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## **Kant and Virtue**

### **Abstract**

This paper argues the case for the centrality of virtue in Kant's ethics. It argues that Kant has plenty to contribute to the normative turn away from utilitarian and deontological ethics, with increasing emphasis coming to be placed upon agents and the sorts of lives they lead rather than upon atomic acts and the rules for making choices, even less upon the consequences of such acts. The paper argues that although Kant has been understood as a deontologist pure and simple, Kant sought not to turn away from virtue, but to place virtue ethics on a more secure foundation. In recovering Kant's conception of virtue, this paper argues that Kant sought to build an ethical theory based not just on rules but upon agents and the kinds of lives they lead. The paper argues that Kant's great achievement is to have created a moral theory which, in paying close attention to both the life plans of moral agents and to their discrete acts, combined rule ethics and virtue ethics.

### **Introduction**

In recent years, as awareness of the inadequacies of utilitarian and deontological ethics has grown, there has been a turn to normative theories whose primary focus is on persons rather than decision-making and consequences. The revival of virtue ethics has been an important part of this normative turn, with the emphasis coming to be placed upon agents and the sorts of lives they lead rather than upon atomic acts and the rules for making choices, even less upon the consequences of such acts. The proponents of virtue ethics thus differentiate their normative approach from the two dominant forms of modern ethics — utilitarianism and deontologism. In this normative turn, the characters of agents and their morally relevant traits matter more than laws of obligation.

In this paper, I argue that Kant's work on virtue has been ignored and underdeveloped, with the dominant emphasis coming to be placed on his deontological rules ethic. Recovering Kant's conception of the virtues goes somewhat towards correcting the Hegelian and communitarian view that sees Kant's morality as an empty formalism. I will argue that Kant sought to build an ethical theory based not just on rules but upon agents and the kinds of lives they lead. Kant, that is, is a virtue philosopher; his ethics therefore pay close attention to both the life plans of moral agents and to their discrete acts. This paper aims to establish that Kant's great achievement was to have created a moral theory which combined rule ethics and virtue ethics.

I start by addressing the criticisms that have been made of Kant from communitarian and Hegelian perspectives. For these critics, Kant is a deontologist pure and simple. I then go on to present what Kant actually writes about virtue, showing not only Kant's high estimation of virtue but the centrality of virtue to Kant's practical ethics.

I then move on to argue that Kant's position on the good will offer clear evidence of an agent-centred ethics as against the merely act-centred ethics for which Kant is criticised. I argue that it is significant that Kant, whose philosophy is most frequently identified with the doctrine of formal duty, proceeds with a judgment of the highest good, not with a statement about what we ought to do.

I argue that virtue is at the core of Kant's ethics and, as such, is the foundation of all judgments of moral worth. However, I go on to argue that this is defined in accordance to the moral law, the supreme principle of morality. I therefore argue that Kant combines the emphasis upon agency and long-term characteristic behaviour which characterises virtue ethics with rules and duties concerning discrete acts and decisions.

I argue that viewing Kant as a virtue theorist requires a re-interpretation of what Kant means by a maxim. Further, I argue that the doctrine of morally necessary ends in *The Doctrine of Virtue* offers the clearest evidence for the centrality of virtue in Kant's ethical position. My argument is that in arguing for freely chosen ends which are morally necessary, Kant succeeds in balancing free choice with the obligation to obey the moral law. In arguing that agents have a duty to adopt certain ends, Kant is able to combine virtue and rule ethics. Against Rawls, who argues for the priority of the right over the good, it is clear that Kant holds a conception of the good which is much more than subjective individual preference. Autonomy is set within universality.

The final section establishes the connection between virtue and the highest good. I argue that Kant's notion of the good is directly connected with virtue, his ethical theory thus assessing not merely discrete acts but most of all agents' characters and ways of life. The moral law enjoins us to transform society to realise the highest good, the highest good being a final purpose towards which we are obliged to strive. I therefore conclude that Kant's achievement is to have combined both rule ethics and virtue ethics to develop an ethical position that is more than the sum of both.

## Kant and his Communitarian Critics

It would appear at first glance that Kant has nothing to offer the contemporary recovery of virtue ethics. Indeed, as the first moral theorist to place a non-derivative conception of duty at the centre of the philosophical stage and the first to establish a non-consequentialist decision procedure through his universalisability test, Kant can be considered the philosopher most responsible for the turn away from virtue ethics in the first place. On this reading, Kant is the first and the greatest philosopher of deontology. (This may be true, but there is much more to Kant than this, as will be argued shortly.) Further, whilst contemporary communitarian philosophers such as Michael Sandel are attempting to reinstate the warm, affective ties of individuals within community, Kant is associated with Enlightenment efforts to emancipate the individual from such ties and from the pull of traditions and communities. Kant's universalistic conception of morality is considered asocial and ahistorical for this reason, a deficiency which Hegel sought to remedy in his conception of *Sittlichkeit*.

There are, then, conceptual as well as historical reasons as to why Kant is considered by virtue theorists to be a, and maybe even *the*, principal target for their criticism. In arguing that only actions done 'from duty' possess moral worth and exhibit a good will (Kant GMM 1991:62/5; 1956:84 85 37/8; DV 1964:50 52/3 R 1960:25), Kant has been criticised by both neo-Kantians (Rawls) and anti-Kantians (Sandel) for being indifferent to ends. Sandel, indeed, presents the 'libertarian' alternative to utilitarianism in distinctly Kantian terms, proceeding to repudiate it thoroughly:

If rights don't rest on utility, what is their moral basis? Libertarians offer a possible answer: Persons should not be used merely as means to the welfare of others, because doing so violates the fundamental right of self-ownership. My life, labor, and person belong to me and me alone. They are not at the disposal of the society as a whole...

.... however, the idea of self-ownership, consistently applied, has implications that only an ardent libertarian can love—an unfettered market without a safety net for those who fall behind; a minimal state that rules out most measures to ease

inequality and pro mote the common good; and a celebration of consent so complete that it permits self-inflicted affronts to human dignity such as consensual cannibalism or selling oneself into slavery.

