Chapter 15

Kantian Virtue Ethics Approaches

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Abstract Various disasters have been affecting our societies for the last few decades, ranging from earthquakes, floods and tsunamis to economic crises, terrorism and migration. When a disaster strikes, it upsets the normal way of life of the society and leaves behind hundreds of thousands of victims and casualties. The questions that arise automatically are first, how one is going to conceive and understand the disasters that occur and, secondly, in what way one is going to intervene, especially after these disasters have struck, and help those affected and injured. What obviously concerns us here is to track down the ethical account which will enable us to consider the disaster theoretically and will guide us to intervene on the field when the actual disaster has occurred. A number of different ethical approaches to dealing with disasters have been propounded by philosophers, among which are notably two, utilitarianism and Kant's deontology. However, even though these two ethical theories seem to be the "ideal" theories for dealing with the problematic situations arising from disasters, it is argued that they are not ideal at all, as they overlook and do not take into account the particular features of the problematic situations and the feelings of both, the victims and the workers. However, on a more careful examination, it turns out that Kant's deontological account is not just the formal distanced ethical theory that first appears to be. It also possesses an empirical account, the ethical account of virtues, which can be directly applied to the problems caused by disasters in the real world. Especially, by presenting us with an elaborate analysis of the duty of justice and the duty of beneficence, Kant succeeds in bringing out the practical relevance that his theory of virtues has for disasters.

Keywords Disaster · Utilitarianism · Deontology · Kant · Virtue · Duty · Autonomy · End · Justice · Beneficence

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15.1 Ethical Theories and Disasters

The bioethical problems that arise in everyday life are of a fairly complex character. They range from simple questions of personal choice to rather complicated issues of social, political and economic policy (Kalokairinou 2016). If the dilemmas which are encountered under normal everyday circumstances are complex, then one can very easily imagine how much more complicated are the bioethical problems one comes across in disaster settings.

Disasters may be of a great variety. They may include natural disasters like, for instance, earthquakes, floods, and tsunamis, which explode unexpectedly and affect badly usually underdeveloped or developing countries. They may include social disasters, caused mainly by men, like accidents in industry and transportation, wars, terrorism and migration. Or, there may be a third, mixed kind of disasters which include both natural and human causes like, for instance, various kinds of pandemics, pests and plagues (O'Mathúna et al. 2014).

What characterizes all these kinds of disasters is the sudden loss of normality that follows directly the occurrence of the disaster. A sense of normality that has prevailed so far in society is suddenly lost, as a number of people die unexpectedly, hundreds of them get badly injured, and thousands of others are made homeless (Kalokairinou 2016). The notion of normality is necessary for human society, for it helps men safeguard their stability and their security, both necessary conditions for developing their abilities and for flourishing in life. It would seem therefore that disasters, both natural and man-related, threaten human society deep inside, because they break what holds it together and controls it. Disasters on the whole put at risk the tissue that holds people and societies together and makes their lives secure, eudaimonious and worth living.

If so much is at stake in cases of disasters, it is quite understandable that bioethical problems and dilemmas in disasters have been engaging philosophers so much recently. Philosophers have been studying the ethical dilemmas we face in disaster settings not only with a view to offering practical assistance. Prior to this, their aim was theoretical: to explore those moral concepts which will enable us to analyze and conceive better what has been going on in disasters and, therefore, decide how to respond to them.

Disaster Bioethics is a fairly new discipline. As a consequence, the relevant literature has only recently started to appear, especially under the influence of research on other related fields, such as public health, global health, famine relief and world poverty. Philosophers, under the stress of the global problems that plague humanity, have been dealing systematically with these issues for the last 20–30 years. As O'Mathúna points out, there are on the one hand the philosophers who claim that a form of utilitarianism is the appropriate theory for dealing with the problems of public health, famine relief and disasters; there are on the other hand the scholars who contend that deontological accounts like, for instance, Kant's deontological theory, are the ideal types of accounts for considering these dilemmas (O'Mathúna 2016; Singer 1972; O'Neill 1993).

