# SO22 Kant AC

#### The meta-ethic is constitutivism.

#### First, inescapability – the exercise of practical rationality requires that one regards it as intrinsically good – that justifies a right to freedom.

Wood [Allen W. Wood, (Stanford University, California) "Kantian Ethics" Cambridge University Press, 2007, https://www.cambridge.org/core/books/kantian-ethics/769B8CD9FCC74DB6870189AE1645FAC8, DOA:8-12-2020 // WWBW]//rct st

Kant holds that the most basic act through which people exercise their practical rationality is that of setting an end (G 4:437). To set an end is, analytically, to subject yourself to the hypothetical imperative that you should take the necessary means to the end you have set (G 4:417). This is the claim that you rationally ought to do something whether or not you are at the moment inclined to do it. It represents the action of applying that means as good (G 4:414) – in the sense of “good” that Kant explicates as: what is required by reason independently of inclination (G 4:413). Kant correctly infers that any being which sets itself ends is committed to regarding its end as good in this sense, and also to regarding the goodness of its end as what also makes application of the means good – that is, rationally required independently of any inclination to apply it. The act of setting an end, therefore, must be taken as committing you to represent some other act (the act of applying the means) as good. In doing all this, however, the rational being must also necessarily regard its own rational capacities as authoritative for what is good in general. For it treats these capacities as capable of determining which ends are good, and at the same time as grounding the goodness of the means taken toward those good ends. But to regard one’s capacities in this way is also to take a certain attitude toward oneself as the being that has and exercises those capacities. It is to esteem oneself – and also to esteem the correct exercise of one’s rational capacities in determining what is good both as an end and as a means to it. One’s other capacities, such as those needed to perform the action that is good as a means, are also regarded as good as means. But that capacity through which we can represent the very idea of something as good both as end and as means is not represented merely as the object of a contingent inclination, nor is it represented as good only as a means. It must be esteemed as unconditionally good, as an end in itself. To find this value in oneself is not at all the same as thinking of oneself as a good person. Even those who misuse their rational capacities are committed to esteeming themselves as possessing rational nature. It also does not imply that a more intelligent person (in that sense, more “rational”) is “better” than a less intelligent one. The self-esteem involved in setting an end applies to any being capable of setting an end at all, irrespective of the cleverness or even the morality of the end setting. Kant’s argument supports the conclusion, to which he adheres with admirable consistency throughout his writings, that all rational beings, clever or stupid, even good or evil, have equal (absolute) worth as ends in themselves. For Kantian ethics the rational nature in every person is an end in itself whether the person is morally good or bad.

#### Second, value theory – the existence of extrinsic goodness requires unconditional human worth.

Korsgaard (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) OS \*bracketed for gen lang\* //rct st

The argument shows how Kant's idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that when a rational being makes a choice or undertakes an action, he or she [they] supposes the object to be good, and its pursuit to be justified. At least, if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends (G 45-46/427-428 and Doctrine of Virtue 43-44/384-385). In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness. Kant considers what this might be: it cannot be an object of inclination, for those have only a conditional worth, "for if the inclinations and the needs founded on them did not exist, their object would be without worth" (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. So, Kant asserts, the unconditionally valuable thing must be "humanity" or "rational nature," which he defines as "the power set to an end" (G 56/437 and DV 51/392). Kant explains that regarding your existence as a rational being as an end in itself is a "subjective principle of human action." By this I understand him to mean that we must regard ourselves as capable of conferring value upon the objects of our choice, the ends that we set, because we must regard our ends as good. But since "every other rational being thinks of his existence by the same rational ground which holds also for myself' (G 47/429), we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves. Treating another as an end in itself thus involves making that person's ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize them. For this reason it is our duty to promote the happiness of others-the ends that they choose-and, in general, to make the highest good our end.

#### Third, regress – we can always ask why we should follow a theory, so they aren’t binding because they don’t have a starting point. Practical reason solves – When we ask why we should follow reason, we demand a reason, which concedes to the authority of reason itself, so it’s the only thing we can follow.

