PLURALISTIC THEORIES OF ABSOLUTE OBLIGATION:
KANT AND NATURAL LAW

In this chapter I propose to consider two important theories – the Kantian and the Thomist natural law theory – according to which a number of principles of absolute obligation may be set out. I shall argue concerning each that the conclusions which are drawn do not follow from the premisses from which they are derived, and that even if they did, they would not be tenable.

1. The Kantian Theory

Kant clearly thought a number of activities to be always without exception wrong – e.g. lying, promise-breaking, suicide – and such that they could never be justified in terms of their consequences, no matter how beneficial. It is for this reason that I here refer to him as a pluralist. It could however reasonably be argued that he was a monist, that he argued for only one general principle of absolute duty, and that he thought it could be formulated in various ways, in the various formulation of the categorical imperative. Against this, however, a number of points may be urged. Firstly, the various formulations of the categorical imperative, in particular, Formula 2 ("So act as to use humanity, both in your own person and in the person of every other, always at the same time as an end, never simply as a means"), and the other formulae (i.e. Formula 1 “Act only on that maxim through which you can at the same time will that it should become a universal law”, 1a “Act as if the maxim of your action were to become through your will a Universal Law of Nature”, Formula 3 “So act that your will can regard itself at the same time as making universal law through its maxim”, and 3a “So act as if you were always through your maxims a law-making member in a universal kingdom

1 Although Kant's clearest statement of this view is to be found in The Supposed Right to Tell Lies From Benevolent Motives, there can be no doubt that this is also the view of the Groundwork and of the Critique of Practical Reason.

of ends"), differ in their content, and in what they imply. For instance, in spite of Kant's discussion of duties towards animals in his *Lectures on Ethics* (where he seeks to explain these duties by reference to the duty to respect persons), only the most implausible case can be set out for deriving this duty from that of treating rational beings as ends and never simply as means.\(^3\) By contrast, some sort of case can be made out in terms of Formula 1, depending on how it is interpreted. Secondly, the 1st Formula has to be interpreted in different ways if the whole of morality is to be derived from it. As used by Kant it seems to be a principle and also a number of accounts of how principles are to be discovered. Thirdly, whilst it is true that Kant sought to derive all our duties from the 2nd Formula, and that it at any rate can be regarded as a single principle of absolute obligation from which many lesser principles follow, it is not true that the whole of morality follows from it, and Kant's manner of interpreting it suggests that it leads to very paradoxical conclusions, e.g. about deliberate self-sacrifice, sexual behaviour, and the like. In the next chapter (*Chapter 9*) an account of respecting persons different from that offered by Kant will be advanced, and it will be argued that this is simply one general principle of *prima facie* obligation, and not a principle which covers the whole of morality. In this chapter I shall confine myself to an examination of the difficulties to which Kant's account of this principle leads. The difficulties arise partly from the stress on the duty being an absolute duty which admits of no exceptions, but even more from his manner of interpreting its content.

Kant did believe that there were a number of principles of absolute obligation. And he did think that they are to be derived from the supreme categorical imperative. Yet, if we look at the various formulations of the categorical imperative, in particular, at Formula 1 and Formula 2, and at what follows from them, it is difficult to see how Kant reached his conclusion.

**(a) Formula 1**

Kant explains Formula 1 thus: "There is therefore only a single categorical imperative and it is this: 'Act only on that maxim through which you can at the same time will that it should become a universal law'."\(^4\) What does this mean and imply? Clearly a lot depends on how 'maxim' is interpreted – at what level of generality we characterise our maxim – and a lot depends on how the clause about becoming a universal law is interpreted.

As so many commentators and critics have pointed out, Kant treats the maxim of the person who breaks a promise as being the same, whatever the

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\(^3\) See also *The Metaphysical Principle of Virtue*, 1st Part, Section 16.