

MATTHEW C. ALTMAN



KANT

AND APPLIED ETHICS

The Uses and Limits of Kant's
Practical Philosophy

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Preface

For better or worse, Immanuel Kant casts a long shadow over contemporary Western thought. The philosophical and historical importance of Kant's ethics can hardly be overestimated, yet Kant's legacy for the wide variety of issues in applied ethics still has not been fully and fairly appreciated. The admittedly ambitious goal of this book is to look comprehensively at Kant's moral philosophy as it relates to key debates in contemporary applied ethics. By analyzing how we have inherited Kant's ideas, we will not only begin to fulfill the fundamental demand of philosophy – to know ourselves – but we will also examine these issues more carefully and open up unfamiliar possibilities for resolving what can seem like intractable moral problems. I will defend Kantian positions on many of these topics – his emphasis on freedom, dignity, and mutual respect is particularly compelling – but I will also stake out the limits of his practical philosophy, the ways in which Kantian presuppositions lead us astray or restrict our vision by, for example, giving us a distorted picture of moral agency. Thus, *Kant and Applied Ethics* addresses both the strengths and the weaknesses of Kant's ethics, demonstrating the value of his approach for making informed judgments and interrogating the theoretical bases of Kant's theory through the lens of applied ethics.

Of course, it would be foolhardy and historically ignorant for a philosopher to claim that his work is the first or last word on any subject. Kant scholarship is teeming not only with close readers of Kant, but also with such innovative thinkers as Christine Korsgaard, Allen Wood, and Barbara Herman, who are taking Kant's philosophy in new and interesting directions. Furthermore, the controversies that this book addresses – physician-assisted suicide, health-care allocation, abortion, and others – have been and will continue to be hotly debated. What follows, then, is an attempt to begin a series of conversations – among Kant scholars, of course, but also among other philosophers and nonphilosophers – about our Kantian inher-

itances. By coming to grips with Kant's legacy, we will be able to work through these contemporary debates more productively.

Work on this volume started innocently enough, when I began writing an essay on capital punishment without the intention of involving Kant. However, Kant's relevance for the paper quickly became apparent as I considered the unreasonableness of committing ourselves to a system in which innocent people could be (and have been) executed. From that first essay, a series of others followed: on same-sex marriage, corporate responsibility, social justice, and so on. Not coincidentally, the topics of these early papers corresponded to the themes of the annual Conference on Value Inquiry, where versions of several of these chapters were first presented. I delivered talks based on other chapters and parts of chapters at meetings of the North American Kant Society, the Association for Practical and Professional Ethics, and the Northern Illinois Ethics Consortium, as well as the Northwest Philosophy Conference, the International Social Philosophy Conference, and the Inland Northwest Philosophy Conference. I would like to thank the participants at these conferences, especially Patrick Frierson and Ron Wilburn, who presented commentaries on my work, and Sharon Anderson-Gold and Stephen Latham, who referred me to important scholarly sources.

The editors and publishers of three journals have been kind enough to grant permission for me to use previously published material. Versions of chapters 5, 6, and 9 originally appeared, respectively, in *Public Affairs Quarterly*, *Kant-Studien*, and the *Journal of Business Ethics*.

A number of students and former students provided helpful feedback on the manuscript. I am especially grateful to my research assistants: Phillip Downes, whose copious notes prompted weeks of revisions; Casie Dunleavy, whose expertise in applied ethics was an invaluable resource; and Noah Simons and Sofia Bernstein, who spent hours checking sources and proofreading. Ruth Ann Stacy, Human Protections Administrator at Central Washington University, also made several important suggestions regarding the Introduction.

My wife and colleague, Cynthia Coe, has contributed her insights at every stage of the book's production. Cindy has shaped my thinking in countless ways, and she has made me a much better philosopher, writer, and teacher than I otherwise would be.

Finally, I want to thank my parents, Doug and Sheryl, and my sister, Lisa, for their continuing support.

Ellensburg, Wash.
April 2011

M.C.A.

Note on Sources and Key to Abbreviations

Frequently cited works by Kant are referenced in the text parenthetically, using the abbreviations listed below. When available, I have used the standard English translation. Where there is no mention of an English version, the translation is my own. Unless otherwise indicated, italics in quotations appear in the original sources. Works cited only in the notes are given with their full publication information. The complete list of sources is collected in the bibliography.

