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Deontologists insist on moral rules; does this mean they can't be Particularists?

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It has often been argued by their respective proponents that deontology and moral particularism are incompatible. Nevertheless, this essay will argue that it is possible for Kantian deontologists to incorporate elements of moral particularism without having to violate the central tenets that underpin their particular school of deontology.

Deontologists emphasise that particular actions are in and of themselves morally correct¹. Consequently, they believe it mandatory for individuals to act in accordance with certain inviolable moral rules or standards that cannot be subordinated to other more mutable considerations². While more moderate deontologists sometimes take into consideration the outcome of an action when evaluating its morality, absolute deontologists do not³.

The most fundamental feature characterising Kantian deontology is its insistence that an individual has to select an action that is capable of providing the basis for a universal law that can be applied to all agents consistently⁴. If this key criterion cannot be fulfilled by the particular course of action selected by an agent, its implementation would foster chaos and instability⁵. Another central feature of Kantian deontology is its assertion that it is impermissible to use rational and autonomous beings as mere means to an end. They have to

1 Anne Schwenkenbecher, *Terrorism: A Philosophical Enquiry* (U.K : Palgrave McMillan, 2012), 68.

2 Ibid., 68.

3 Ibid. 68.

4 David McNaughton and Piers Rawling, "Deontology," in *Oxford Handbook of Ethical Theory*, ed. David Copp. Oxford. (Oxford: Oxford University Press, 2006), 436.

5 Alain Stephens, *Why We Think the Things We Think: Philosophy in a Nutshell* (U.K: Michael 'O' Mara Books Limited, 2015), 59.

be seen as constituting ends in themselves⁶. Kantian deontology ultimately insists that these two positions have to be adhered to, regardless of the consequences that result from any action⁷. Hence Kantian deontology adopts an absolute rather than a moderate position.

Moral particularism holds the opposite position by insisting that while a feature might necessitate a particular moral response in a specific context, it might not necessarily do so in another. Its proponents hold that morality must thus be context sensitive and that since all features occupy a status relative to the specific context in which they occur, there are no invariant moral features.⁸ Its very premise is thus based on the rejection of absolute moral principles that can be indiscriminately applied to any situation, with no exception being made for the particular situation under examination⁹.

Regarding Kantian deontology, I will illustrate that by applying moral particularism in certain types of specific contexts, the latter actually enables us to conform to the authentic spirit of Kant's twin principles even when we disregard Kantian deontology in other ways. I will also prove that moral particularism is not wholly as situational as Jonathan Dancy (one of its more famous advocates) claims, hence rendering it reconcilable with Kantian deontology's twin maxims.

Certain philosophers claim that deontology in general restricts our freedom of action even if doing so means restricting our ability to maximise good¹⁰. However, by adopting

⁶ Immanuel Kant, "Fundamental Principles of the Metaphysics of Morals", last modified March 2016, <http://www.gutenberg.org/cache/epub/5682/pg5682.html>.

⁷ Kant, "Groundwork," 491.

⁸ Jonathan Dancy, "Moral Particularism", *Stanford Encyclopaedia of Philosophy*, last modified on 15 March, 2016, <http://plato.stanford.edu/entries/moral-particularism/>.

⁹ Jonathan Dancy, "Moral Particularism".

¹⁰ McNaughton and Rawling, "Deontology," 431-432.

moral particularism in a certain situation and acting to maximise the good arising from his or her action, the agent can actually reinforce both the aforementioned Kantian principles even while simultaneously violating norms decreed by Kantian deontology.

Kantian deontology regards acts such as lying as absolute prohibitions that cannot be overridden by other moral concerns. Immanuel Kant, the progenitor of Kantian deontology, stated that if everyone lied, trust would be ultimately destroyed. Thus, lying was not permissible since if made a universal maxim, it would engender instability and paradoxes. He even stated that it was wrong to lie to save a friend's life¹¹.

In stark contrast to the strict Kantian injunction against lying, moral particularism does not uniformly proscribe lying, stating that under certain circumstances, such a decision may be justified¹².

Nonetheless, by utilising moral particularism, a Kantian deontologist would be able to justify lying if it meant refraining from violating the right of other rational beings to exercise their autonomy, thus regarding them as ends rather than as mere means. For example, imagine a situation where an honest safety inspector is offered a generous bribe by a dishonest businessman in exchange for assuring prospective employees that it is safe to work in factories owned by the latter despite the numerous safety hazards that plague them. The inspector feigns acceptance of the proposition, aware that an outright refusal would result in reprisal. However, he secretly tapes his conversation with the tycoon and thus produces

11 Alain Stephens, *Why We Think the Things We Think: Philosophy in a Nutshell* (U.K: Michael 'O' Mara Books Limited, 2015), 59.