Sandel 2009: 104

Sandel recognises that this is contrary to Kant's position. But it nevertheless remains possible to develop such a conception of autonomy from Kant's view that individuals should be treated as ends in themselves and never merely as means. However, this is a distortion of Kant's position. Kant's key principle is universality, not autonomy. Kant is not a libertarian.

As Sandel rightly points out, Kant's account of rights and duties 'does not depend on the idea that we own ourselves, or on the claim that our lives and liberties are a gift from God. Instead, it depends on the idea that we are rational beings, worthy of dignity and respect. (Sandel 2009: ch 5).

Sandel proceeds to present Kant as a deontologist, opposed to utilitarianism (maximising welfare) and to virtue theory, (allocating goods to reward and promote virtue). Instead, Sandel argues, Kant connects justice and morality via a 'demanding' idea of freedom. Since empirical considerations, such as interests, wants, desires, and preferences, are variable and contingent, they cannot serve as the basis for universal moral principles—such as universal human rights. For Kant, we arrive at the supreme principle of morality, the moral law, through the exercise of "pure practical reason." Kant's argument is based on the close connection between our capacity for reason and our capacity for freedom. Every person is worthy of respect as an end, and not merely as a means, not on account of self-ownership of life, labour and person, but on account of being rational beings. This capacity for reason means that we are also autonomous beings, capable of acting and choosing freely. (Sandel 2009 ch 5).

But human beings are sentient creatures as well as rational ones, responding to the senses. Bentham was right to observe that human beings like pleasure and dislike pain, but wrong to argue that these are "our sovereign masters." For Kant,

reason can and ought to be sovereign. When reason governs our will, we are using our distinctive capacity to achieve freedom, setting us apart from obeying appetite in a mere animal existence.

To act freely, in Kant's conception, is to act autonomously according to a law that is self-given, rather than to the dictates of nature or social convention. Kant's autonomy contrasts with heteronomy. To act heteronomously is to act according to determinations external to the person – natural and social. So to act freely is not to choose the best means to a given end but to choose the end itself, for its own sake (Kant GMM 1991: 453/4). On account of the distinctive capacity for reason, this is a choice that human beings can make, unlike those things which are a matter of physical causality and biological imperatives

Sandel thus proceeds Kant as presenting a deontological rules ethics in which the moral worth of an action consists not in the consequences of that action, but in the intention from which the act is done. 'What matters is the motive, and the motive must be of a certain kind. What matters is doing the right thing because it's right, not for some ulterior motive.' (Sandel 2009: 112/3).

Sandel is correct, insofar as he goes. As Kant writes: "A good will is not good because of what it effects or accomplishes." A good will is good in itself, whether or not it prevails. "Even if . . . this will is entirely lacking in power to carry out its intentions; if by its utmost effort it still accomplishes nothing . . . even then it would still shine like a jewel for its own sake as something which has its full value in itself. Its usefulness or fruitfulness can neither add to, nor subtract from, this value." (Kant 1991: 61)

So it would appear that Sandel is on safe ground when he presents Kant in terms of a deontological rules ethics. For Kant, to act 'from duty' is to act out of respect for the moral law rather than from inclination or from expectation of desirable consequences (GMM 1991:66). Kant's view seems clear. In the words of communitarian philosopher Alasdair MacIntyre: 'In Kant's moral writings we have reached a point at which the notion that morality is anything other than obedience to rules has almost, if not quite, disappeared from sight'. (MacIntyre 1981:219. Cf. 42,112.

This is a charge with which anyone acquainted with Hegel will be familiar. Hegel criticised Kant's morality as an 'empty formalism' which is incapable of generating an 'immanent doctrine of duties' (PR para 135R). For Hegel, Kant's pure motive of duty becomes a 'preaching' of 'duty for duty's sake' providing no content or direction of action (PR para 135R). For Hegel, Kant's purely formal standard of universality cannot generate substantive social and political prescriptions and is therefore unable to provide an 'immanent doctrine of duties'.

Against the abstract or external Kantian morality of duty, formalised as a morality of rules and codes, Hegel's *Sittlichkeit*, or ethical life, offers an embodied morality that proceeds within a thick welter of institutions and relations of 'concrete freedom' (PR para 260). Whilst Kant offers morality as a set of formal practices and procedures, Hegel's ethical life is rooted in the very fabric of the community, in its way of life, building up to the universality of the state (Wood 1990:206). Hegel's state achieves the unity of individuals not out of self-interest but out of a solidaristic sense of community (Avineri 1972:134). In contrast to the Kantian self-determination of the will, Hegel relates the will to the proper objects of its activity (Smith 1991:122). Hegel's distinctive claim in this respect is that the duties of the individual form part of the rational social order, achieving freedom not from the institutional fabric of human life, but freedom through it (PR para 149). Whereas the central preoccupation of contemporary political thought and action is the winning and retaining of rule through an appeal to the self-interest of an atomised and passive electorate, Hegel's state is rooted in corporate bodies within society, not within its own *potestas publica* alone as with the French republic. Through the conception of the 'democratic corporation' – comprising churches, municipal and regional governments, and other civil institutions – mediating between citizen and the state (MacGregor 1998:132), Hegel's state does not impose universality from the outside but is internally related to civil society. *Communitas* 'grows organically within civil society itself' (Avineri 1988:171). This fabric 'is my own objectivity, in the true sense, which I fulfil in doing my duty: in doing my duty, I am with myself and free' (PR para 133A).

From this perspective, it would seem clear that Hegel rather than Kant offers more to those attempting to develop a virtue ethics relevant to the modern age. (I argue precisely this in my doctoral thesis *Marx and Rational Freedom* 2001).

For Hegel, Kant's pure motive of duty can never produce the good since it is abstracted from the real desires, interests, and needs of real individuals. There is simply no way of bracketing out the characters of the agents in the way that seems to be required by Kant. Instead, Hegel demands that the good be made an integral part of the everyday empirical life of individuals. Here, Hegel follows Aristotle's conception of a virtue as an intelligent disposition to behave in certain ways and act for certain reasons through feeling pleasure or pain at certain things (Hegel PR para 150R; Aristotle NE 1980:35/9). For Hegel, this Aristotelian virtue transcends Kant's dualism of duty and inclination.