As is standard in Kant scholarship, references to Kant's writings cite the page numbers of the Royal Prussian Academy edition (*Kants gesammelte Schriften*), which are included in the margins of the translations. At the end of each of the following entries (when applicable), I list the volume number of *Kants gesammelte Schriften* in which the German version appears.

- A *Anthropology from a Pragmatic Point of View* (1798). Trans. Robert B. Loudon. In *Anthropology, History, and Education*. Ed. Günter Zöllner and Robert B. Loudon. Cambridge: Cambridge University Press, 2007. (VII)
- Ak *Kants gesammelte Schriften*. 29 vols. Ed. Deutschen Akademie der Wissenschaften. Berlin: de Gruyter, 1902. References to the Academy edition are given in the form Ak 5:47, indicating volume and page number(s). Where applicable, I have also included the number of the *Reflexion* (R).
- CB *Conjectural Beginning of Human History* (1786). Trans. Allen W. Wood. In *Anthropology, History, and Education*. Ed. Günter Zöllner and Robert B. Loudon. Cambridge: Cambridge University Press, 2007. (VIII)
- CJ *Critique of the Power of Judgment* (1790). Trans. Paul Guyer and Eric Matthews. Ed. Paul Guyer. Cambridge: Cambridge University Press, 2000. (V)

- CPR *Critique of Pure Reason* (1781, 1787). Trans. and ed. Paul Guyer and Allen W. Wood. Cambridge: Cambridge University Press, 1998. (III, IV)
- CPrR *Critique of Practical Reason* (1788). In *Practical Philosophy*. Trans. and ed. Mary J. Gregor. Cambridge: Cambridge University Press, 1996. (V)
- DR *On the Different Races of Human Beings* (1775). Trans. Holly Wilson and Günter Zöller. In *Anthropology, History, and Education*. Ed. Günter Zöller and Robert B. Loudon. Cambridge: Cambridge University Press, 2007. (II)
- G *Groundwork of the Metaphysics of Morals* (1785). In *Practical Philosophy*. Trans. and ed. Mary J. Gregor. Cambridge: Cambridge University Press, 1996. (IV)
- LE *Lectures on Ethics*. Trans. Peter Heath. Ed. Peter Heath and L. B. Schneewind. Cambridge: Cambridge University Press, 1997. (XXVII, XXIX) From this volume, I draw on the lecture notes of J. G. Herder (1762–64) (27:3–78), Georg Ludwig Collins (the *Moralphilosophie Collins*, 1784–85) (27:242–471), and Johann Friedrich Vigilantius (1793–94) (27:479–732).
- LM *Lectures on Metaphysics*. Trans. and ed. Karl Ameriks and Steve Naragon. Cambridge: Cambridge University Press, 1997. (XXVIII, XXIX) From this volume, I draw on *Metaphysik L₁* (mid-1770s) (28:167–350), *Metaphysik Volckmann* (1784–85) (28:355–459), *Metaphysik L₂* (1790–91?) (28:525–610), *Metaphysik Dohna* (1792–93) (28:615–702), and *Metaphysik Mrongovius* (1782–83) (29:747–940). In-text citations of LM refer to the volume and page number of the Academy edition.
- MM *The Metaphysics of Morals* (1797). In *Practical Philosophy*. Trans. and ed. Mary J. Gregor. Cambridge: Cambridge University Press, 1996. (VI)
- OBS *Observations on the Feeling of the Beautiful and Sublime* (1764). Trans. Paul Guyer. In *Anthropology, History, and Education*. Ed. Günter Zöller and Robert B. Loudon. Cambridge: Cambridge University Press, 2007. (II)
- P *Prolegomena to Any Future Metaphysics That Will Be Able to Come Forward as a Science* (1783). Trans. Gary Hatfield. In *Theoretical Philosophy after 1781*. Ed. Henry Allison and Peter Heath. Cambridge: Cambridge University Press, 2002. (IV)
- PP *Toward Perpetual Peace* (1795). In *Practical Philosophy*. Trans. and ed. Mary J. Gregor. Cambridge: Cambridge University Press, 1996. (VIII)

