5 Morality and the 'Categorical Imperative'

5.1 EXPOSITION AND CRITICISM OF THE 'CATEGORICAL IMPERATIVE'

5.1.1 As we have seen (see 2.1.2), according to Kant obligations are categorical imperatives: that is, imperatives from which people cannot release themselves except by complying with them. Particular obligations, however, are particular cases of a universal obligation which Kant calls the 'Categorical Imperative'. It is universal in the straightforward sense of applying to all human beings always and everywhere. He sums it up in the formula, 'Act always according to maxims which at the same time can be adopted as universal laws.' The 'can' in this formula is a logical 'can'. A maxim can be adopted as a universal law only if it is logically possible for everyone always to obey it and logically impossible for everyone always to disobey it. This is the criterion of 'universalisability'. If a maxim can be universalised, there is an obligation always to obey it. If it cannot, if it is logically impossible for everyone always to obey it, there is an obligation to refrain from acting according to it. This negative side of the Categorical Imperative may be rendered as, 'What cannot at all times be done by everyone, ought never at any time to be done by anyone.' There are, however, maxims to which universalisability is logically inapplicable. Consider, 'Always take a cold bath first thing in the morning', and its logical contrary, 'Never take a cold bath first thing in the morning.' It is logically possible for either the maxim or its logical contrary, but not both, always to be obeyed. Because this is so, there cannot be an obligation to obey either of them. With respect to each, there can only be a hypothetical imperative. For Kant, that is to say, imperatives are hypothetical when universalisability is logically inapplicable to them.

According to Kant, universalisability is the criterion of morality. If an action falls under a maxim which can be universalised, there is an obligation to do it. If it falls under a maxim which cannot be universalised, there is an obligation to refrain from doing it. An example is theft. The maxim 'Be a thief' cannot be universalised. If all were to become thieves, the institution of property would break down because no one would obey its central constitutive rule, the prohibition of theft. But without property there could be no theft, because there would be nothing to steal. Hence, because it is logically impossible for everyone to be a thief, no one ought to be one. Refraining from theft is therefore an
obligation. What is true of theft is true of deceitful promising and of lying. If everyone always made deceitful promises, the practice of promising would break down, and, if everyone always told lies, there could be no communication. Without *bona fide* promising there can be no deceitful promising, and without communication lying is impossible. Hence there is an obligation to refrain from both. But their logical contraries can be universalised. Hence there is an obligation always to make *bona fide* promises and always to tell the truth.

Now, if universalisability is the criterion of morality, it follows that constitutive rules must be moral rules and that regulative rules cannot be. This is because of their respective logical characteristics. Constitutive rules are necessarily universalisable. The actions they govern are logically dependent upon the rules in the sense that without the rules there could be no such action. It must therefore be logically possible for everyone always to obey them and logically impossible for everyone always to break them. If everyone always broke the rules of chess, there could be no such game and no chess moves. But universalisability is logically inapplicable to regulative rules. The actions they govern are logically independent of them in the sense that they can be done in the absence of the rules. It is therefore logically possible for everyone either always to obey them or always to break them: either always to keep to the speed limit or always to break it. There is, however, something wrong with this. Keeping to the speed limit is a moral as well as a legal obligation, because exceeding it is socially irresponsible and there is a moral obligation to be socially responsible. Some regulative rules are therefore moral rules: that is, rules which there is a moral obligation to obey. There is a moral obligation to obey the rules of the game, but not because they are universalisable. Rather it is because there is a moral obligation not to cheat. Cheating is both unfair and dishonourable and there is a moral obligation both to act fairly and to act honourably. This is not to deny that some constitutive rules are moral rules: for instance, truth-telling and promise-keeping. But what makes them moral is not the logical characteristic of universalisability. It is that they are necessary for social life as such. Other constitutive rules – for instance, those of grammar and syntax – are not moral.

5.1.2 If universalisability were the criterion of morality, there could be no such thing as a ‘white lie’. But, while lying cannot be universalised, there can be occasions when telling a lie is the lesser evil: for instance, in order to save an innocent life. There can therefore be occasions when there is an obligation to act according to a maxim which cannot be universalised – from which it follows that universalisability cannot be the criterion of morality. One reason why Kant failed to see this is that he equated ‘maxims’ with ‘rules’, and failed to appreciate the difference between a rule and a principle. He therefore did not realise that a