15.2 Utilitarianism and Deontology

However, as O'Mathúna has argued, neither the utilitarian nor the deontological accounts are the appropriate theories for dealing with the bioethical problems which arise on a world scale (O'Mathúna 2016). In particular, on a utilitarian account ethical dilemmas are solved on the basis of the principle of utility, that is on the basis of the action which is calculated in advance to maximize the greater happiness of the greater number. On this account, to mention O'Mathúna's example, if there is only one oxygen tank, using it for a number of people who need it short-term has better consequences and is likely to increase the happiness of more people than using it for a person who needs it long-term (O'Mathúna 2016). However, utilitarian accounts face a lot of difficulties, when applied to the ethical problems which arise on a global stage. Even on a theoretical level it is quite difficult in many cases to calculate in advance and to predict what is the right thing to do, which is the policy which is likely to increase the pleasure or happiness of more people. Furthermore, even if this is feasible in some cases, it need not imply necessarily that it is the right, ethical or just thing to do. By increasing the greatest happiness of the greatest number at the expense of the happiness of minorities and individuals, utilitarianism sacrifices overtly the individual rights to the altar of the majorities and the big authorities (O'Mathúna 2016).

In an analogous manner, deontological accounts place an emphasis on duties. In particular, according to Kantian deontology, our fundamental duty is to respect the other person and to treat him not merely as a means but at the same time as an end. On this account, we do not only have duties to ourselves but also to other people. In a situation of need and destitution we would not want to remain helpless and deserted by other people. In the same way that we cannot want to leave the other people without help, when they find themselves in circumstances of need. The Universal Law of Nature, therefore, prescribes that we help others when they are in difficult circumstances like, for instance, disease, poverty, or disaster, as it also prescribes that the other people help us when we find ourselves in circumstances as difficult as these (Kant 1997, § 4:423). However, the circumstances that crises responders find themselves in are not always clear and straightforward. Should a military medical unit, for instance, give priority to civilian casualties or to recently arrived severely injured soldiers, when they cannot treat both at the same time? What is their duty to do? (O'Mathúna 2016). If the soldiers respond on the basis of their duty and give priority to treating the injured soldiers, it may not be necessarily the right thing to do (O'Mathúna 2016).

Consequently, as O'Mathúna has brought out, neither of these two ideal moral theories can help us deal fully with the ethical dilemmas encountered in disaster settings (O'Mathúna 2016). As pointed out, disaster responders often come across devastating, complex situations which involve a lot of human suffering and pain which neither of these two types of moral theories can account for adequately (O'Mathúna 2016). Both utilitarianism and Kantian deontology seem to offer us "the ideal solution" for every ethical dilemma we encounter in disasters, however it

is very far from capturing reality and the feelings of those directly involved in the disasters, whether victims or disaster responders. O'Mathúna mentions the decisions taken under triage circumstances in disaster fields according to which the most serious cases are treated first, while other equally or less critical cases are treated second or left untreated (O'Mathúna 2016). O'Mathúna holds that in this kind of situations neither utilitarianism nor deontological accounts seem to be able to provide us with an ideal solution. Most obviously, this is because there is no ideal solution. Moreover, disaster responders who have come back from disaster fields in which they had to take such strenuous decisions, often claim that they considered their experience of working under these circumstances as a good opportunity to rethink and reassess their moral values and "deepen their relationships with co-workers and others" (O'Mathúna 2016, 9).