- Rel *Religion within the Boundaries of Mere Reason* (1793). Trans. George di Giovanni. In *Religion and Rational Theology*. Ed. Allen W. Wood and George di Giovanni. Cambridge: Cambridge University Press, 1996. (VI)
- SRL “On a Supposed Right to Lie from Philanthropy” (1797). In *Practical Philosophy*. Trans. and ed. Mary J. Gregor. Cambridge: Cambridge University Press, 1996. (VIII)
- TP “On the Common Saying: That May Be Correct in Theory, but It Is of No Use in Practice” (1793). In *Practical Philosophy*. Trans. and ed. Mary J. Gregor. Cambridge: Cambridge University Press, 1996. (VIII)
- WE “An Answer to the Question: ‘What Is Enlightenment?’” (1784). In *Practical Philosophy*. Trans. and ed. Mary J. Gregor. Cambridge: Cambridge University Press, 1996. (VIII)

Introduction: Why Kant Now

It is ironic that Immanuel Kant's ethical theory is so often accused of formalism, of being too abstract to be relevant for real-life decisions, and yet we appeal to Kantian concepts in almost every important debate in applied ethics. G. W. F. Hegel was the first to claim that the categorical imperative yields only empty tautologies and gives us no guidance without assuming specific facts about the agent's material and historical circumstances. Similar criticisms have been advanced by Max Scheler, Bernard Williams, Annette Baier, and others.¹ Still, Kant's ethics remains a touchstone. His ethical concepts are ingrained in our moral discourse, such that moral reasoning seems only to be possible against the background of Kant's practical philosophy.

As an example, consider the use of human subjects in medical research. The discussion of research ethics began as a response to the atrocities committed by Nazi doctors in concentration camps, and the ethical standards that were subsequently adopted at their trial are known collectively as the Nuremberg Code. In the United States, the mistreatment of human subjects was especially egregious in the Tuskegee syphilis study, where the disease was allowed to progress in a group of African American men even when, in the 1950s, penicillin became widely available and accepted as the standard therapy. Subsequently, the Belmont Report was written in order to identify the basic principles that ought to govern the treatment of human research subjects. Both the Nuremberg Code and the Belmont Report, the two most important documents on the ethics of human subject research, are deeply informed by Kantian principles.

First, for Kant the object of moral consideration and moral judgment is the individual person, whose humanity is distinguished by the ability to

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decide what he or she will do. Unlike animals and other nonrational things, human beings have wills – that is, they are able to choose on the basis of principles, including ethical principles, rather than being entirely motivated by natural desires and impulses (G 412; MM 392). This gives human beings an inherent dignity and incomparable worth. Accordingly, we must treat them as free beings rather than things. We should not deceive or coerce people because that fails to respect their capacity to choose, and we cannot use them merely as means for the achievement of some end, no matter how laudable (G 428–9).

The Nuremberg Code and the Belmont Report both reflect Kant’s focus on the individual agent and respect for personal autonomy. The Belmont Report lists “respect for persons” as a basic ethical principle, claiming that “individuals should be treated as autonomous agents.”² Among other things, this justifies the need for voluntary consent that is listed as the first principle of the Nuremberg Code.³ The forced use of prisoners in experimentation during the Holocaust was morally reprehensible not only because the experiments caused intense pain, disfigurement, and often death, but also because human beings were used as mere instruments for the production of scientific data. The risks and harms were imposed on them without their free and informed consent, which violated the respect they deserved as self-determining agents. As we will see in chapter 7, it is very difficult to specify the conditions of consent, particularly because of Kant’s philosophical assumptions. Nonetheless, it suffices to note at this point that self-determination is a basic goal for Kant, and that it ought to be preserved out of respect for the person.

The Belmont Report notes that people with diminished capacity are especially in need of protection.⁴ Historically, researchers have often targeted vulnerable populations, including unsuspecting and uninformed members of the general public, military personnel, prisoners, the handicapped, and ethnic minorities.⁵ The Tuskegee syphilis study, conducted with impoverished African American men, is a classic case of using such people merely as means. Deceptive practices that were used during the Tuskegee study did not allow the men to make informed decisions. For example, the participants thought that they were undergoing treatment, when in fact they were only being monitored while the disease was allowed to take its course. Lying to patients amounts to choosing for them, in the sense that they are being manipulated into doing something rather than being given the full information necessary to decide for themselves. Thus they are not being respected as people with the capacity to choose. The Belmont Report says that it “show[s] lack of respect for an autonomous agent . . . to withhold information necessary to make a considered judgment.”⁶ In effect, the doctors in the Tuskegee study chose on behalf of the test subjects, deciding to expose them to risks to which they had not consented.

