

Kantian and Pragmatist Perspectives on the Limits of Human Action: a Comparison

Gabriele Aleandri

In this brief paper I will analyse the concept of “legitimacy” of our actions from Kant’s and the pragmatist’s moral perspectives. I will argue that there is a symmetrical opposition between the two, since Kant is conservative about principles even showing no worries about their application, whereas pragmatists are open to reform principles but careful about the circumstances of their application. After this comparison, I will produce some concrete examples of moral dilemmas where these two perspectives can show their limits and virtues giving us a better account of our right to act or not to act.

Kant’s conception of morals: traditional in the principles and absolute in their application.

Although Kant’s masterpieces are entitled “Critique of Pure Reason” and “Critique of Practical Reason”, the opposition pure/practical has no place in his thought. He conceived *two* genuine oppositions: the opposition pure/empirical and the opposition theoretical/practical. Then, ideally, Kant should have written *four* books: Critique of Pure Theoretical Reason, Critique of Empirical Theoretical Reason, Critique of Pure Practical Reason, Critique of Empirical Practical Reason. But he decided to cut off the second one and third one and to call the Critique of Pure Theoretical Reason simply *Critique of Pure Reason* and the Critique of Empirical Practical Reason simply *Critique of Practical Reason*¹. But why did Kant decide not to write the critique of empirical theoretical reason and the critique of pure practical reason?

For the first one: Kant thought that a reason that is theoretical and empirical at the same time cannot exist, because he excluded that cognitive actions and processes could ever influence the abstract principles by which knowledge is ruled. For the second one there is an even more relevant explanation: Kant thought that, although a pure practical reason undoubtedly exists, it has *no need of being criticized*. The pure practical reason, indeed, concerns the upright contents of human action, that are known by every man in every age and nation: not to kill, not to lie, respect your family, respect your city’s gods, be rightful, not to do to others what you would not

¹ I owe this reconstruction to Sergio Landucci, *Sull’etica di Kant*. Guerini e Associati, Milano 2001.

like to receive, keep promises. As Kant puts it, this is the «fact of morals»: its universal diffusion and millennial success would make ridiculous any attempt to criticize it².

We can easily see how much anti-pragmatist these answers are. The second one is the most relevant because it lets us know the first, paramount difference between Kant and the pragmatists on this topic: he did not believe that *real* innovation, or reform, or debate was possible in ethics, because he was deeply convinced that the history of humankind demonstrates a substantial and unquestionable convergence on the general rules of action. On this side, the side of supreme contents, Kant finds the limits of human action just where the Christian enlightened European monarchies (and, we could say giving him the point, most of pre-modern cultures) do: the limit is the traditional morality. But on the other side – the side of application, the proper side of the second *Critique* – we have a very different situation. When we say that Kantian ethics is absolute, we generally think in terms of emancipation from authorities, but we should also think in terms of *independence from consequences*: once we accept the “fact” that lying is wrong, we should act following this rule wherever it brings us. In this sense, human action has no limits of legitimacy. For example, Kant said once that if I saw a dear friend of mine running away from some killers, and I was asked by them if I have seen where he was going, I would be morally obliged to tell them the truth. This point of view, that stunned Constant³ and astonished idealists, lies on the assumption that we are only responsible to the moral law, that is, for a protestant as Kant was, to our own soul and to God. The substantial irresponsibility towards the world and the society that Kant proudly kept is the consequence of the individualistic inclination of his thought and sensitivity, that marks another important distinction between him and pragmatists. As he often repeated, *fiat iustitia et pereat mundus*: we must follow the moral law even if this causes the end of the world.

The dialectical primate of consequences in pragmatist moral evaluation

From a pragmatist point of view, obviously, the very notion of “an upright decision that makes the world end” risks to be senseless. The maxim that inspires pragmatists on this topic, often repeated by Dewey, is instead the famous quote from Matthew: from their fruits you will know them. However, it would be very superficial explaining this maxim saying that pragmatist ethics is a simple doctrine of goals, because a crucial point of pragmatist teleology is the dialectical awareness that a goal

² This is a big difference between *The Groundwork of Metaphysics of Morals* (1785) and the *Critique of Practical Reason* (1788); while in the first one Kant tried - without success - a deduction of moral contents from pure practical reason (that is, from logic in the largest sense), in the second one he simply accepts the existence of morals and builds a system of application of its laws.

³ Kant I., Constant B., *Il diritto di mentire*. Passigli, Firenze 2008. (from the *Political Reactions* by Constant 1797 and the response *On a Supposed Right to Lie Because of Philanthropic Concerns* by Kant, 1799).

is also the summary of the means employed to reach it. So, from this perspective, defining a course of action good or bad is a complicated evaluation that requires a clear individuation of the problem, a reflection about risks and advantages of the means, and a deep comprehension of the goal and its consequences. In brief, there is not a precise rule that can draw in advance the limits of our legitimacy to act.

