; another is the Formula of the Kingdom of Ends. The one on which I shall concentrate is known as the *Formula of the End in Itself*. To understand why Kant thinks that these picturesquely named principles are equivalent to one another takes quite a lot of close and detailed analysis of Kant's philosophy. I shall avoid this and concentrate on showing the implications of this version of the Categorical Imperative.

§23 THE FORMULA OF THE END IN ITSELF

Kant states the Formula of the End in Itself as follows:

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.¹⁵

To understand this we need to know what it is to treat a person as a means or as an end. According to Kant, each of our acts reflects one or more *maxims*. The maxim of the act is the principle on which one sees oneself as acting. A maxim expresses a person's policy, or if he or she has no settled policy, the principle underlying the particular intention or decision on which he or she acts. Thus, a person who decides "This year I'll give 10 percent of my income to famine relief" has as a maxim the principle of tithing his or her income for famine relief. In practice, the difference between intentions and maxims is of little importance, for given any intention, we can formulate the corresponding maxim by deleting references to particular times, places, and persons. In what follows I shall take the terms 'maxim' and 'intention' as equivalent.

Whenever we act intentionally, we have at least one maxim and can, if we reflect, state what it is. (There is of course room for self-deception here—"I'm only keeping the wolf from the door" we may claim as we wolf down enough to keep ourselves overweight, or, more to the point, enough to feed someone else who hasn't enough food.)

When we want to work out whether an act we propose to do is right or wrong, according to Kant, we should look at our maxims and not at how much misery or happiness the act is likely to produce, and whether it does better at increasing happiness than other available acts. We just have to check that the act we have in mind will not use anyone as a mere means, and, if possible, that it will treat other persons as ends in themselves.

§24 USING PERSONS AS MERE MEANS

To use someone as a *mere means* is to involve them in a scheme of action *to which they could not in principle consent*. Kant does not say that there is anything wrong about using someone as a means. Evidently we have to do so in any cooperative scheme of action. If I cash

a check I use the teller as a means, without whom I could not lay my hands on the cash; the teller in turn uses me as a means to earn his or her living. But in this case, each party consents to her or his part in the transaction. Kant would say that though they use one another as means, they do not use one another as *mere* means. Each person assumes that the other has maxims of his or her own and is not just a thing or a prop to be manipulated.

But there are other situations where one person uses another in a way to which the other could not in principle consent. For example, one person may make a promise to another with every intention of breaking it. If the promise is accepted, then the person to whom it was given must be ignorant of what the promisor's intention (maxim) really is. If one knew that the promisor did not intend to do what he or she was promising, one would, after all, not accept or rely on the promise. It would be as though there had been no promise made. Successful false promising depends on deceiving the person to whom the promise is made about what one's real maxim is. And since the person who is deceived doesn't know that real maxim, he or she can't in principle consent to his or her part in the proposed scheme of action. The person who is deceived is, as it were, a prop or a tool—a mere means—in the false promisor's scheme. A person who promises falsely treats the acceptor of the promise as a prop or a thing and not as a person. In Kant's view, it is this that makes false promising wrong.

One standard way of using others as mere means is by deceiving them. By getting someone involved in a business scheme or a criminal activity on false pretenses, or by giving a misleading account of what one is about, or by making a false promise or a fraudulent contract, one involves another in something to which he or she in principle cannot consent, since the scheme requires that he or she doesn't know what is going on. Another standard way of using others as mere means is by coercing them. If a rich or powerful person threatens a debtor with bankruptcy unless he or she joins in some scheme, then the creditor's intention is to coerce; and the debtor, if coerced, cannot consent to his or her part in the creditor's scheme. To make the example more specific: If a moneylender in an Indian village threatens not to renew a vital loan unless he is given the debtor's land, then he uses the debtor as a mere means. He coerces the debtor, who cannot truly consent to this "offer he can't refuse." (Of course the outward form of such transactions may look like ordinary commercial dealings, but we know very well that some offers and demands couched in that form are coercive.)

In Kant's view, acts that are done on maxims that require deception or coercion of others, and so cannot have the consent of those others (for consent precludes both deception and coercion), are wrong. When we act on such maxims, we treat others as mere means, as things rather than as ends in themselves. If we act on such maxims, our acts are not only wrong but unjust: such acts wrong the particular others who are deceived or coerced.