12 McNaughton and Rawling, "Deontology, 432.

enough evidence to incriminate the latter, thereby ensuring that he will be punished for trying to subvert the law. It is impossible for individuals to fully exercise their autonomy when they are lured into doing something on a promise based on false premises as certain philosophers observe¹³. Hence, by refusing to participate in an arrangement that would involve undermining the autonomy of other rational beings, it appears justifiable to violate a supposedly absolute prohibition such as lying. Consequently, by taking into consideration the specific circumstances pertaining to a particular case, it becomes permissible for a Kantian deontologist to disregard absolute prohibitions in order to uphold Kant's second principle that seeks to protect the autonomy of others.

Additionally, by adopting elements of moral particularism, the practitioner of Kantian deontology can also justify the use of deceit if it conforms to the principle of punishment which Kant explicitly condones. Kantian deontology views state sanctioned punishment as a means by which individuals can be deterred from interfering with the external liberties of others. Rather than expecting an agent to voluntarily refrain from interfering with the autonomy of other rational actors, the principle of punishment utilises the threat of coercion to discourage those who would seek to undermine the autonomy of others¹⁴. Thus by employing deception in order to ensure that a criminal receives his appropriate punishment, a Kantian deontologist is acting in accordance with one of Kant's most important decrees. For example, imagine a situation where someone who is friends with a remorseless murderer, exploits the trust that the latter has invested in her in order to lure said murderer into an ambush organised by law enforcement officers. Consequently, by lying in order to serve the

13 Onora O'Neill, "Kantian Approaches to Some Famine Problems" in *Ethical Theory: An Anthology*, ed. Russ Shafer – Landau. (U.K: Wiley – Blackwell, 2012), 512.

14 Nelson T. Potter Jr., "The Principle of Punishment is a Categorical Imperative", *Faculty Publications-Department of Philosophy* 22 (1998): 171.

principle of punishment, a Kantian deontologist can legitimately disregard the absolute prohibition against the use of deceit since his action indirectly reinforces Kant's decree that all agents refrain from circumscribing the autonomy of other rational beings.

Moreover, by incorporating elements of moral particularism, even when violating an absolute prohibition, it is also possible to adhere to the first principle which emphasises that an individual's operational maxim should be universalised. It has been claimed by some scholars that the first principle is intended to reinforce the second by seeking to prevent the autonomy of other rational agents from being undermined or eroded, via the universalisation of operational maxims¹⁵. It can be deduced from this statement that by seeking to foster universal rules that apply to everyone, the Kantian deontologist intends to prevent the vulnerable from being forced into situations that curtail their autonomy. It is evident then that any maxim which promotes the cause of individual autonomy following its application as a universal maxim, is actually reflective of the genuine purpose of the above mentioned principle. It has accordingly been evidenced that contrary to what some thinkers assert, by incorporating certain aspects of moral particularism, a Kantian deontologist can illuminate that, by acting to maximize good, an agent can actually serve to uphold Kant's first principle rather than undermining it.

The abovementioned reality can be substantiated by the subsequent example. Envisage a situation where an unfortunate person has been captured and imprisoned by an inveterate foe who derives an unwholesome satisfaction from inflicting the most abhorrent and gruesome torture on the one he hates intensely. When a guard assigned to watch over the unfortunate captive, takes pity on him and furnishes him with a vial of poison, the latter

¹⁵ David McNaughton and Piers Rawling, "Deontology," in *Oxford Handbook of Ethical Theory*, ed. David Copp. (Oxford: Oxford University Press, 2006), 436.

seizes the opportunity to end his torment. While this action on the part of the prisoner transgresses Kant's strict injunction against committing suicide¹⁶, its universal application as a maxim would enable those in similarly desperate straits to avail themselves of what limited autonomy is available to them. It has therefore been exhibited that by choosing to adopt elements of moral particularism, a Kantian deontologist would still be acting in accordance with the true intention behind Kant's first principle, despite violating absolute prohibitions that he would normally be obliged to honour.

Another important element of Kantian deontology is the distinction that it draws between perfect and imperfect duties when assessing the nature of various moral choices. The former are seen as being inviolable obligations that must be adhered to regardless of the agent's individual preferences, with a prime example being the previously mentioned requirement to regard other rational beings as forming ends in themselves. On the other hand, imperfect duties are subjective and can be interpreted according to the personal preferences and circumstances of the agent¹⁷. The obligation to develop one's inherent potential abilities or talents to their utmost limit is typically regarded as an imperfect duty¹⁸.

Nevertheless, by adopting the perspective of moral particularism, an adherent of Kantian deontology can develop the realization that under particular circumstances, the separation between imperfect and perfect duties can become untenable. This fact can be illustrated by the following scenario which features an intelligent student who has been sent overseas on a government scholarship to study at a prestigious foreign university. In accepting the scholarship offer, the student has indicated his willingness to conform to the

¹⁶ Kant, "Fundamental Principles".