Aristotle determines the concept of virtue more precisely by distinguishing a rational aspect of the soul from an irrational one; in the latter nous [reason] is only *dynamai* [potentially] - sensations, inclinations, passions, emotions apply to it. In the rational side, understanding, wisdom, reflectiveness, cognizance all have their place. But they do not constitute virtue, which consists only in the unity of the rational with the irrational side. We call it virtue when the passions (inclinations) are so related to reason that they do what reason commands.

Hegel HP 1968:204

The current normative turn, involving virtue ethics, is going in the way of Hegel against Kant, or against the Kant who is a deontologist and no more. Philippa Foot singles out Kant for particular criticism in being one of the key philosophers whose 'tacitly accepted opinion was that a study of the topic [of the virtues and vices] would form no part of the fundamental work of ethics'. (Foot 1978: 1).

On this reasoning, far from having anything to contribute to virtue ethics, Kant is the philosopher who is deemed most responsible for philosophy's subsequent neglect of virtue. In treating agents in abstraction from character, Kantian moral

philosophy stands charged with not only misrepresenting persons but also morality and practical deliberation (Williams 1981: pp. 14, 19.)

In fine, Kant's deontological rule ethics perspective is considered by a large body of philosophical opinion to be primarily responsible for the abandonment of agent-centred ethics. I myself have argued strongly for the superiority of Hegel's embodied social ethics in this respect, whilst at the same time pointing out that Hegel's criticism of Kant's 'duty for duty's sake' (PR para 135R) is a half-truth. (Peter Critchley *Marx and Rational Freedom* 2001: 98). There is more to Kant than an 'empty formalism'. The criticisms of Kant in this respect are valid only if the categorical imperative is identified with the Formula of Universal Law, emphasising the universality of its form. Whilst Kant's morality is formal, it is not empty. Contrary to the claims of communitarian and virtue theorists, Kant is not indifferent to ends. The categorical imperative to treat humanity as an end and never as a means puts some 'non-heteronomous teleological flesh' upon 'the bare bones of universality' (Riley 1982:49). Kant's standard of universalisation is not left adrift but is instead attached to an ethic which imposes the duty upon each to treat all others with the respect they expect to receive in return. This has practical implications, ruling out all those institutions and practices which treat human beings as means to external ends.

I would therefore argue that Kant's deontological rule ethics can *in the very least* accommodate a virtue ethics, and may even presuppose some such ethics. That this could be taken to be a striking claim suggests that Kant has been read too one-sidedly as a proponent of a rule ethics. Kant took a keen interest in virtue. It should be remembered that Kant wrote a substantial work entitled *The Doctrine of Virtue* (1964).

### **Kant on Virtue**

*The Doctrine of Virtue* is the key text which supports the interpretation of Kant's philosophy as a practical ethics. The work forms the second part of Kant's *Metaphysics of Morals* and represents the culmination of the work on the ethical questions with which Kant had been grappling with for years.

Despite being central to Kant's work, *The Doctrine of Virtue* has been neglected since it was written. In giving this work the critical attention it merits, contemporary Kantian philosopher Gary Banham is laying the foundation for a major reinterpretation of Kant, at long setting Kant in his true light. Banham defines Kantian virtue as a combination of teleology with perfectionism. In the prefatory material to *The Doctrine of Virtue*, Kant makes the clear case for viewing ethical considerations in terms of teleological standards that involve an orientation towards perfectionism. Kant contrasts the Doctrine of Right with the Doctrine of Virtue and comments:

The doctrine of right dealt only with the *formal* condition of outer freedom (the consistency of outer freedom with itself if its maxim were made universal law), that is, with **right**. But ethics goes beyond this and provides a *matter* (an object of free choice), an **end** of pure reason which it represents as an end that is also objectively necessary, that is, an end that, as far as human beings are concerned, it is a duty to have. (Ak. 6:380)

Gary Banham spells out precisely what this means:

The distinction between the treatment of right and that of virtue involves two different elements. First, whilst the treatment of right is concerned only with *formal* conditions, the treatment of virtue concerns *matters* of choice or objects of choice. Second, the treatment of right is purely in relation to outer freedom but since the treatment of virtue is related to the activity of choice of objects for the will it must include within its province inner freedom or the setting of ends. This concentration on ends is constitutive of the treatment of virtue. It marks Kant's ethics as teleological.

Banham 2006:181/2

This distinction between right and virtue highlights what is wrong in Sandel's presentation of Kant as a deontologist for whom all that matters is 'the motive of duty'. It also spells out what is wrong with Rawls' procedural

(re)interpretation of Kant as concerned with right rather than good. There is more to Kant than right, rules and duty for duty's sake. Kant repudiates the utilitarian happiness principle in terms which make it clear that for Kant good and virtue are closely connected. The 'principle of *personal happiness*' is 'the most objectionable'

not merely because it is false and because its pretence that well-being always adjusts itself to well-doing is contradicted by experience; nor merely because it contributes nothing whatever towards establishing morality, since making a man happy is quite different from making him good and making him prudent or astute in seeking his advantage quite different from making him virtuous; but because it bases morality on sensuous motives which rather undermine it and totally destroy its sublimity, inasmuch as the motives of virtue are put in the same class as those of vice and we are instructed only to become better at calculation, the specific difference between virtue and vice being completely wiped out.

Kant GMM 1991: 103

Basing morality on interests and preferences destroys its dignity. In arguing that utilitarianism doesn't teach us how to distinguish virtue from vice, "only to become better at calculation," Kant makes it clear that his concern is with more than right but with virtue as connected with the good. Yet, commenting on this passage, Sandel has Kant repudiate utilitarianism because 'it doesn't teach us how to distinguish right from wrong' (Sandel 2009 ch 5). To repeat, Kant is explicitly referring to virtue, not to right, bracketing virtue with the good.