Like Kant, most people distinguish between research on humans and research on animals. Because human beings are rational agents with the capacity to consent, they have an absolute worth that ought to be respected in our treatment of them. By contrast, animals can be used merely as means to promote human welfare, so testing on animals is acceptable if it reduces the danger to humans. The Nuremberg Code states that human subject research should proceed only after the risks have been identified using animal test subjects.⁷ Of course, most people object to the gratuitous suffering of animals,⁸ but generally their necessary sacrifice in medical experiments is thought to be justified – a Kantian idea. Chapter 1 will address whether Kant would approve of such animal suffering to advance human interests, especially if there are alternatives to animal testing that are as effective. Still, humans and animals are not morally considerable in the same way. From a Kantian perspective, then, one of the most disturbing elements of the Tuskegee study is that African American men were treated as lab rats. Their mistreatment reflected a dehumanizing racism that is contrary to mutual respect for autonomous beings.

This dehumanization has two aspects: full informed consent was not sought or secured, and the experiment did not establish acceptable risk levels through animal controls. Even if the patients had consented to the procedure knowing the risks and the benefits, it would not have been enough to ensure that it was a rational, fully autonomous decision. Patients have duties to themselves that would be breached if they were to engage in reckless behavior that threatens their health with little or no benefit. Whether the Tuskegee experiment posed such risks had not been determined by seeing the effects of untreated syphilis on animals, so it would have been wrong even to solicit consent for such an experiment prior to assessing the level of danger on nonhuman subjects.

This is where Kant diverges from the purely liberal model in which informed consent is sufficient for free choice. Without the standard requirement that animals be used to prevent needless harm and suffering for human beings, even informed consent cannot settle the issue of whether the patient is treating himself in accordance with his dignity as a person. Requiring informed consent can only protect the person against being used merely as a means by others. Legal restrictions on how we treat others can set the stage so that people are not used in this way, but a person could still choose wrongly and consent to things that he should not. Consent on its own is only a necessary condition for autonomous self-determination. Free choices must also be rational, manifesting a commitment to right principles.

When Kant says that a choice must be free, he means that it must be made based on reasons that are justifiable to others, not based on inclinations that a particular person happens to have. If I decide to participate in a dangerous and worthless experiment because I like to spend time with

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lab technicians, that risks something that has absolute worth, my very self, for the sake of satisfying a desire that is specific to me. Kant claims that, despite my consent, such an action cannot be right because the moral law must constrain rational beings universally and necessarily. My decision must be shareable by all rational beings if it is to be autonomous – that is, based on reason rather than what I happen to want – and only then is it morally permissible. Kant formulates this principle as the first version of the categorical imperative, the formula of universal law, which states that one should not adopt a subjective principle of action (maxim) that one cannot also will as a universal law (G 421). That is, I should not do something that depends on others acting differently; I cannot make an exception of myself (G 424).

In the ethics of human subject research, the importance of universalizability manifests itself as a concern for fairness. Researchers are asked to put themselves in the position of the human subjects. The Nuremberg Code takes this literally when it comes to experiments that pose substantial risks to test subjects: such experiments are prohibited “except, perhaps, in those experiments where the experimental physicians also serve as subjects.”⁹ Although the categorical imperative is not equivalent to the golden rule, they share the insight that when one acts, one must put oneself in the place of those who are being affected. If the researchers were test subjects, what information would they expect or want to have in order to make an informed decision? Is it absolutely necessary to mislead the subjects in order for the experiment to be successful? Would knowing the information make the subject less likely to participate? In short, is the deception justifiable, or does it amount to a kind of coercion? These sorts of questions are routinely asked by institutional review boards.

According to Kant, we have moral duties to all people by virtue of the fact that they are rational moral agents. We should refrain from thwarting others’ capacity to act, but we should also help them to achieve their purposes (G 430). Hence, we have a duty of beneficence in addition to the duty of nonmaleficence. The Belmont Report lists beneficence as the second ethical principle governing research on human subjects, from which it follows that harms must be minimized, benefits must be maximized, and the benefits must outweigh the risks. Although testing on human subjects is supposed to benefit society as a whole (by providing new knowledge), “the risks and benefits affecting the immediate research subject will normally carry special weight.” Typically, the test subject himself must benefit from the treatment, unless the value of the test for society is so great that risks to the subject are justified. But even then, the test can only proceed on the condition that “the subjects’ rights have been protected.”¹⁰ In other words, the person can be treated as a means, but not *merely* as a means (G 428–9). Thus, the Kantian demand that we respect the dignity of persons

also implies that we should not expose test subjects to extreme risks regardless of the benefits: according to the Nuremberg Code, “no experiment should be conducted where there is an *a priori* reason to believe that death or disabling injury will occur.”¹¹