#### Fourth, consequences fail – A) Induction Fails – You only know induction works because past experiences have told you it has, but that is in itself a form of induction, so you use induction to prove induction – that’s circular B) Is-Ought Fallacy – Naturalistic frameworks fail to derive an imperative to act. That is, even if you win pleasure biologically valuable, your framework doesn’t answer why we have a moral obligation to follow biology without appealing to a higher-order framework. C) The Darwinian Dilemma – if evolution has shaped our moral beliefs, that means that moral truths are at best contingent – if we had just evolved differently, we would have different moral beliefs – our beliefs are not necessarily true but are conditioned on our circumstances. Evolutionary pressures favor survival, not moral correctness, meaning our aversion to pain is entirely biological. If evolution fails, we have to reject naturalist frameworks

#### We have a unified perspective – If I say that 2+2=4, I understand not only that I know that 2+2=4, but that everyone around can arrive at the same conclusion too because they create practical syllogisms to justify their conclusion. But, willing a maxim that violates the freedom of others is a contradiction – that’s bad.

Engstrom, Stephen (Professor of Ethics at UPitt). “Universal Legislation As the Form of Practical Knowledge.” <https://ld.circuitdebater.org/w/images/8/89/Engstrom_-_Universal_Legislation_as_a_Form_of_Practical_Knowledge.pdf> rct st

Given the preceding considerations, it’s a straightforward matter to see how **a maxim of action that assaults the freedom of others with a view to furthering one’s own ends results in a contradiction when we attempt to will it as a universal law** in accordance with the foregoing account of the formula of universal law. **Such a maxim would lie in a practical judgment that deems it good on the whole to act to limit others’ outer freedom, and hence their self-sufficiency, their capacity to realize their ends, where doing so augments, or extends, one’s own outer freedom and so also one’s own self-sufficiency.** In this passage, Kant mentions assaults on property as well as on freedom. But since property is a specific, socially instituted form of freedom, I have omitted mention of it to focus on the primitive case. Now on the interpretation we’ve been entertaining, **applying the formula of universal law involves considering whether it’s possible for every person—every subject capable of practical judgment—to share[s] the practical judgment asserting the goodness of every person’s acting according to the maxim in question.** Thus in the present case the application of **the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom**. Since here **all persons are on the one hand deeming good both the limitation of others’ freedom and the extension of their own freedom,** while on the other hand, insofar as they agree with the similar judgments of others, **also deeming good the limitation of their own freedom and the extension of others’ freedom, they are all deeming good both the extension and the limitation of both their own and others’ freedom.**

#### Only a collective will that can have power over individuals can guarantee the enforcement of good maxims. Thus, the standard is consistency with the omnilateral will.

#### Dependence on others restricts the ends you can set and pursue, which is an inherent wrong because your choices are not your own.

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The second problem, however, is specific to public right. The condi- tion of public lawgiving, including lawgiving that makes the acquisition of property binding on others, and lawgiving that makes rights to external objects of choice enforceable, is a united will. Although the united will is itself an idea of reason, we saw in Chapter 7 that the state can only make arrangements for a person that that person could have agreed to, consis- tent with his or her rightful honor. Anything that could not be the object of agreement cannot give rise to enforceable private rights, including en- forceable property rights.16

Kant’s central claim is that the dependence of one person upon an- other inherent in private charity is inconsistent with those people sharing a united will. In private right, people can only make arrangements for themselves that are consistent with their rightful honor; in public right, the state can only create an arrangement between people that is consistent with it. An arrangement in which one person’s entitlement to use any- thing is entirely left to the discretion of others is inconsistent with rightful honor, so it could not give rise to enforceable rights. Therefore, the only way that property rights can be made enforceable is if the system that makes them so contains a provision for protecting against private depen- dence.

Kant’s argument that discretion is inconsistent with people sharing a united will echoes Rousseau’s argument in The Social Contract that ex- tremes of poverty and wealth are inconsistent with the people giving themselves laws together.17 Where Rousseau is sometimes taken to be making a factual claim, Kant is plainly making a normative one: a social world in which one person has the rightful power of life and death over another is inconsistent with those persons sharing a united will, even if the situation came about through a series of private transactions in which neither did the other wrong. Kant’s approach also contrasts with Fichte’s. For Fichte, institutions to provide for the poor are a precondition of poor people’s being members of the social contract at all.18 Without such insti- tutions, poor people are outside the contract, and so entitled to help themselves to the property of others. Kant does not discuss this formula- tion of the argument, but his general rejection of a private right of neces- sity provides grounds for either rejecting it or construing it in a very spe- cific way. Kant rejects the supposed right of necessity on the grounds that a person cannot acquire a right based on his or her specific circumstances. As we will see in Chapter 10, in certain limited cases, circumstances are potentially relevant to the state’s claim to punish the violation of a right. That analysis can only apply provided that there is a genuine violation.