Gary Banham's achievement is to have established the Doctrine of Virtue in closer relation to the Doctrine of Right so as to provide a unitary conception of Kant's practical doctrine related to the key notions of his critique of morality and presentation of ethics proper (Banham 2006: 211).

The reasoning proceeds thus. In setting out his ethical position, Kant is necessarily concerned with purposes, but not purposes as such, only particular types of purpose,

namely purposes that it is a duty to have. In describing ethics as 'the system of the *ends* of pure practical reason' (Ak. 6:381), Kant makes it clear that ends that are also duties are the province of the account of virtue. This statement makes it clear that Kant understood his 'treatment of moral philosophy in his critical works is no more than a propaedeutic to the discussion of ethics proper, a discussion conducted necessarily in terms of ends.' (Banham 2006: 182). This does not mean that ends are treated as a pre-existent given to which the categorical imperative is expected to adapt. There was such an adaptation of the principles of morality to ends in the Doctrine of Right, with an allowance that ends could be selected according to whatever principle a person wished, so long as these ends in execution conformed to a general rule of conduct. The situation is different with respect to ethics. In ethics 'the *concept of duty* will lead to ends and will have to establish *maxims* with respect to ends we *ought* to set ourselves' (Ak. 6:382). 'So the categorical imperative has to enable us to think of how to connect the concept of duty with that of an end in general.' (Banham 2006 182).

Banham's book is a substantial piece of work that recovers the practical orientation of Kantian ethics. It sets Kant's deontological rule ethics within a teleology of perfectionism which enables us to recover and highlight the centrality of virtue in Kant's ethics.

That Kant's high estimation of virtue has been overlooked is mystifying, given the extent to which expressed himself so clearly, so many times on the matter.

Among moral attributes true virtue alone is sublime.

Kant 1965: 57

[I]t is only by means of this idea [of virtue] that any judgment as to moral worth or its opposite is possible . . .

Kant CPR 1982 A 315/B 372

But all good enterprises which are not grafted on to a morally good attitude of mind are nothing but illusion and outwardly glittering misery.

UH Reiss ed 1996:49

For Kant, then, whatever is not based on morally good disposition is merely pretence and glittering misery.

It should not be too difficult, then, to argue for the relevance of Kant to the contemporary recovery of virtue ethics. Indeed, I would argue strongly that a proper understanding of Kant on this issue would serve to strengthen virtue ethics markedly. I argued earlier with respect to the Socratic tradition that Kant's great achievement lies in redeeming the highest philosophical ideals of antiquity within the modern terrain. This view applies also to virtue.

The best work in this area has been done by Onora O'Neill. O'Neill responded immediately to MacIntyre's criticisms of Kant in *After Virtue*. In 'Kant After Virtue' (1984), O'Neill argues in the most forthright terms that 'what is not in doubt... is that Kant offers primarily an ethic of virtue rather than an ethic of rules'. (O'Neill 1984: 397. Cf. 396) That is a strong statement. Warner Wick also stresses the prominence of virtue in Kant's moral philosophy, but not in such strident terms as O'Neill and the way she asserts virtue against rules (Wick 1983).

There is no necessary reason why a rule ethic and a virtue ethic should be mutually exclusive alternatives in Kant. In response to criticisms from a certain Professor Garve, Kant spells out his position clearly, identifying duty with virtue.

I had provisionally designated the study of morals as the introduction to a discipline which would teach us not how to be happy, but how we should become worthy of happiness. Nor had I omitted to point out at the same time that man is not thereby expected to *renounce* his natural aim of attaining happiness as soon as the question of following his duty arises; for like any finite rational being, he simply cannot do so. Instead, he must completely *abstract* from such considerations as soon as the imperative of duty supervenes, and must on no account make them a *condition* of his obeying the law prescribed to him by reason. He must indeed make every possible conscious effort to ensure that no *motive* derived from the desire for

happiness imperceptibly infiltrates his conceptions of duty. To do this, he should think rather of the sacrifices which obedience to duty (i.e. virtue) entails than of the benefits he might reap from it, so that he will comprehend the imperative of duty in its full authority as a self-sufficient law, independent of all other influences, which requires unconditional obedience.

Kant TP Reiss ed 1996: 64

My argument is that we do not need to choose between rules or virtue and that Kant's morality is able to combine both equally.

The most salient characteristic of virtue ethics is its strong agent orientation. In virtue ethics, the *primary* object of moral evaluation is the agent, not the intentional act or its consequences. Virtue ethics proceeds from the notion of the morally good person. This person is not defined in terms of performing obligatory acts ('the person who acts as duty requires') or end-states ('the agent who is disposed to maximise utility through his acts'). Rather, whether acts are right or wrong is determined according to what the good agent would or would not do. Ends are considered worthy or unworthy according to what the good agent would or would not aim at. It follows from this that virtue ethics is based on a conceptual shift in which 'being' receives greater prominence than 'doing'. Virtue ethics is thus an agent-ethics rather than an act-ethics. The character of the agent rather than the act and its consequences are the primary focus. Where virtue theorists are concerned with the character of agents and the kinds of lives they lead, act theorists focus on discrete acts and are therefore more concerned with formulating decision procedures for making practical choices.

Agent ethics and act ethics also advance different views with respect to moral motivation. Moving away from rules as guiding acts and consequences of acts, the same act comes to be evaluated differently according to the motivations of the agent. The agent who acts from dispositions of friendship, courage or integrity is held to be morally higher than the person who performs the same acts but from other motives, whether with respect to utility or consequences. Character and kinds of life matter. The difficulty of any attempt to read Kantian ethics as a

virtue ethics *as such* becomes apparent here. Kant is on both sides of the divide, as a duty-based or deontological theorist, whose preferred motivation factor is respect for the idea of duty itself, duty being done for the sake of duty, and as a virtue theorist whose preferred motive is neither duty nor utility but the virtues themselves. (Kant 1959, 9, Ak. 393.) That Kant is able to reconcile duty and virtue testifies to his achievement in ethics. I want to develop Kant's moral position by reference to the good will, the maxims, morally necessary ends and the relation between virtue and the good.

