

Inconsistency in Kant's Conception of a Maxim

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Abstract

This paper focuses on Immanuel Kant's conception of a maxim and an inconsistency inherent in it. First, I shall present a discussion of what a maxim is, in general. The answer is that a maxim is a proposition that is used by an agent in the process of practical inference. Second, I shall discuss a special kind of maxim called a *Gesinnung*. It will be proven that a *Gesinnung* includes a commitment to a second-order proposition and is supposed to be able to justify all other maxims used by an agent. In addition, a *Gesinnung* is either morally good or evil. The evil *Gesinnung* is the main focus of this paper, and it provides the agent with the criterion for maximizing human happiness. Finally, I shall present the inconsistency and examine solutions to it. The essence of the inconsistency lies in the gap between the nature of maxim and that of happiness. The conclusion of this paper arrives at thinking of the evil *Gesinnung* only as the base of the *adoption* of one's maxims. After we adopt a maxim according to the evil *Gesinnung*, we can decide not to *actually act on* it.

Preface

Immanuel Kant's¹ conception of a maxim falls into an inconsistency. As will be shown in this paper, a maxim is a general or universal proposition whose content an agent wills to carry out. Because of its generality and universality, a maxim plays a role in guiding many of our actions, sometimes referred to as policy intentions.

In general, the rationality of an action is examined in terms of one's beliefs and desires. If an action is justified by a pair of beliefs and desires, one may call it rational. However, an agent sometimes exerts a sort of rational agency other than mere justification by beliefs and desires. Persisting agency is one of them. Michael Bratman, for example, tried to capture this agency as agents' having plans.² Owing to its universality, Kant's maxim is suited for explaining persisting agency.

However, given that the circumstances surrounding agents change rapidly, one problem arises: are maxims as general or universal policies enough for agents to act in a variable world? Kant thought of happiness as that which an agent seeks, but the content

¹ When I cite Kant's texts, I put the volume and page number according to *Kants Gesammelte Schriften, Akademie Ausgabe*, but the texts itself is according to *Philosophische Bibliothek (PhB), Felix Meiner Verlag*. When I cite from *Critique of Pure Reason*, I put the page numbers of the first and second editions.

² Michael Bratman, "Taking Plans Seriously," *Social Theory and Practice* 9, no. 2 Special Double Issue: Rational Action (Summer-Fall 1983): 271-287.

of happiness varies from one situation to another. The inconsistency enters here. If one takes the generality of maxim seriously, it is possible that no agent can resist it once she adopts it as her own. The agent cannot, then, respond properly to the fluidity of her surroundings.

In this paper, I shall sharpen the point of the inconsistency and discuss solutions to it. The first two sections address some features of maxims. First, I claim that any maxim works as a premise of a practical inference. Second, I go further into a special kind of maxim called a *Gesinnung*. In the last section, I establish the inconsistency and a prospective solution to it.

1. The Basic Feature of a Maxim

I shall start by clarifying some basic features that any maxim has in common. Kant defined a maxim as “the principle of volition” or “the principle of the will” in the *Groundwork of the Metaphysics of Morals* (hereafter, *Groundwork*).³ Later, in *The Metaphysics of Morals*, he gave a more detailed account that a maxim is “the subjective principle of action, the principle that the subject herself makes her rule (namely, how she wills to act).”⁴ It was, furthermore, contrasted with another principle of “imperative,” i.e., “a rule, whose representation *makes* the subjectively-contingent action necessary, and thus represents the subject as one who gets compelled (necessitated) to conform with this rule.”⁵ In what sense an action is subjectively-contingent? I believe that the text suggests something like contingency from a subjective viewpoint. From this word, one might think that it is contingent whether an action is under the control of its subject, and thus that a deliberately controlled action is a lucky case for her. Kant thought, however, that a rational subject is responsible for her subjectively-contingent action. If it were a mere lucky case for her, how could she be responsible for it? We can and should take “contingency from a subjective viewpoint” in another way, in which one’s controlling ability or will determines an action but is itself determined by nothing external to her. It is contingent, because no objective rules or reasons can determine her controlling ability or will. An objective rule or reason commanding an action is called an imperative. On the other hand, another kind of rule to which any decision or will corresponds is called a maxim.