As a consequence, different approaches have been sought recently for dealing with the ethical dilemmas we come across in public health, world poverty and disaster settings. Traditionally, along with the rationalistic theories, like utilitarianism and the deontological accounts which claim to have the ideal solution for all kinds of disaster dilemmas, there are also the so-called nonideal moral theories, which tend to concentrate on the specific characteristics of each situation. Care ethics, feminist ethics, narrative ethics or the Aristotelian *phronesis* are cases in point. However, things may not be exactly so simple. For, there have been moral accounts which have attempted to bring out and combine what is best in each of these two types of moral approaches. R. M. Hare, the famous British moral philosopher of the twentieth century, for instance, has devoted a lot of time and space to arguing that a rationalist account, like his Universal Prescriptivism, need not imply necessarily that it overlooks the relevant specific features of the situation. The moral principle, "One ought never to make false statements to one's wife" (Hare 1963, 3.4), is more specific than the moral principle, "One ought never to make false statements" (Hare 1963, 3.4). But both of them are universal. The opposite of "specific" is "general". And the opposite of "universal" is "singular". A moral principle may be so specific as to defy formulation, but it remains universal, as long as it does not contain any particular reference to an individual, country or jurisdiction. This is why, according to Hare, the legal judgement, "It is illegal to torture one's children in England or according to the English law" is not a proper universalizable judgement, because it contains a particular reference to the individual "England". On the other hand, the judgement, "One ought not to torture one's children" is universalizable in the proper sense because it does not involve a particular reference to an individual or jurisdiction (Kalokairinou 2011, 53; Hare 1963, 3.4). The conclusion, therefore, that Hare reaches is that, given the logical feature of universalizability that all moral judgements possess, a moral judgement may be as specific as possible and at the same time be universalizable, as long as it does not contain any reference to a particular individual, country or jurisdiction.

15.3 Kantian Ethics

As a consequence, unlike those who conceive the debate between ideal and nonideal moral theories as a kind of disconnect, Hare has paved the way for showing that ideal theories may be compatible with nonideal moral theories (O'Mathúna 2016). However, 200 years before him, the German philosopher Immanuel Kant reached a similar conclusion, though through a different route. In his *Groundwork* he argues that ethics like physics has an empirical as well as an *a priori* part (Kant 1997). As he states in the preface of his brief treatise, his project is to start from ordinary morality and proceed to philosophical morality, that is the knowledge of moral principles. However, this knowledge cannot be founded on experience but must be *a priori*. It can only be justified by reference to a *Metaphysics of Morals*, as Kant calls the *a priori* part of ethics. So far Kant presents us with an ideal or a formal type of ethical theory. But after he has justified the knowledge of moral principles by virtue of a *Metaphysics of Morals*, Kant proceeds to clarify these principles and to make them concrete and applicable in the real world. Kant devotes his two ethical books, *The Metaphysics of Morals* and *Anthropology from a pragmatic point of view* to do precisely this (Kant 1996a, b). In this way, he supplements his initial ideal ethical account with a nonideal ethical theory.

My claim, therefore, in the present paper will be that all those ethical theorists who classify Kant's deontological account among the ideal ethical theories obviously misunderstand it and misrepresent it, because they leave out the nonideal part of it. As pointed out above, and as will become clear in what follows, Kant's ideal ethical account would have been incomplete without its nonideal part. Those who criticize Kantian deontology on the grounds that it is a formal, ideal ethical theory which overlooks the specific features of the dilemmas we encounter in public health, world hunger or disaster settings simply miss or ignore Kant's nonideal part of his ethical account, his theory of virtues (O'Mathúna 2016). From this point of view, even his renowned successor Hegel made the same mistake, when he accused him of having propounded a formalistic ethical theory which fails to take into account the complex features of the situations we come across in life (Hegel 1977, § 431). Quite to the contrary, as we will realize, Kant succeeds in putting forward an ethical theory which, though subject to the Universal moral law, is sensitive to the specific characteristics of the situations we encounter.

15.4 Kantian Virtues and Disasters

In his ethical writings Kant quite often puts forward the claim that we have a moral obligation to help those in need and in poor conditions. In the *Groundwork*, when he tests the Formula of the Universal Law of Nature against particular examples, Kant mentions the case of the man who, even though he is in a position to help and support those in need, prefers to live in comfortable conditions and indulge in

pleasures (Kant 1997, § 4: 423). Kant recognizes that there is nothing wrong if one decides to behave in this way, as long as one also abstains from harming those in need. However, this person cannot will that his maxim become a Universal Law of Nature, because in that case the Universal Law would involve a contradiction of the will. For, there may be cases in which he may find himself in situations of need and despair, and “by such a law of nature arisen from his own will, he would rob himself of all hope of the assistance he wishes for himself” (Kant 1997, § 4: 423).