### **The Good Will**

Kant builds his moral position on a conception of 'character' linked to the need for 'the good will':

It is impossible to conceive anything at all in the world, or even out of it, which can be taken as good without qualification, except a *good will*. Intelligence, wit, judgement, and any other *talents* of the mind we may care to name, or courage, resolution, and constancy of purpose, as qualities of *temperament*, are without doubt good and desirable in many respects; but they can also be extremely bad and hurtful when the will is not good which has to make use of these gifts of nature, and which for this reason has the term '*character*' applied to its peculiar quality.

Kant GMM 1991:60

Kant continues that 'power, wealth, honour, even health and that complete well-being and contentment with one's state which goes by the name of '*happiness*' produce only 'boldness' and even 'over-boldness', 'unless a good will is present by which their influence on the mind—and so too the whole principle of action—may be corrected and adjusted to universal ends' (Kant GMM 1991:60). Kant therefore concludes that 'a good will seems to constitute the indispensable condition of our very worthiness to be happy.' (Kant GMM 1991:60).

Kant's position on the good will would seem to offer clear evidence of an agent-centred ethics as against an act-centred ethics. This contradicts the familiar view of

Kant as a rules-centred deontologist. Robert Paul Wolff remarks that it is 'noteworthy that the philosopher most completely identified with the doctrine of stern duty should begin, not with a statement about what we ought to do, but rather with a judgment of what is unqualifiedly good'. (Wolff 1973: 56-7.) Further, it is clear that what counts as unqualifiedly good for Kant is not some end-state like pleasure or the performance of certain discrete acts in conformity to rules, but a condition of 'character' forming the basis for all of a person's actions. Thus, the question of 'the good will' can never be answered with certainty given the opacity of our intentions. Instead, it is necessary to look beyond discrete acts and decisions and instead assess the lives that agents live. For Kant, a person cannot be 'morally good in some ways and at the same time morally evil in others'. (Kant 1960: 20.) Likewise, a person cannot exhibit a good will in one instance and an evil in another. A steadfastness of character must be apparent at all times.

It follows from Kant's assertion of the unqualified goodness of the good will that agents rather than acts must be fundamentally important in his ethical position. This begs the question of the relationship of 'good will' to virtue. In *The Doctrine of Virtue*, the *Tugendlehre*, Kant defines virtue (*Tugend*) as 'fortitude in relation to the forces opposing a moral attitude of will in us'. (Kant DV 1964: 38, Ak. 380.) A good will is one which constantly acts from the motive of respect for the moral law. As natural beings, however, human beings always possess urges and inclinations which may lead them to act contrary to reason. Human wills are therefore in a perpetual state of tension. It follows from this that the virtuous agent is one who, on account of his or her 'fortitude', is able to resist and rise above those natural urges and inclinations which are opposed to the moral law. This 'fortitude' is strength (*Starke*) or force (*Kraft*) of will, (Kant DV 1964: 49-50, Ak. 389, 54/393, 58/397, 66/4114, 70—1/408—9; Kant 1974: 26-7, Ak. 147; Kant 1963: 73.) not in terms of the ability to accomplish the goals one sets out to achieve, but in terms of achieving mastery over one's inclinations and constancy of purpose. (Kant 1959 10, Ak. 394.)

Whilst some wills are better than others, only a holy will, with no wants that are contrary to reason, possesses an absolutely good will. Kant thus concludes that 'human morality in its highest stages can still be nothing more than virtue'. (Kant 1964: 41, Ak. 382.; CPR 1956, 86-7, Ak. 84-5; Kant 1959: 30-1, Ak. 414.)

Given the inherent conflict in human wills, virtue is only an approximation of the good will. Kant's virtuous agent is therefore a human approximation of a good will who, through strength of mind, continually acts out of respect for the moral law while nevertheless being subject to the presence of those natural inclinations which could lead him to act from other motives.

Having established the good will as the only unqualified good for Kant, and having defined virtue as the human approximation to the good will, one can conclude that moral virtue is foundational for Kant, and not a concept of merely derivative or secondary importance, as it is in a strictly deontological theory. Kant expresses himself very clearly in favour of a morally good disposition: 'But all good enterprises which are not grafted on to a morally good attitude of mind are nothing but illusion and outwardly glittering misery.' From this perspective, 'the essence of [Kant's] moral philosophy is quite different from what it has commonly been supposed to be, for on the basis of this enquiry one must conclude that it is the concept of the good will that lies at its foundation'. (Harbison 1980: 59.)

However, Kant's philosophy cannot be read as a virtue ethics alone. There is little to be gained from bending a stick that has gone too far in one direction, too far back in the other direction. There is much more to Kant's ethical position than this rules versus virtue antagonism. Kant defines both the good will and virtue in terms of obedience to moral law; they are both wills which conform to the moral law and act out of respect for the moral law. In beginning with the good will, Kant is attempting to discern 'the supreme principle of morality'. This is the categorical imperative. Which means that if virtue is defined in terms of conformity to the moral law and the categorical imperative, then it follows that, after all, it is obedience to rules that is primary in Kantian ethics, not virtue. There is, however, a sense in which this is to divide Kant's ethical position from within, creating a false antithesis which forces us to choose between duty for duty's sake or virtue for virtue's sake. My argument is that neither position captures the essence of Kant's ethical position.

As the basis for all judgments of moral worth, virtue constitutes the heart of the ethical in Kant's view. However, Kant goes on to define this virtue according to the

moral law, the supreme principle of morality. Virtue ethics places the emphasis upon agency and long-term characteristic behaviour rather than discrete acts and decision procedures for moral quandaries. However, what matters most of all for Kant is that moral agency acts consistently out of respect for the moral law, not merely in terms of following specific rules for specific acts, but in the more fundamental terms of the person guiding his or her whole life out of respect for rationally legislated and willed law.