It is also important that the risks be equitably distributed. Justice is the third and final principle adopted under the Belmont Report, and it implies that, in the selection of test subjects, researchers must not target a specific population because they are more easily pressured into participating. The Tuskegee study was not only wrong because of the use of deceptive practices, but it was also unjust because it exclusively targeted poor black men. People who are in a vulnerable position because of social or physical circumstances should not bear the burdens of research unfairly while more advantaged populations receive the benefit. It is contrary to the spirit of the categorical imperative that some people should be treated differently from others because of something such as their race, which is irrelevant to their humanity.¹² According to Kant, what matters is a person’s capacity to act rationally: to set and pursue ends, and to be able to act on the basis of (moral) principles. Prisoners, the poor, and ethnic minorities have a dignity that ought to be respected, and they should not be used as test subjects “solely for administrative convenience, or because they are easy to manipulate as a result of their illness or socioeconomic condition.”¹³

The ethics of research on human subjects is only one example of Kant’s continuing presence in contemporary moral issues. The concepts of autonomy, dignity, fairness, and duty arise over and over again in issues as diverse as physician-assisted suicide, animal rights, same-sex marriage, and corporate ethics. These concepts are central to our common moral vocabulary, whether we are professional philosophers or not.

This book is an attempt to appreciate the full scope of Kant’s relevance for the various fields of applied ethics, both the power of Kantian concepts and their limitations. There are three major sections. In the first part, I use Kant’s philosophy to analyze several important topics in medical and environmental ethics. The second section shows that Kant’s moral theory yields positions that contradict Kant’s own stated views; Kantian insights are preserved at the expense of Kant’s culturally specific prejudices. Finally, in the third part, I explore some of the problems with Kant’s theory, and specifically how Kantian concepts have limited its application when it comes to some contemporary moral issues.

With this overall structure, the arc of *Kant and Applied Ethics* moves from the practical usefulness of Kant’s ethics to what may be called a disenchantment with some of his theory’s basic assumptions. Kant’s moral framework has deeply shaped the major ethical debates of Western society, and we should recognize that influence in order to assess its continuing

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legitimacy. Much of what Kant has to tell us about the importance of autonomy and fairness should continue to guide our moral deliberations, as it does in the field of research ethics. However, this should not foreclose a critical examination of the theory's limitations. As we will see, many of Kant's conclusions and even some of his primary concepts need to be challenged and revised. This study of Kant's philosophy is not only a historical exercise, to get clear about what Kant said and to demonstrate his relevance for applied ethics, but it is also an exercise in self-scrutiny in which we come to evaluate – sometimes positively, sometimes negatively – the Kantian concepts that we have internalized.

Each chapter of the book focuses on a particular area of moral controversy in applied ethics. In chapters 1 and 2, I examine Kant's relevance for evaluating our treatment of animals and the environment. Kant's philosophy is a paradigm case of anthropocentrism: only human beings (or, more specifically, rational beings) are directly morally considerable. Attempts have been made to modify Kant's strict position, a kind of "Kantianism" (broadly construed) rather than an application of Kant's own theory. However, I will show that, if we follow the letter of Kant's position, we can nonetheless justify the advancement of animal welfare and numerous environmental protections. Kant has a lot to contribute to environmental ethics. Most importantly, his contributions are more likely to speak to us given our enduring anthropocentrism – which, of course, is also one of Kant's legacies.

In chapter 3, I turn to bioethics and the issue of health-care distribution. On both moral and political grounds, Kant's ethics justifies health care as a basic right that is necessary to support people's capacity to set and pursue ends. The corresponding duty we have extends not only to our fellow citizens but beyond our borders. We ought to support health-care initiatives in other countries as well.

Chapter 4 addresses more personal issues in bioethics, including physician-assisted suicide, the refusal of life-saving medical treatment, and organ donation. Here the basic question concerns patient autonomy and which actions best accord with our capacity for self-determination. Physician-assisted suicide and the right to refuse treatment are often considered paradigm cases in which a person ought to have the freedom to choose to die. However, Kant's philosophy shows how a restriction of people's freedom in these cases actually sustains their autonomy. Furthermore, while it is true that people should not be forced to donate their organs, a public policy in which people would be required to "opt out" of donating – that is, a policy that assumes people's consent, unless they say otherwise – is more conducive to morally permissible action. In chapter 4, then, we see the contours of Kant's conception of autonomy and the difference between acting reasonably and acting capriciously.