¹⁷ Stephens, *Why We Think*, 57.

¹⁸ Robert Johnson, "Kant's Moral Philosophy", *Stanford Encyclopaedia of Philosophy*, last modified on 15 March, 2016, <http://plato.stanford.edu/entries/kant-moral/>.

expectation of his sponsors that he fully harnesses his academic acumen in order to acquire knowledge and expertise that will ultimately be beneficial to his country. However, should he choose to neglect his studies in favour of leading an idle existence of pleasure and excitement, he thereby betrays the trust invested in him by the government. In doing so, he is thus culpable of having regarded his sponsors as constituting a mere means to serve his own selfish agenda revolving around vapid gratification and is accordingly guilty of having undermined their autonomy. It is evident then, that by examining a particular situation from the viewpoint of moral particularism, the imperfect duty to develop one's potential sometimes becomes indistinguishable from the vital Kantian perfect duty to respect the autonomy of others.

Another salient example of how adopting the perspective of moral particularism enables the Kantian deontologist to understand that the distinction between perfect and imperfect duties might not always remain relevant, pertains to Kantian concepts regarding beneficence. This particular virtue is typically relegated to the area of imperfect duties¹⁹. However as the following example will illustrate, beneficence can sometimes command the status of a perfect action under particular conditions. If one were to envisage a situation where an entrenched elite reigned over masses of impoverished peasants, it would become evident that the opportunities available for the latter to exercise their autonomy would be rather limited. Nevertheless, certain philosophers assert that by providing material and organisational assistance to those mired in the previously mentioned type of scenario, we can substantially enhance the opportunities available to them to act autonomously, thus rectifying the situation²⁰. Extrapolating on this fact, it is natural to assume that by bestowing such largess upon the peasantry, a committed Kantian deontologist would ensure that no one in the

¹⁹Onora O'Neill, "Kantian Approaches to Some Famine Problems" in *Ethical Theory: An Anthology*, ed. (Russ Shafer – Landau. U.K: Wiley – Blackwell, 2012), 513.

²⁰ O'Neill, "Kantian Approaches", 515.

ruling elite (including himself, should temptation ever overcome him) could exploit the destitution of the former and thereby limit their freedom of choice. It is clear then that by adopting a moral particularist perspective, the Kantian deontologist can comprehend that certain situations may render beneficence a perfect duty if it serves to uphold Kant's second decree pertaining to respecting the autonomy of other rational beings.

Another prominent feature characterising Kantian deontology is its emphasis on the creation of a commonwealth that will ensure that justice is upheld. Kant asserted that humans had a moral obligation to abandon a chaotic state of nature in order to foster the establishment of a commonwealth since only such a state would be capable of ensuring that justice was upheld, especially with regard to ensuring that proprietary rights were protected. Kant thus envisaged the state as the guarantor of the rights enjoyed by citizens²¹.

Naturally, if a proponent of Kantian deontology were to incorporate aspects of moral particularism, he or she would be able to justify the use of murder if it would result in the establishment of a commonwealth, although Kant strictly proscribed harm inflicted on humans²². This reality is best elucidated by the following example. A particular country is dominated by an absolute monarch who refuses to subordinate his authority to a legal code that can be applied impartially to all the denizens of the kingdom, including himself. Instead, he chooses to rule with arbitrary ruthlessness, depriving his subjects of their lives and property as dictated by his caprices. In a situation of this nature, the kingdom's leading citizens ingratiate themselves with their despised monarch by inviting him to a function where they will bestow lavish gifts upon him. In reality however, they plan to assassinate him with the intention of replacing his tyrannical regime with a commonwealth that seeks to dispense justice impartially. In this particular case, a Kantian deontologist would nevertheless

²¹ Potter Jr., "The Principle of Punishment", 170.

²² Kant, "Fundamental Principles".

be affirming Kant's first principle by facilitating the creation of a commonwealth that would ensure that the citizenry as a whole is subjected to laws that are applied to everyone impartially. In doing so, he would also be acting to uphold the second principle since a commonwealth of the above stated nature would ensure that the autonomy of the individual citizen is not negated in any fashion via the unbiased administration of justice. It has thus been illustrated that by utilising moral particularism, a Kantian deontologist could justify violating an absolute prohibition if he acts to replace a tyrannical monarchy with a political system that dispenses justice impartially, thereby effectively safeguarding the autonomy of all citizens.

Furthermore, moral particularism itself is not as incompatible with Kantian deontology as asserted by some thinkers²³, thereby enabling Kantian deontologists to regard it as a valid instrument in resolving specific moral quandaries. Although advocates of moral particularism assert that the existence of invariant moral features aren't necessary in order to operate in a moral manner²⁴, it would seem logical that an agent nevertheless requires basic notions of what constitutes moral behaviour. Otherwise, he would find it difficult to even comprehend the notion of what comprises morality without an essential ethical baseline to reference when assessing the morality of behaviour displayed by himself or other rational agents. This assertion on my part is reinforced by the fact that even some proponents of moral particularism acknowledge that the concept of virtue plays a fundamental role in underpinning any system of morality²⁵. It is consequently evident that it is possible for moral particularism to accommodate the commitment of agents towards particular moral principles.