§25 TREATING PERSONS AS ENDS IN THEMSELVES

Duties of justice are, in Kant's view (as in many others'), the most important of our duties. When we fail in these duties, we have used some other or others as mere means. But there are also cases where, though we do not use others as mere means, still we fail to use them as ends in themselves in the fullest possible way. To treat someone as an end in him or herself requires in the first place that one not use him or her as mere means, that one respect each as a rational person with his or her own maxims. But beyond that, one may also seek to foster others' plans and maxims by sharing some of their ends. To act beneficently is to seek others' happiness, therefore to intend to achieve some of the things that those others aim at with their maxims. If I want to make others happy, I will adopt maxims that not merely do not manipulate them but that foster some of their plans and activities. Beneficent acts try to achieve what others want. However, we cannot seek everything that others want; their wants are too numerous and diverse, and, of course, sometimes incompatible. It follows that beneficence has to be selective.

There is then quite a sharp distinction between the requirements of justice and of beneficence in Kantian ethics. Justice requires that we act on *no* maxims that use others as mere means. Beneficence requires that we act on *some* maxims that foster others' ends, though it is a matter for judgment and discretion which of their ends we foster. Some maxims no doubt ought not to be fostered because it would be unjust to do so. Kantians are not committed to working interminably through a list of happiness-producing and misery-reducing acts; but there are some acts whose obligatoriness utilitarians may need to debate as they try to compare total outcomes of different choices, to which Kantians are stringently bound. Kantians will claim that they have done nothing wrong if none of their acts is unjust, and that their duty is complete if in addition their life plans have in the circumstances been reasonably beneficent.

In making sure that they meet all the demands of justice, Kantians do not try to compare all available acts and see which has the best effects. They consider only the proposals for action that occur to them and check that these proposals use no other as mere means. If they do not, the act is permissible; if omitting the act would use another as mere means, the act is obligatory. Kant's theory has less scope than utilitarianism. Kantians do not claim to discover whether acts whose maxims they don't know fully are just. They may be reluctant to judge others' acts or policies that cannot be regarded as the maxim of any person or institution. They cannot rank acts in order of merit. Yet, the theory offers more precision than utilitarianism when data are scarce. One can usually tell whether one's act would use others as mere means, even when its impact on human happiness is thoroughly obscure.

§26 KANTIAN DELIBERATIONS ON FAMINE PROBLEMS

The theory I have just sketched may seem to have little to say about famine problems. For it is a theory that forbids us to use others as mere means but does not require us to direct our benevolence first to those who suffer most. A conscientious Kantian, it seems, has only to avoid being unjust to those who suffer famine and can then be beneficent to those nearer home. He or she would not be obliged to help the starving, even if no others were equally distressed.

Kant's moral theory does make less massive demands on moral agents than utilitarian moral theory. On the other hand, it is somewhat clearer just what the more stringent demands are, and they are not negligible. We have here a contrast between a theory that makes massive but often indeterminate demands and a theory that makes fewer but less unambiguous demands and leaves other questions, in particular the allocation of beneficence, unresolved. We have also a contrast between a theory whose scope is comprehensive and one that is applicable only to persons acting intentionally and to those institutions that adopt policies, and so maxims. Kantian ethics is silent about the moral status of unintentional action; utilitarians seek to assess all consequences regardless of the intentions that led to them.

§27 KANTIAN DUTIES OF JUSTICE IN TIMES OF FAMINE

In famine situations, Kantian moral theory requires unambiguously that we do no injustice. We should not act on any maxim that uses another as mere means, so we should neither deceive nor coerce others. Such a requirement can become quite exacting when the means of life are scarce, when persons can more easily be coerced, and when the advantage of gaining more than what is justly due to one is great. I shall give a list of acts that on Kantian principles it would be unjust to do, but that one might be strongly tempted to do in famine conditions.

I will begin with a list of acts that one might be tempted to do as a member of a famine-stricken population. First, where there is a rationing scheme, one ought not to cheat and seek to get more than one's share—any scheme of cheating will use someone as mere means. Nor may one take advantage of others' desperation to profiteer or divert goods onto the black market or to accumulate a fortune out of others' misfortunes. Transactions that are outwardly sales and purchases can be coercive when one party is desperate. All the forms of corruption that deceive or put pressure on others are also wrong: hoarding unallocated food, diverting relief supplies for private use, corruptly using one's influence to others' disadvantage. Such requirements are far from trivial and frequently violated in hard times. In severe famines, refraining from coercing and deceiving may risk one's own life and require the greatest courage.