Chapters 5 and 6 focus on very different topics: capital punishment and same-sex marriage. What the chapters share is a deep distrust of Kant's own conclusions on these issues. I argue that, if Kant is to be consistent, he ought to condone same-sex marriage and prohibit use of the death penalty. With regard to the death penalty, the possibility of wrongly convicting someone of a capital offense means that we cannot be duty-bound to fulfill the law of retribution. We should not administer death as a punishment because we know that we may inadvertently kill the innocent. In chapter 6, I show that, if we disregard Kant's failed condemnation of homosexuality as "unnatural," then same-sex marriage must be recognized as an important institution to ensure that homosexual couples can have a healthy and fulfilling sex life while continuing to respect one another's personhood.

Beginning with chapter 7, I begin to stake out the limitations of Kant's theory. I examine mail-order marriages as a case study in why Kant cannot adequately understand how coercive social conditions affect personal responsibility (chapter 7); I demonstrate that the reasonableness of some maxims depends on their interpretation in a social context, which validates something like Hegel's formalism charge (chapter 8); I show that Kant's theory of moral subjectivity cannot make sense of collective responsibility, which limits his relevance for business ethics (chapter 9); and I explain how Kant's approach to the problem of abortion is philosophically inadequate and leads to the kind of stalemate that we face in the abortion debate today (chapter 10). These last four chapters test Kant's theory of subjectivity (the criteria of personhood) as well as his focus on the rational individual who is, in principle, separate from a community of deliberators.

Covering so many topics in one book means that each one cannot receive as much attention as it deserves. I am especially brief in discussing the public policy implications of my ethical analyses. Still, each chapter provides an important insight into both Kant's moral theory and the different areas of applied ethics. It becomes clear that Kant's philosophy provides a compelling model of moral discourse and moral value that helps us to resolve many charged ethical debates. There are reasons why Kant's theory has had such a lasting impact and why his philosophical assumptions remain (for the most part) our own assumptions. However, we will also discover that working within a Kantian framework in some cases stifles progress on important moral issues.

This book has two major aims. First, it is an attempt to rethink some of the major ethical debates in the West. Kant's philosophy deeply informs our moral thinking, so examining his approach to various topics in applied ethics will help us to reflect on and evaluate our own positions. My hope is that understanding Kant's ideas in more complex ways will allow us to deploy them differently and, where those ideas limit our thinking, to consider alternatives.

The book's second, related, aim is to defend Kant as far as he can be defended, and no further. Kant's critics are wrong to reject his philosophy outright as overly rule-based or inflexible, as dismissive of nonrational beings such as animals and nature, or as incapable of addressing complex moral issues. Nonetheless, over the course of this book, it will become clear that Kant's moral philosophy has its limitations. We will discover that Kant's almost exclusive focus on the individual agent as the subject of moral responsibility and the object of moral duties, and his failure to appreciate the extent to which social and historical circumstances affect what we are obligated to do, reveal themselves to be untenable premises on which to base a moral philosophy. As alternatives, toward the end of the book I briefly explain how Hegelianism and communitarianism may be particularly well suited to resolve some of the problems left to us by Kant.

Thus, *Kant and Applied Ethics* not only shows how to apply Kant's ideas to practical issues. It also uses a study of these practical issues to show the limits of Kant's theoretical assumptions. As we will see, a careful study of Kant's practical philosophy inspires us to move beyond the strict confines of Kantian moral theory, to embrace what we can of Kant but to be clear that doing ethics and applied ethics amounts to more than a simple exegesis of Kantian ideas.