He also speaks about the duty of beneficence we have to other people in several parts of *The Metaphysics of Morals* (Kant 1996a). In particular, he argues about the duties of love we have to other human beings, which in turn he divides into duties of beneficence, duties of gratitude and duties of sympathy (Kant 1996a, §§ 6: 448–6: 452). But he also speaks about the duty of beneficence in the context of civil society. The wealthy have an obligation to the state, because, by having submitted their will to the protection of the state, they owe their existence and their wealth to it (Kant 1996a, § 6: 326). The state therefore has the right to contribute part of their wealth to their poor fellow citizens. The way to do this will be either by imposing taxes on the property and the income of the wealthy citizens or by establishing funds and supporting social institutions and organizations (Kant 1996a, § 6: 326).

Put in this way, it would seem that the duty of beneficence which is realized by the state in the context of the civil society is a duty of justice. However, the duty of beneficence which makes sense regardless and independently of the commonwealth is a duty of virtue. Quite understandably, one may wonder whether Kant’s virtue ethics approach has to tell us something about famine relief, poverty and disasters on a global stage.

According to certain Kantian scholars, these two duties constitute the core of Kantian ethics (O’Neill 1993). The core of Kantian ethics, to remind the reader, is provided by the Formula of the End in itself: “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means” (Kant 1997, § 4: 429). But the requirements of each duty are entirely different. The duty of justice requires that we guide our behavior on the maxim that we never harm or cause anything wrong to others. The duty of beneficence, on the other hand, requires that we act in ways that foster and promote the other persons’ ends (O’Neill 1993).

O’Neill, for sure, provides us with a deeper understanding of the Formula of the End in itself, when she analyzes it by virtue of the duty of justice and the duty of beneficence (O’Neill 1993). To use a person as a mere means, and not at the same time as an End in itself, implies that I treat her in a way or in ways to which she has not given her free, informed consent. If she has not given her free consent to my treating her in the way I do, this means that she has been coerced. If, on the other hand, she has consented to it, while she was kept in ignorance, then she has been deceived.

Of course, in our everyday dealings with other people, we may often use one another as a mere means. I may use, for instance, my students during my lectures and my tutorials, as a kind of guinea-pig, in order to test how they respond to the very controversial philosophical ideas I propound. But they also use me as a mere

means, when they exhaust me mentally in the effort they make to cultivate their intellectual capacities and their critical thinking. But I am pretty aware of this and I consent to it, as they are also aware of the educational procedure that has been going on and agreed on it. As long as both parties have freely consented to entering a kind of dealing in the frame of a social and cooperative scheme, there is no deception or coercion involved one way or another.

There may be cases, however, in which one party may have been deceived into consenting to something to which he would not have consented, if he had known. Thus, if someone gives a promise with the intention of not keeping it, he is behaving on a maxim that the person to whom the promise is made, cannot have known. As a consequence, he is agreeing to something to which he would not have agreed, if he had known the promisor's actual maxim. According to Kant's ethical theory, the person who has in this way been driven to consent to something to which he would not have consented, if he had known the other party's maxim of behavior, has been deceived and coerced; in one word, he has become a victim of injustice (O'Neill 2016, 40).

But, as already mentioned, in addition to the duty of justice, the Formula of the End in itself also involves the duty of beneficence (O'Neill 1993). This implies that we do not violate the Formula only when we deceive, coerce or do injustice to a person. We also treat the other as a mere means, and so violate the Formula, when we refuse at least some of the times to foster the others' ends like our own, especially when the others are in situations of famine, poverty and disasters.

In this kind of reading of Kant's ethical theory, a person fails to be treated as an End in itself, and so she is treated as a mere means, not only when she is made a victim of deception, coercion or injustice. A person is also treated as a mere means, when she has lost the capacity to foster and develop his own ends. One usually becomes incapable of promoting one's own ends in cases of serious diseases, in cases of famine or extreme poverty or even in cases of sudden and unexpected natural and/or social disasters. In such cases of extreme abnormality, it is not so much that the others cannot have their own ends; it is rather that the idea of adopting one's own ends becomes meaningless. What actually lacks in people who manage to survive in such abnormal circumstances is their capacity to foster any end whatever. People who find themselves in this sort of vulnerable condition have limited drastically their "possibilities for autonomous action" (O'Neill 1993, 102).