It is now possible to see where the difficulty in interpretation lies. Kant's ethical position is subtle, profound and genuinely ground breaking. Kant is able to accommodate both rules and virtue and thereby avoid the simplistic either/or positions both his advocates and his critics adopt. In subordinating virtue to the moral law, Kant *seems* clearly to be a deontological obedience-to-rules theorist, pure and simple. Except there is nothing simple about Kant's position at all. Kant advocates obedience to rules not in the empty, thin, duty for duty's sake manner for which he is criticised, and for which virtue theorists routinely castigate rule ethics. That's how Kant *can* be interpreted – and has been interpreted – but this is not Kant's fully developed position. Rather, Kant is beyond this antithesis of rule ethics and virtue ethics in setting virtue in relation to the moral law to define obedience in the broader, richer sense of living a life in accordance with reason. Kant's conception of the good will thus combines agent and rule so that the virtuous agent is one who consistently 'follows the rules' out of respect for the idea of rationally legislated law. But whilst 'the rules' do indeed serve as guides to action, they are conceived by Kant most fundamentally as guides to life. Kant is concerned with the character of agents and the kinds of lives that agents lead.

### **Maxims as Underlying Intentions**

Viewing Kant as a virtue theorist requires a re-interpretation of what Kant means by a maxim. (O'Neill 1984: Hoffe 1979: pp. 90-2.) Kant's curt definition of a maxim is as a 'subjective principle of volition'. (Kant, *Foundations*, 17, Ak. 401, n. 1; 38/420, n. 8). From this it follows that a maxim is a policy of action which a particular agent adopts at a particular time and place. Since the principle is subjective rather than objective, it fits the agent's own intentions and interests. If we interpret Kant's maxims as the agent's specific maxims for discrete acts, we proceed inexorably to

the rule interpretation of maxims, a maxim as a rule which prescribes or proscribes a specific act. This is what O'Neill is determined to reject, arguing instead that 'it seems most convincing to understand by an agent's maxim the *underlying intention* by which the agent orchestrates his numerous more specific intentions' (O'Neill 1984: 394).

If, following O'Neill, we interpret Kant's maxims as underlying intentions rather than as specific intentions, then the path is cleared for an interpretation of Kant's ethics as a virtue ethics. For the underlying intentions of an agent are inextricably bound up with the sort of person the agent is and the kind of life the agent lives. And the kind of person an agent is clearly depends upon what virtues and vices an agent possesses. In contrast, the specific intentions of an agent are not always an accurate guide to the kind of person that agent is 'deep down inside'. Both O'Neill and Hoffe emphasise this connection between underlying intentions and being a certain sort of person. (O'Neill, 1984: 395; Hoffe 1979: 91).

Kant cautions us against understanding virtue as a 'mere aptitude (*Fertigkeit*) or ... a long-standing habit (*Gewohnheit*) of morally good actions'. (Kant 1964: 41-2, Ak. 383, 69/407). Here, Kant is concerned to emphasise that human virtue is a valuable but precarious achievement of pure practical reason. To preserve it, we must be constantly on our guard against heteronomy and empirical inclinations. It has to be regretted here that, in making these points, Kant engages in a criticism of Aristotle which sees little of positive value in Aristotle's own virtue ethics and, frankly, profoundly misunderstands Aristotle. Kant may well be closer to Aristotle on this point than he himself realises.

Kant conceives virtue to be more than a mechanical habit, something one acquires through repeated practice, but as a state of character determined by a rational principle. Most of all, Kant wants to secure the definition of virtue as a moral disposition 'armed for all situations' and 'insured against changes that new temptations can bring about'. (Kant 1964 42, Ak. 383). As has been argued above, Kant did not seek to return to or reproduce the philosophical ideals of antiquity but to realise them on a distinctively modern terrain. And here, it is clear that Kant is attempting not to recover the virtue ethics of antiquity, a nostalgic project doomed to failure, but to define a conception of virtue which is appropriate to the modern age, a

virtue which is equipped to deal with the atomisation of modern society and the concomitant breakdown of communities, solidarities and institutions. Kant's sensitivity to understanding virtue as the cultivation of habits is explained by his awareness of the human capacity for self-deception and rationalisation. This possibly explains why he misunderstood Aristotle so badly, believing that Aristotle himself had argued for virtue as mechanical habit. Emphasising that the good will is the achievement of pure practical reason, Kant has no truck with a view which invites a degeneration into mechanical habits.

### **The Doctrine of Morally Necessary Ends**

The clearest evidence for the centrality of virtue in Kant's ethical position is provided by his doctrine of morally necessary ends in *The Doctrine of Virtue*. (Kant 1964, Introduction, Section 3, 'On the Ground for Conceiving an End which is at the Same Time a Duty'.) Here, Kant argues that all acts have ends, since action (by definition) is a goal-directed process. Ends, however, are objects of free choice. Kant recognises that human beings have many desires, wants and inclinations which are biologically and/or culturally imposed, and therefore that nearly all ends adopted are also objects of desires, wants and inclinations. However, since we cannot be forced to make anything an end of action unless we ourselves choose to, it follows that our ends, ultimately, are chosen. Individuals can and do renounce even the biological desire for life in certain circumstances. The Socratic tradition in philosophy originates from the life and death of Socrates as an example of moral choice which transcends natural determinism. Since the adoption of ends is a matter of free choice, Kant reasons, they are a matter of pure practical reason rather than of natural inclination.