For all the reasons that there is no duty to make one’s means available for the purposes of another, there can be no private right to avail oneself of another person’s person or property, for such a right would entail a cor- relative duty. Fichte’s argument about exemption from the social contract seems to suggest that the possibility of enforceable rights depends on cir- cumstances. Kant’s own arguments focus not on the possibility of exemp- tion, but rather on the fundamental presuppositions of a united will.

The problem is specific to property, because if property rights are not enforceable, each person is at liberty to help himself to whatever he wants, and so to what he needs. It may turn out that a person cannot meet his needs in a state of nature, but the ability to use external objects of choice to meet them is a natural matter, not subject to the choice of another. By contrast, once property rights are enforceable, the ability to use external objects that are not your own is subject to the choice of others. This is not always a problem, but it is in the special case in which a person’s entitle- ment to use her own person is subject to the choice of another. Since your ongoing purposiveness just is your person, your right to use your own person to secure your own person’s continued purposiveness depends on another. This dependence is not simply a function of the particularity of another person’s choices about how to use her means. Instead, it is also a function of the united will, which makes property rights enforceable and so gives her the right to decide how they will be used. A free person could not authorize a situation in which his or her entitlement to set and pursue purposes could be entirely subject to the choice of another. The omnilateral will’s power to make law is restricted by the laws the people could give themselves; they could not authorize a situation in which some are completely beholden to the choice of another.19

Although Kant does not put the point in these terms, a spatial formula-tion of the argument makes it more vivid. If all land is privately held, then any person who does not own land would only be entitled to be anywhere at all with the permission of the person who did own the land. The innate right to occupy space, which is the basis of all further rights, would be totally surrendered in such a situation. We saw in the last chapter that the spatiality of private property requires that there be roads joining any two parcels of land, and various other forms of public space are certainly pos- sible. The possibility of walking the King’s Highways, as beggars did in Britain in earlier centuries, is no solution for people lacking land, because, as we also saw, blocking a public road is inconsistent with public right. If private owners are entitled to exclude from their land, and nobody is al- lowed to live on public highways, the poor could find themselves with no place to go, in the sense that they would do wrong simply by being wher- ever they happened to be. They would be entirely subject to the choice of those who owned land. Free persons lack the moral power to join with others to give themselves laws that create such a possibility, even if there were reasons to think it unlikely it would ever happen. The person who is entirely dependent on the grace of another to occupy space, or to use physical objects, is not merely lacking in self-determination, or somehow on the losing end of the bargain that makes up the social contract, having perhaps given up more than he gained. The contract cannot be repre- sented as a bargain that the parties enter into in the expectation of advan- tage, and the poverty-stricken person as opting out because it is not ad- vantageous enough. Instead, the person who can only occupy space with the permission of others has no capacity to set and pursue [their] own pur- poses. As such, the person in need is like a slave, and the contract creating such a situation is, like a slave contract, incoherent.

The spatial version of the problem illuminates actual cases of poverty and need because the juridical significance of biological survival is that it consists in a person’s keeping control of his or own person. Death, as such, is of no direct significance to right; your own person, like every- thing else, is subject to natural deterioration. But if another person is enti- tled to determine whether you will maintain control of your own person, you are subject to that person’s choice in exactly the same way as the per- son who cannot occupy space except through the grace of another. Each is entirely subject to the choice of another.

The spatial version of the problem also illustrates its systematic structure: those who have no place to go without the permission of another are not merely frustrated in the pursuit of some specific purpose, not even the purpose of self-preservation. All property rights prevent people from doing things that they might have otherwise been free to do, because a property right entitles the owner to determine how the object in question will be used. The sort of factual dependence that is thereby created raises no issues of right. Poverty, as Kant conceives it, is systematic: a person cannot use his or her own body, or even so much as occupy space, with- out the permission of another. The problem is not that some particular purpose depends on the choices of others, but that the pursuit of any purpose does.20 If all purposiveness depends on the grace of others, the dependent person is in the juridical position of a slave or serf.

#### Insurance must be public – private options fail because you would still be dependent on a private entity, even if they were regulated.