It would seem therefore that, if the duty of justice safeguards that each person retains his ability to consent, after he has known all the relevant facts of the situation, and so keeps his autonomy, the duty of beneficence appears after the capacity for making autonomous choices and performing free actions has weakened, and its aim is to foster one's capacity of setting one's ends and to recover one's capacity for autonomy. But while in the case of the duty of justice, autonomy is something that all people possess, and they should act in ways that do not violate it; in the case of the duty of beneficence, autonomy is seriously threatened by external, natural or man-related factors. The duty of beneficence consists precisely in this: to help those in need and disasters recover the capacity of autonomy which under the circumstances they have lost, and so enable them to promote and develop their own ends

(O'Neill 2016, 40–41). Sometimes helping the other recover his autonomy may be difficult or may take time. This is why the duty of beneficence is primarily concerned with fostering the others' ends as if they are our own, until the others acquire the capacity to promote and develop their ends themselves.

Unlike the duty of justice, which aims at preserving the autonomy of others, the duty of beneficence is, in Aristotelian terms, *corrective* (Aristotle 1990, 1131 a 1). It makes sense in contexts in which the capacity of autonomy has been badly affected and in which its aim is "to correct", i.e. to recover the lost capacity.

Nevertheless, the duty of beneficence holds a central position in Kant's virtue ethics account. Together with the duty of gratitude and the duty of sympathy, it constitutes the expression of the duty of love we have to other human beings. It promotes the happiness of others, i.e. the one of the two moral ends the lawgiving reason sets against the influence of human inclinations which tempt us to adopt their own immoral ends. The second of these two moral ends being my own perfection (Kant 1996a, b, § 6: 381).

The duty of beneficence, therefore, is a duty of virtue. The duties of virtue are adapted to certain ends (i.e. my own perfection and the happiness of others) and not to specific actions. In the duty of beneficence we only need to specify the maxim of actions upon which we will behave, not the particular acts, since there are many different actions by virtue of which we can promote the happiness of others. Kant, further, distinguishes the duty of beneficence, and by and large the duties of virtue, into those which are *meritorious* and those which are *owed* (Kant 1996a, § 6: 448). Meritorious duties are the duties the other people do not have a right to claim, which however if you perform, your action acquires merit and you are praiseworthy. If you do not perform them, you do not lack in virtue, since nobody is wronged. Duties that are owed, on the other hand, are duties that the others have a right or a lawful claim to, which however is not enforced by a law or some other kind of external means. To perform duties that are owed is to accomplish the others' lawful claim and do what is required. If one fails to perform duties that are owed, on the other hand, one violates the others' right, i.e. their autonomy, and so exhibits signs of an immoral character.

According to Kant, the duties of (practical) love and respect in the practical sense are two good examples of the above two types of duties. The duty of love (in which the duty of beneficence is included) is to be understood as the duty "to make others' ends my own (provided only that these are not immoral)" (Kant 1996a, § 6: 450). The duty of beneficence is a meritorious duty. The duty of respect for my neighbor, on the other hand, involves fostering "the maxim of limiting our self-esteem by the dignity of humanity in another person" (Kant 1996a, § 6: 449). Or, in another formulation, it implies that I adopt the maxim "not to degrade any other to a mere means to my ends (not to demand that another throw himself away in order to slave for my end)" (Kant 1996a, § 6: 450). The duty of respect, therefore, is a duty that is owed.

Furthermore, to the extent that the duty of beneficence implies fostering the ends of others as if they are our own, it is also a *wide, positive* duty. It does not specify the actions we ought to perform but only the maxim upon which we should act. The

duty of respect, on the other hand, is a *negative* duty. It operates on the maxim that prescribes us to limit our self-esteem in the name of the dignity of humanity in another person. It is therefore *restrictive* and *narrow* (Kant 1996a, §§ 6: 449,450).