Notes

- 1 See Max Scheler, *Formalism in Ethics and Non-Formal Ethics of Values: A New Attempt toward the Foundation of an Ethical Personalism*, 5th rev. edn., trans. Manfred S. Frings and Roger L. Funk (Evanston, Ill.: Northwestern University Press, 1973); Bernard Williams, *Moral Luck: Philosophical Papers 1973–1980* (Cambridge: Cambridge University Press, 1981), and *Ethics and the Limits of Philosophy* (Cambridge, Mass.: Harvard University Press, 1985); and Annette C. Baier, *Moral Prejudices: Essays on Ethics* (Cambridge, Mass.: Harvard University Press, 1994).
- 2 National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, "The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research" (1979), Part B, ohsr.od.nih.gov/guidelines/belmont.html. Another important document in research ethics, the Declaration of Helsinki, also emphasizes the incomparable value of the autonomous subject: "It is the duty of physicians who participate in medical research to protect the life, health, dignity, integrity, right to self-determination, privacy, and confidentiality of personal information of research subjects" (World Medical Association, *Declaration of Helsinki: Ethical Principles for Medical Research Involving Human Subjects* (1964), Article 11, www.wma.net/en/30publications/10policies/b3/index.html).
- 3 "The voluntary consent of the human subject is absolutely essential" (*Trials of War Criminals before the Military Tribunals under Control Council Law No.*

10: *Nuremberg, October 1946–April 1949* [Nuremberg Code] [Washington, D.C.: Government Printing Office, 1949], 2:181). The requirement that test subjects give full informed consent is central to all of the most important documents in research ethics: not only the Nuremberg Code, but also the Belmont Report (Part C), the Declaration of Helsinki (Articles 24–9), and the 1971 guidelines issued by the U.S. Department of Health, Education and Welfare (later the Code of Federal Regulations [CFR], Title 45, Subtitle A, Part 46) (§46.116), www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.htm.

- 4 “The Belmont Report,” Part B. See also the Declaration of Helsinki, Article 9, and the CFR, Title 45, Subtitle A, Part 46, §46.111.
- 5 Famous (or infamous) examples include, respectively, the “Green Run,” when radioactive materials were released from the Hanford nuclear facility in Washington state (1949); a series of experiments performed by the U.S. Army’s Chemical Warfare Service, in which thousands of military trainees were exposed to mustard gas (1942–45); project MK-ULTRA, in which the CIA administered hallucinogenic drugs to prisoners (early 1950s–late 1960s [or later]); the Willowbrook hepatitis study, in which healthy, mentally disabled children were injected with the hepatitis virus (1963–66); and the Tuskegee syphilis study, in which researchers allowed the disease to progress in a group of African American test subjects (1932–72).
- 6 “The Belmont Report,” Part B.
- 7 “The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study that the anticipated results will justify the performance of the experiment” (*Trials of War Criminals before the Military Tribunals* [Nuremberg Code], 2:181). See also the Declaration of Helsinki, Article 12, and the CFR, Title 45, Subtitle A, Part 46, §46.204a, which specifically recommends that studies on pregnant animals precede studies on pregnant women.
- 8 Although the Declaration of Helsinki enumerates principles governing human subject research, it also states in passing that “the welfare of animals used for research must be respected” (Article 12).
- 9 *Trials of War Criminals before the Military Tribunals* (Nuremberg Code), 2:182.
- 10 “The Belmont Report,” Part C.
- 11 *Trials of War Criminals before the Military Tribunals* (Nuremberg Code), 2:182.
- 12 Kant himself struggled with this, as we will see in chapter 8.
- 13 “The Belmont Report,” Part C.

Part I

Applying Kant's Ethics

Kant's practical philosophy continues to speak to us for a number of reasons. His emphasis on autonomy in ethics and personal freedom under the law resonates with modern liberalism. The absolute worth of humanity restricts how we can be treated by others and how we can treat ourselves, and employing this idea avoids some of the pitfalls of rival ethical theories such as utilitarianism. Kant also gives a compelling argument for why moral constraints must apply to everyone equally in similar circumstances.

One of the purposes of this book is to demonstrate the usefulness of Kant's moral and political theories, and to show that they do not yield only empty tautologies. A moral concern for autonomy and the value of persons has important implications for environmental ethics and medical ethics. As we will see in chapters 1 and 2, Kant does not believe that animals and the environment are morally considerable in their own right, but he does justify their protection by appealing to the value of humanity. Despite his anthropocentrism, or even because of it, Kant is an ally in the defense of animal welfare and environmental conservation.

Chapters 3 and 4 focus specifically on personal autonomy in an effort to address some issues in bioethics from a Kantian perspective. First, I claim that Kant's practical philosophy warrants our commitment to universal health care. We must support others' existence as rational beings and preserve civil society, so we are obligated, morally and legally, to support their health by providing a basic level of care. Then, in chapter 4, I apply Kant's theory to physician-assisted suicide, the refusal of life-saving medical treatment, and the procedures for consenting to donate organs. Valuing patient autonomy does not mean that patients can do whatever they want as long