So how does Kant balance free choice with the obligation to obey the moral law? Kant argues for freely chosen ends which are morally necessary. Agents therefore have a duty to adopt certain ends. It is clear that Kant holds a conception of the good which is more than subjective individual preference. Kant is not neutral on the good, a view which leaves individuals free to define the good as they see fit. This being the case, individualist liberals could easily denounce Kant's notion of free choice as illiberal. Kant seems to be distinguishing individual conceptions of the good from a singular

conception of *the* good as given by the moral law and discerned by reason, placing the latter on a much more exalted plain than the former. This runs entirely against the neo-Kantian position defined by the likes of John Rawls, who argues explicitly for the priority of right over the good (Rawls 1971:30/3 446/52). Rawls defines his project as 'Kantian Constructivism in Moral Theory' . (KCMT: The Dewey Lectures Journal of Philosophy, 9, 1980:517/71) and argues that his conception of justice as fairness derives from 'a procedural interpretation of Kant's concepts of autonomy and the categorical imperative' (Rawls 1971:256). However, this procedural appropriation loses much of what was crucial to Kant. Rawls argues for the fairness of political institutions in terms of the right to autonomy resting upon the principle of procedural justice. Rawls, therefore, has no need to enter the more difficult area of evaluating substantive concepts of the good and the moral in politics. He, like any political institutions he proposes, can express no preference and can offer no justification for any such preference. Whereas, for Kant, morality establishes the realm of freedom, for Rawls, morality is merely instrumental in the distribution of primary goods, essentially nonmoral goods. Rawls' procedural interpretation of Kant is therefore a misinterpretation. Kant's core principle is not autonomy, but universality.

The neo-Kantian position which argues for the priority of the right over the good falls far short of Kant's own position. For reasons given above, Kant allows us to have both right and the good, rules and virtue. Kant consistently pushed against the boundaries between the moral and the empirical. As has been argued, Kant's morality as duty is comprehensible only when it is placed within a larger framework designed to give meaning to individual existence. Kant is keenly concerned with the moral dispositions of agents and the kinds of lives they lead. Such a concern begs, and receives in Kant, a vision of the good life, the very thing which contemporary liberals like Rawls exclude (Rawls 1971). (see Peter Critchley *Reason, Freedom and Modernity* 2001 vol 2 The Philosophical Origins of Rational Freedom; *Reason, Freedom and Modernity* 2001 vol 4 The Good Life).

Whatever the contemporary deontological liberal attempts to redefine Kant as neutral on the good, Kant's own position is clear: the existence of morally necessary ends are crucial to moral philosophy. Morally necessary ends exist. The good life lies in our choosing these ends as a matter of free choice, guided by reason. Kant argues that

the abandonment of morally necessary ends 'would do away with all moral philosophy'. (Kant 1964 43, Ak. 384). From this perspective, contemporary deontological liberalism asserting a neutrality on the good and the priority of right evinces nothing more than the demoralisation of the modern world. MacIntyre's critique of modernity in *After Virtue* could have been written by Kant as *After Morality*. As Roger Trigg argues, 'morality matters' (Trigg 2005) and to Kant ends are absolutely crucial to morality as such. Kant's reasoning is that all ends which are necessary are categorical. If all ends are contingent, then all imperatives cease to be categorical and instead become hypothetical. And this would spell the end of moral philosophy. The reduction of morality to being 'value judgements' in the modern world amounts to the eclipse of ethics. 'Value judgements' do not constitute a morality, they are a mere congeries of subjective preferences and opinions based on desire, want and inclination (Neiman 2009; Oderberg 2000). If individuals are free to accept or reject any end put before them according to their own specific inclinations, then it follows that all commands prescribing maxims for actions are similarly open to rejection. And once morally necessary ends are abandoned, inclinations take the place of reason, the moral law is no longer recognised and morality no longer exists.

To see why morally necessary ends are crucial to moral philosophy, we need to see how questions of reason, freedom, the good, and the moral law tie up in Kant's developed ethical position.

Kant argues in *The Doctrine of Virtue* that there are two ends which agents have a duty to adopt: their own perfection and the happiness of others.

Of the two, the duty which agents have to promote their own perfection is most fundamental and the one most directly connected to moral character. Components of the duty of self-perfection include the cultivation of one's 'natural powers', namely powers of 'mind, soul, and body'. The most important component of this duty, however, is the obligation to cultivate one's will 'to the purest attitude of virtue' (Kant 1964 46, Ak. 386). As was seen earlier, Kant conceives the good will as the only unqualified good in the world or beyond it, and as establishing the condition for the goodness of all other things. As finite rational intelligences, the highest practical vocation of human beings is to produce the good will, a will that is good in itself, as an unconditional end, for the reason that such a will is the supreme good and, as such,

is the ordering principle for all human activities. It was also argued earlier that, for Kant, virtue is a human approximation to the good will. Human beings, on account of their biological and cultural constitution, are always subject to inclinations which are contrary to the moral law. Reason guides us beyond these inclinations towards the morally necessary ends in conformity to the moral law.

### **Virtue and the Highest Good**

It is clear that virtue plays a much greater role in Kant's ethics than those who read Kant's ethics as a rule ethics pure and simple would presume. This does not mean, however, that Kant's ethics is just a virtue ethics and nothing else. It is more accurate to argue that Kant combines both rule and virtue ethics to develop an ethical position that is more than the sum of both. Both agent and act perspectives form a significant part of Kant's ethical theory. I have tried to correct the dominant reading of Kant as a deontological rule ethics that is silent on the good. Whilst Rawlsian liberalism fits the contemporary demoralised modern world in which right prevails over good, this was not Kant's position at all on ethics. At the core of Kant's ethics is the moral requirement to transform society to realise the highest good: 'The moral law .. determines for us . . . a final purpose toward which it obliges us to strive, and this purpose is the highest good in the world possible through freedom' (CJ 1951:30). For Kant, human beings 'are a priori determined by reason to promote with all our powers the *summum bonum*, which consists in the combination of the greatest welfare of rational beings with the highest condition of the good itself, i.e., in universal happiness conjoined with morality most accordant to law' (CJ 1951:304). Kant's notion of the good connects directly with virtue, his ethical theory thus assessing not merely discrete acts but most of all agents' characters and ways of life.

Referring to the abstract character of Kant's universal principle of right, Unger writes: 'it seems impossible to derive from it definite conclusions about what precisely the laws should command, prohibit, or permit' (Unger 1984:85). This is too simple, since Kant's categorical imperative does have content with respect to the ethic and realm of ends. But it is a view that I myself have made. In my PhD thesis *Marx and Rational Freedom* I made this argument:

The problem is that Kant, pointing in the direction of deontological liberalism, is ultimately agnostic as regards the conception of the good life. Kantian respect for the dignity of each is a quite different notion from the Aristotelian promotion of the virtues. Respect for persons involves respect for the liberty and autonomy of each individual, not the collective promotion of ends in the name of the happiness of all. With Kant, each individual is free to pursue private, individual ends. Not surprisingly, this entails a great emphasis upon the notion of rights which cannot be violated in the promotion of ends (Kant 1963:193/4). To this extent, Kant is indeed an ancestor of deontological liberalism.