As we realize, Kant has developed a fairly complex system of virtues. The duty of virtue whose end is to promote the happiness of others involves a great number of virtues, ranging from the duty of love to the duty of respect. (Interestingly enough, according to Kant, these two duties are intimately united in friendship). In all these duties we foster the other persons' ends in the attempt we make to promote their happiness. Of course, not all the ends that persons have are equally required, if they wish to promote their happiness. Or, even better, to put it negatively, while fostering or failing to foster certain ends will not make any difference at all to the promotion of the persons' happiness, failing to sustain and develop some other ends may affect seriously the chances certain persons have to achieve their happiness. Thus, while living in Lesbos and not in Berlin as a refugee, after he has escaped the horrors of the Syrian war, may not make any tremendous difference to the promotion of his happiness, having been captivated, tortured or sent to jail will have destroyed completely any chances he might have for achieving happiness.

Kant knows very well that among the various ends people adopt in their life, only very few are essential and contribute to the promotion of their happiness. As might have been understood, Kant in fact considers that there is one end the preservation and the development of which is a necessary condition for the promotion of our happiness. This is the capacity to set and pursue ends, i.e. the capacity to be autonomous.

As the persons' various ends contribute to different degrees to the promotion of their happiness, in an analogous manner Kant has developed a rather sophisticated account of duties. All duties we have to other human beings are duties of love; all make the other persons' ends our own in the attempt we make to promote the other persons' happiness. But as the other persons' ends may contribute to varying degrees to their happiness, in a similar way the duties of love and beneficence we have to other human beings oblige us to a smaller or greater degree to adopt their ends as if they are our own. When the ends we foster simply enrich the autonomy that the other persons already possess, then the duty of love or beneficence is *meritorious*, since it enhances the capacity that the other persons already have to set their own ends. If we fail to perform a duty of beneficence in this case, we do not do injustice to anyone and so we are not blameworthy.

Quite often, however, especially in the refugee crises, like the one that is going on in the Mediterranean, or in the economic crises that are taking place in many parts of the world, what is at stake is our capacity to set and pursue our ends. Refugees who are, most of the time, on the run, or persons who live in total poverty, have lost any capacity for autonomy. They *cannot* be autonomous beings, like the rest of us. And this "cannot", we must underline, is both logical and psychological. In such cases, Kant claims, the duty of beneficence, in the particular form of the duty of respect, obliges us that we do not "exalt ourselves above the others" (Kant 1996a, § 6: 449). Furthermore, it prescribes that we foster their ends as if they are our own, and that we help them recover their lost capacity for autonomy. In this situ-

ation, the duty of respect is not just meritorious but, instead, a duty that *is owed*. People who have found themselves in the condition of a refugee or a misplaced, or in an absolute poverty situation lay a lawful claim on us, have a right to claim a decent and peaceful life, even though this right is not enforced by any law; not enforced yet. Even so, Kant acknowledges that we owe them some basics, at least their ability to think and determine their ends freely. And to the extent that we do not help them to regain their autonomy, “we degrade them to a mere means to our ends”, we harm them, and we make them victims of injustice (Kant 1996a, § 6: 450). In arguing in this manner, there is no doubt that Kant’s ethical account of virtues has paved the way for an international legislature which will provide for the basic claims and rights of all those who are in conditions of famine, absolute poverty and other forms of disasters.

15.5 Conclusion

In this chapter I argue that Kant’s deontological account and, in particular, his theory of virtues, is the appropriate ethical account for dealing with disasters, famine and world poverty. I take sides with O’Mathúna in claiming that, contrary to what certain philosophers have supported, utilitarianism and Kant’s deontological formal account are far from “ideal” theories, when dealing with disasters, as they leave out the particular features of the situation, the feelings and the intentions of those involved, whether victims or healthcare workers. However, as I then point out, Kant’s deontological account, apart from its formal part, also includes an empirical part, which renders his ethical theory applicable in the concrete circumstances of the real world. I then devote the remainder of this chapter to bringing out Kant’s account of virtues and to analyzing his two duties of virtue, i.e. the duty of justice and the duty of beneficence. The conclusion reached is that Kant’s account of these two duties of virtue is so carefully worked-out that leaves no doubt that it is the right one for dealing with disasters.

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