Nevertheless, since a complete moral casuistic is no more a possibility, most of pragmatists did not resist making – often implicitly - an effort to find something similar to a *general* practical principle. The specular cases are represented by James and Rorty. In his essay *The Will To Believe*, James claims that the only way to give a sense of our practical life is believing that what we do is a part of an eternal moral history, that allows us to be somehow back out of the power of time and chaos⁴. This is, actually, a more metaphysical principle than a pragmatic one, although it concerns practice: it does not give us any advice about what we should do, except – maybe - a recommendation to prefer regularity to variety as long as it is reasonable. Quite at the opposite, Rorty seems to send, through his works, the message that the only invariant moral topic through different cultures is the sufferance caused by cruelty, and that the principle inspiring our action should be avoiding sufferance to ourselves and to others whatever it takes⁵.

From this variety of positions we can try to adjust pragmatist ethics on our former division between principles and application in this way: the only limit to our legitimacy to act is the coherence between our goals and the means we use to reach them, as long as these means themselves are a synthesis of variety and order in the largest sense. Therefore, the very idea of “legitimacy” ends up being strange from a pragmatist perspective, where there is a strong connection – sometimes identity - between the thesis that we are deeply responsible of our actions and the thesis that we cannot appeal to any invariant moral authority in order to justify what we choose to do; and, in some cases, we can neither appeal to the goodness of our purpose or the accuracy of our means, because they are deeply understandable only together and overall in the context of their realization. So, to Kant’s eyes, as long as we are limited beings, a renounce to find an extra-human moral legitimacy could only mean that we are just constricted by circumstances and necessities, instead that made free by our adherence to moral law; to Dewey’s eyes, for example, it is precisely because there is no universal moral law that we can assign to ourselves the responsibility of our actions. The different conceptions of legitimacy are also different conceptions of freedom: Kant thought that freedom is a special kind of necessity; pragmatists think that freedom is a special kind of contingency.

⁴ «If this life be not a real fight, in which something is eternally gained for the universe by success, it is no better than a game of private theatricals from which one may withdraw at will. But it *feels* like a real fight» (James W., *The will to believe*, 1896).

⁵ This is particularly evident in *Contingency, Irony and Solidarity* (1989).

Moral questions

After this conceptual classificatory exposition, I think that the best way to judge these two different perspectives and to look for a possible synthesis between them is examining their application in our systems of values and in particular in our code of laws.

Let us start with easy cases: the cases that concern the most private interest and the most collective one. About torture, for example, the constitutional order of most liberal-democracies adopts an explicit Kantian position: since torture is a crime against humanity, torturing someone is *always* forbidden, even if the victim is a terrorist who knows the location of an H bomb that could cause an holocaust; we often discover violations of this principle by secret policies, but they remain in the zone of illegal activities. About war, instead, our Parliaments generally adopts a pragmatist perspective, evaluating the coherence between means (use of armies and weapons) and our goal - typically, the maintenance of regional equilibrium; if they adopted a Kantian conception of values ("since war is wrong, we should choose a radical disarmament"), they could expose their countries to terrible risks.

But things can be more difficult, especially when there are contrasting interests. For example, if we consider as human beings all the members of our species, as common sense seems to suggest, we should logically admit that human foetuses are human beings. Then, in a Kantian conception, abortion should be always forbidden, exactly as legitimate defence, death penalty and any other kind of murder. But our legal systems have generally chosen another way: although legitimate defence, death penalty and maybe abortion implies the loss of a human life, that loss can be justified by the gravity of other considerations and interests (for example, the fact that whoever is defending themselves is victim of injustice, the refusal of the community to keep feeding someone guilty of an unforgivable crime, the psychophysical damage caused by an unwilled pregnancy.) Nevertheless, a pragmatist justification of similar compromises has to show a notably internal coherence: when it cannot, moral communities and single agents can choose the Kantian way of applying the same principles in any case – as most European countries, that decided to abolish death penalty in *any* circumstance, and many nations around the world, that felt unsure in making comparison between mother's interests and foetus's right to birth and decided to prohibit abortion often or always.

The hardest cases concern decisions where the contrasting interests are about the same person: for example, the right to live contrasting the right not to suffer. An immediate suggestion would be let the interested person, in this case, decide freely; but the permission to decide freely, although it is sign of a mature society, is an only

legal solution, not a moral one. From a moral perspective, whatever it is, we want to know and evaluate the reasons that implies one decision or another. The case of assisted suicide is, paradoxically, the simplest one, because it concerns the old topic of legitimacy of suicide and the technical one about the deontological status of medical profession (that is, if we can consider suicide a medical service); the first one is – except the crime of instigation to suicide – an argument of pure practical philosophy, since preventing someone from killing themselves is virtually impossible; the second one does not concern specifically our discussion. Indeed, we are in much greater difficulties when a new empirical context changes our definition of terms. Our moral doubts about euthanasia, for example, depend largely from the huge variety of single clinical situations, that swing from quasi-assisted suicide to quasi-interruption of medical care and that would require something like a Kantian casuistic for each case (independently from the legal question of who should use this casuistic: a medical commission, a judge, the patients himself or their family). Lastly, we are completely unprepared to deal with the problems of moral legitimacy raised by biotechnology: most of our casuistic are based on a vague symmetry between nature and moral order that – as long as we continue to need a casuistic – we should revise because of our new transformative powers on nature itself; on the other hand, neither a pragmatist approach is currently enough to rule this radical change, since even the openness to empirical adjustments requires some kind of theoretical shared framework.

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