23 Dancy, "Moral Particularism", 773

24 Peter Shiu-Hwa Tsu, "Moral Particularism," *Internet Encyclopaedia of Philosophy*, last modified on 15 March, 2016, <http://www.iep.utm.edu/morlpat/#H7>.

The reality of this fact is evinced by the following example. An avowed proponent of moral particularism has consistently refused to allow his personal conception of morality to be completely enclosed within the boundaries delineated by any particular set of moral principles. Nevertheless, he also regards himself as a Kantian deontologist and behaves accordingly under typical circumstances. Consequently, upon witnessing an attempted robbery, he immediately intervenes and rescues the victim, motivated by his Kantian conviction that he is acting on a maxim that if enacted on a universal level, would be conducive towards maintaining overall law and order. Although occasions might arise where he might decide to disregard this specific maxim, in this particular instance he sees no reason to deviate from it. It has hence been elucidated that such an adherent of both Kantian deontology as well as moral particularism, usually conforms to Kant's twin overarching principles, but nevertheless may be willing to disregard them when specific circumstances require a different course of action.

This notion can be further elaborated upon in order to demonstrate the role that moral particularism can perform in guiding the range of actions potentially available to the Kantian deontologist under atypical conditions. The philosopher Margaret Olivia Little discusses the notion of defensible general moral principles which she claims are compatible with moral particularism. As opposed to invariant moral principles, defensible moral principles posit a particular connection or link as being illuminative of the nature of a particular concept. However, when the previously mentioned type of connection or link no longer remains logically viable, it means that the specific context is marked by a variation. Nevertheless, this particular situational variation cannot be understood without referencing the typical

25 Lawrence Blum, "Against Deriving Particularity," in *Moral Particularism*, ed. Brad Hook et.al. (Oxford: Clarendon Press, 2000), 206-207.

paradigm evoked by the defensible moral principle²⁶. If a Kantian deontologist were to utilize the concept of defensible moral principles, then he can understand the necessity of acting in ways that Kant would not have condoned. This realization is based on his situational awareness of an abnormal condition that would prevent him from attaining the type of practical outcome that would satisfy either of Kant's two vital moral dictums were he to behave in the traditionally prescribed manner. This fact has been illuminated by the previous examples that specifically detail how otherwise impermissible acts of deceit or murder might sometimes be justified by the obligation to protect the autonomy of other rational beings. It has consequently been demonstrated that moral particularism along with its associated link with defensible moral principles, can allow a Kantian deontologist to act in a manner that accords with key Kantian moral demands under aberrant conditions.

Additionally, Kantian deontologists also share a very important principle in common with the proponents of moral particularism. A notable advocate of moral particularism asserts that in order for an agent to ensure that he does not succumb to hypocrisy, he must examine the circumstances specific to a case and scrutinise the notion that one is somehow entitled to make a special exception for oneself²⁷. This emphasis laid on impartiality where the application of moral particularism is concerned, mirrors Kant's similar stress on ensuring that agents only operate on the basis of maxims that can be implemented as universal laws. It is accordingly axiomatic then that a common convergence exists between Kantian deontology and moral particularism in the sense that both schools of morality emphasize the overarching priority of probity and justice where the moral value of any action is concerned.

26 Margaret Olivia Little, "On Knowing the "Why": Particularism and Moral Theory" in *Ethical Theory: An Anthology*, ed. (Russ Shafer – Landau. U.K: Wiley – Blackwell, 2012), 781-782.

27 Jonathan Dancy, "An Unprincipled Morality," in *Ethical Theory: An Anthology*, ed. Russ Shafer – Landau. (U.K: Wiley – Blackwell, 2012), 775.

It is clear then, that by keeping in mind this principle common to both moral particularism and Kantian deontology, an adherent of the latter can utilise moral particularism in a specific situation while simultaneously conforming to the spirit of impartiality that characterises Kant's first maxim.

It has consequently been demonstrated that a Kantian deontologist can contravene some of Kant's key prohibitions when using moral particularism, without necessarily deviating from his two overarching principles. Moreover, it has also been proven that moral particularism is flexible enough to accommodate Kant's twin principles, thereby allowing a Kantian deontologist to remain true to the latter when deploying moral particularism. Lastly, the role that moral particularism can play in guiding the action of a Kantian deontologist in atypical situations has also been illustrated. It is hence evident that it is indeed possible for Kantian deontologists to be practitioners of moral particularism.

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