This is very much a Kant read in light of the libertarian and communitarian debate and is a view I would now substantially revise. Kant has a strong conception of the good and it is closely connected to virtue. In my *vive voce*, I argued as though Kant merely supplied a procedural morality for the ‘race of devils’ that individuals had become in atomistic capitalist society. I had been misled in my understanding by deontological liberals and marxist critics influenced by Hegel. It was the Kant of Rawls I was criticising. I was immediately taken to task by Dr Gary Banham, a Kantian philosopher of insight and ability, who quoted my claim that Kant, ultimately, is ‘agnostic’ on the good and therefore cannot achieve his moral aims, and then quoted Kant’s argument that we ‘are *a priori* determined by reason to promote with all our powers the *summum bonum*, which consists in the combination of the greatest welfare of rational beings with the highest condition of the good itself’. Banham expressed his ‘surprise’ that I had missed Kant’s argument. In my defence, I was not alone in having missed the importance of Kant’s commitment to the good. I have not made that mistake since. Kant is a theorist of virtue and of the highest good, not just of rules and duty.

### **Kant’s Achievement**

It is impossible to underestimate the scale of Kant’s achievement. In *The History of Western Philosophy*, Bertrand Russell opines that ‘Immanuel Kant (1724-1804) is generally considered the greatest of modern philosophers. I cannot myself agree

with this estimate, but it would be foolish not to recognize his great importance' (Russell 1946: 731). Talk about being damned by faint praise. Comparisons are always invidious, but I can't think of a modern philosopher who could be considered better than Kant.

Kant's achievement is immense, effectively bringing to fruition all the hopes of ancient philosophy in a way that responds to and resolves the key problems of the modern world. Kant achieves the unity of humankind on the plane of reason, of a reason forever denuded of its speculative ambition. Even on the foundation of the fundamental moral soundness of Socratic wisdom, ancient philosophy could not have conceived of such unification, given its deficient accounts of the unity of nature. Kant's achievement is to have demonstrated that this unity emerges from within reason itself. Unity arises from reason's own legislation; it is reason's own self-legislation that unifies humankind. Kant points to a reason which grows beyond nature. Such reason does not conform to nature, following its "leading-strings", but grows beyond nature.

The examples of mathematics and natural science, which by a single and sudden revolution have become what they now are, seem to me sufficiently remarkable to suggest our considering what may have been the essential features in the changed point of view by which they have so greatly benefited. Their success should incline us, at least by way of experiment, to imitate their procedure, so far as the analogy which, as species of rational knowledge, they bear to metaphysics may permit. Hitherto it has been assumed that all our knowledge must conform to objects. But all attempts to extend our knowledge of objects by establishing something in regard to them *a priori*, by means of concepts, have, on this assumption, ended in failure. We must therefore make trial whether we may not have more success in the tasks of metaphysics, if we suppose that objects must conform to our knowledge.

CPR, B xvi.

A new light flashed upon the mind of the first man (be he Thales or some other) who demonstrated the properties of the isosceles triangle. The true method,

so he found, was not to inspect what he discerned either in the figure, or in the bare concept of it, and from this, as it were, to read off its properties; but to bring out what was necessarily implied in the concepts that he had himself formed *a priori*, and had put into the figure in the construction by which he presented it to himself. If he is to know anything with *a priori* certainty he must not ascribe to the figure anything save what necessarily follows from what he has himself set into it in accordance with his concept.

CPR, B xiii

By conformity to the object, Kant means conformity to nature. This merely generates the illusions of fundamental heterogeneity, including the apparent heterogeneity of the natures of philosopher and non-philosopher. Kant is clear that reason must be one within the species as a whole. If reason is to legislate unity, it must itself be unified. The reason which is one in the species is "to be found in that reason with which every human being is endowed." (A 839/8 867). There can therefore be no natural differences in kind between human beings, between philosophers and non-philosophers, only differences in the degree to which human beings have approached the end of their rational nature. The philosopher as such undertakes theoretical inquiry out of duty: "Moreover, the resolution of all our transcendent knowledge into its elements... to the philosopher is indeed a matter of duty" (CPR A 703/6 731; A 726/8 754). The duty of the philosopher is to goad human beings to use the reason that is their birthright. In locating the "idea of the legislation" of the philosopher in the reason that is innate to all human beings, Kant democratizes philosophy, holding out the prospect that each man and each woman can become a philosopher, thus bringing the species as a whole to its natural rational end. Such a conclusion casts Plato's statement that virtue is its own reward in new light. All men and women are philosophers and as such come to lead lives of virtue.

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## ABBREVIATIONS

In the text, the following abbreviations of Kant's work have been used.

PP	<i>Perpetual Peace</i> in Reiss ed 1991
UH	<i>Idea for a Universal History with a Cosmopolitan Purpose</i> in Reiss ed
CF	<i>Contest of the Faculties</i> in Reiss ed
TP	<i>Theory and Practice</i> in Reiss ed
WE	<i>What is Enlightenment?</i> in Reiss ed
GMM	<i>Groundwork of the Metaphysics of Morals</i>
R	<i>Religion within the Limits of Reason Alone</i>
DV	<i>Doctrine of Virtue</i>
LE	<i>Lectures on Ethics</i>
A	<i>Anthropology from a Pragmatic Point of View</i>
CJ	<i>Critique of Judgment</i>
MEJ	<i>The Metaphysical Elements of Justice</i>
Saw	<i>On the Old Saw: That May Be Right in Theory But It Won't Work in Practice</i>
CPuR	<i>Critique of Pure Reason</i>
CPrR	<i>Critique of Practical Reason</i>

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