Professional Ethics
PHIL 3340

Kantian Ethics
Part II

Respect for Persons
The Idea of Human Dignity

• Kant held that his categorical imperative:

CI v.1: Act only according to that maxim by which you can at the same time will that it should become a universal law.

had an equivalent formulation:

CI v.2: Act so that you treat humanity, whether in your own person or in that of another, always as an end and never merely as a means.
The Idea of Human Dignity

CI v.2: Act so that you treat humanity, whether in your own person or in that of another, always as an end and never merely as a means.

• As Rachels notes this implies, first, that since human beings have goals and values, it is they that give mere objects or things (including animals) value: **people are not replaceable.**

• Second, **humans have an intrinsic worth because they are rational agents.** Since humans are rational and can know the moral law and consciously act according to it - or have a “good will” - they are not mere “things” but good “above all price”. (Rachels, p.136)
The Ethics of Punishment

• One way of trying to sort all of these ideas out is by looking at the issue of punishment in general and capital punishment in particular.

• The reasons a Utilitarian and the reasons a Kantian might give for or against capital punishment exposes some clear contrasts in approach.
The USA and Punishment

• A recent census by the Justice Department and Census Bureau found that the U.S. correctional population -- those in jail, prison, on probation or on parole -- totaled 7.3 million, or 1 in every 31 adults.

• In 1982, 1 in 77 adults were in the correctional system in one form or another, totaling 2.2 million people.

• The United States has 5 percent of the world's population, but 25 percent of the world's prison inmates.
The USA and Punishment

Incarcerated Americans
1920-2006

Sources:
Justice Policy Institute Report: The Punishing Decade,
& U.S. Bureau of Justice Statistics Bulletin
NCJ 219416 - Prisoners in 2006
Death penalty statutes in the United States

**Color key:**
- Blue: No current death penalty statute
- Light yellow: Retentionist, not applied since at least 1976
- Red: Retentionist, has performed execution since 1976
- Orange: Retains in law; either statute/method ruled unconstitutional, penalty abolished only prospectively, or abolition has yet to take effect
Bentham held that: “all punishment is mischief” (p.139) And he added that “If it ought at all to be admitted, it ought to be admitted in as far as it promises to exclude some greater evil.”
A utilitarian would argue that capital punishment is justified if the act of executing a criminal does the following:

1. Comforts victims
2. Protects society
3. Deters other potential criminals
4. Helps rehabilitate criminals
5. Promotes utility in some other way

• These all require empirical investigation. If it turns out that capital punishment fails to attain these goals, then it would be unjustified, given the negative consequences, from a utilitarian point of view.
• Rachels notes that Kant despised the “serpent-windings of Utilitarianism”.

• If we “imprison the criminal in order to secure the well-being of society, we are merely using him for the benefit of others” which violates the second formulation of the categorical imperative. (p.142)

• For Kant, punishment should be retributive as well as proportional to the crime.
Kant’s Retributivism

• Some people look upon capital punishment as a form of vengeance or violent revenge.

• But for Kant, capital punishment was a way of respecting the criminal as a person. Recall that for Kant your desires cannot be the motivation for your ethical actions.

• Is it for vengeance that you support capital punishment?

• If yes, you’re NOT a Kantian.
1. For Kant, only rational persons, unlike animals or insane people, can be responsible for their actions.

- Thus rewarding and punishing someone is to treat them as a rational being.

2. Further, if someone (say) murders someone else, the murderer’s action, if made into a rule, would require that he or she be treated in the same way.

Kant: “His own evil deed draws the punishment upon himself.” (p.145)
Closing Questions

• It has been found that at least 39 innocent people have been executed in the United States in the last 100 years.

• For those of you who support the death penalty, ask yourself these two questions.

1. Am I willing to allow innocent people to be killed by the state in order to maintain capital punishment?
2. Would you still be willing to accept those 39 deaths if those individuals wrongly executed were all people that you knew and loved, such as your family and friends?