Tobis (Jacob R. Tobis, Claremont McKenna College; Degree in philosophy, 5-9-2011, accessed on 8-28-2022, Scholarship @ Claremont, "Theories of Justice to Health Care", https://scholarship.claremont.edu/cmc\_theses/181/) //phs st

Rather than rely on other people and lose one‟s independence, each person in need must rely on the public authority. Ripstein claims that a system of private rights without a public authority is morally incoherent32. The conceptual requirements of private right33 cannot be satisfied without a public authority entitled to make, apply, and enforce laws.

The reason this public authority can perform these actions while private parties cannot is that the public state is given omnilateral authorization34. The people share a united will, which is necessary before creating laws and a state together. Nozick believes that the relation between individuals and the state should be no different than the relation between private parties. The Egalitarian believes that relations between private parties should be structured specifically to secure what is needed for equal distribution. Between the two, it seems the only options for redistribution rests on either “that Earth belongs to everyone in common or that private rights are tools for achieving the desired outcomes”35. If this were the case, Kant, and therefore Ripstein, would be forced to oppose redistribution but Ripstein explains that the state is not just another private actor. Instead, the state must act to ensure a rightful condition where the private rights of private persons remain intact. The state must have the structure to bind all by it so it can rightfully claim to speak and act for everyone across time36.

Although there is an ethical duty to give to charity, there is no obligation to do so. Further, dependence on private charity is inconsistent with its benefactor and beneficiary sharing the united will that is needed to live together in a rightful condition37. The beneficiary is dependent on the choice of the benefactor. It is the state that must play the role that the benefactor would have.

Results of Rightful Condition

As mentioned earlier, Ripstein claims poverty presents a problem. If you are poor, you cannot be independent from other persons. Society and the state must be set up so that everyone can be free. This includes, among other things, the need for a basic level of health care provided for all. Without such a provision, some will be forced to be dependent on others. A slave and someone who can only be sustained if others share their property with him are similar in that neither is free because each depends on others and does not have the means to set his own ends. Health care and support for the poor are only rightful conduct because it is required for a rightful condition. If they were not needed to secure independence, they would not be required under Ripstein‟s theory because his rightful condition requires securing independence and nothing more. Without such actions taken by the state, private persons are dependent on other private persons. This would mean that they are not free. A mandate to protect public health directly follows from the state‟s mandate to see to its own preservation38. Ripstein appeals to the Libertarian by explaining, “Rather than starting with an image of paternalistic government, charged with making people happy, and then introducing a list of exceptions, the Kantian account shows that the public use of power is only legitimate in the service of individual freedom”39.

#### Private companies fail – even if they are not consequentially abusive, the action of dependence is still inherently wrong.

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The problem of private dependence on charity is institutional, because it is a consequence of the creation of enforceable property rights. So any solution to it must also be institutional, in order to make enforceable rights consistent with all citizens sharing an omnilateral will. Moreover, the institutions in question are not private institutions, but rather public omnilateral ones that make the right to exclude rightful by protecting against dependence. Rather than either creating private charitable foun- dations or depending on voluntary associations of religious people to provide for needy members of the community, Kant argues that support for the poor must be provided through taxes.22 Taxes do not enter to fill whatever gap might remain should either charitable foundations or reli- gious groups fail in their mandate. The point instead is that depending on such organizations is inconsistent with the basis in right for a duty to support the poor. Endowed foundations are inconsistent because, as Kant puts it, it is better that each generation takes care of its own poor; among those who share a general will, those who have property must provide for those who lack it. Religious organizations are rejected for a further reason: from the standpoint of right, religious organizations must be con- sidered purely private, and the fulfilling of religious obligations must be understood as instances of people pursuing purely private purposes. Whether the purpose of following religious edicts is to improve the chances of salvation, or whether religion is understood (in a more Kan- tian way) as a private association whose members unite to strengthen themselves in relation to the moral law, Kant supposes that the key to reli- gion is the way in which it structures an individual person’s adoption of particular ends. Kant also writes that the state must keep an eye on reli- gious organizations, because they claim to respond to an authority higher than the state that may conflict with it.23 Such a claim requires close su- pervision because, again, no matter how philanthropic its ends, the role of a religious organization is fundamentally private, rather than being public in the ways in which a system of public right is necessarily public. Be- cause of their private nature, religious responses to charity remain mired in problems of dependency, even if, when successful, they enable people to become independent. Here, as everywhere else, the result alone is not sufficient; the means used to pursue it must be consistent with rights, and, Kant argues, dependency is never consistent in that way.