Some historical notes are required to supplement the point just mentioned. As many commentators suggested, Kant followed the Wolffian tradition about the concept of maxim. Two main consequences are derivable from this. First, in Wolffian terminology, a maxim is *a representation of something as good*.⁶ Thus, a maxim can be expressed in the form of a proposition: “X is good.” Richard McCarty is one of the interpreters who believed that a maxim takes this form.

In addition, according to Wolffian tradition, the maxim is a technical term meaning a major premise of a practical syllogism.⁷ This leads to the second

³ 4: 400.

⁴ 6: 225.

⁵ 6: 222.

⁶ Patricia Kitcher, “What Is a Maxim?,” *Philosophical Topics* 31, no. 1 (Spring-Fall 2003): 219., Richard McCarty, *Kant’s Theory of Action* (Oxford: Oxford University Press, 2009), 5.

⁷ Henry Allison, *Kant’s Theory of Freedom* (Cambridge: Cambridge University Press, 1990), 87., Kitcher, “What is a Maxim,” 219., McCarty, *Kant’s Theory of Action*, 5.

consequence that only general or universal propositions of one's will can be called maxims. This is why a maxim is occasionally called a *policy* intention. As Henry Allison said, maxims are "rules dictating action types rather than particular actions."⁸ Let us again bring up the form of maxim taken by McCarty. In his proposal that "X is good," only one variable (X) appears. Suppose X is a particular action, like "saying to my sister here-and-now 'I am a Kantian moralist.'" (Let us here assume that adding the modifier "here-and-now" to a description of action suffices to specify one particular action.) One cannot draw further conclusions from "saying to my sister here-and-now 'I am a Kantian moralist' is good." This last proposition can only be a conclusion of a practical inference. For example, one might infer as follows: (1) "Telling the truth is always good." (2) "By saying 'I am a Kantian moralist' when someone asks me whose moral theory I believe in, I will tell the truth." (3) "Therefore, saying 'I am a Kantian moralist' when someone asks me whose moral theory I believe in is good" (4) "My sister asks me here-and-now whose moral theory I believe in." (5) "Therefore, saying to my sister here-and-now, 'I am a Kantian moralist' is good." This inference, although it does not fit the form of a syllogism, is composed of different kinds of propositions. (2) claims that the agent achieves an end if she takes a means, and (4) describes the situation in which the agent is located. According to McCarty, (2) and (4) are called judgments. Both (1) and (3) represent a *type* of action—"telling the truth" and "saying 'I am a Kantian moralist' when someone asks me whose moral theory I believe in"—as good. (5) also represents the goodness of action, but of a *particular* action. Only (1) and (3) are entitled to maxims. If one can identify one particular action through the expression of some intention, it is no more put in the place of the major premise. In summary, a maxim is a general intention from which particular intentions or actions are derivable.

It is argued whether an agent can both freely adopt a maxim and act on it. Especially, the latter claim that she can freely act on the adopted maxim is controversial. If we assume that the agent has this kind of freedom, then we are inclined to say that it is up to her whether she act on it or refrain from acting on it. On the other hand, if we assume that the agent does not have it, then the occurrence of her actions is automatized according to the adopted maxim, and therefore it will be necessarily applied to every situation in which that maxim is relevant.

Some commentators have proposed that only adopting maxims be acknowledged as free. For example, Allison took maxims as a "general determination of will,"⁹ or a lasting policy on which an agent acts and tends to act in relevantly similar circumstances.¹⁰ Put differently, a maxim designates the best means to a selected end in some type of situation. According to Allison's view, having a maxim entails that an agent executes all actions subsumed under the maxim, when she is put in a certain situation. Although not stated directly, it seems that Allison has an underlying idea that one's maxims reflect one's moral identity or who one is from a moral perspective. When maxims are characterized as *policy* intentions, it is likely that maxims, in light of which rational agents act and understand or build up one's identity, persist throughout a certain

⁸ Allison, *Kant's Theory of Freedom*, 90.

⁹ 5: 18-19.

¹⁰ Allison, *Kant's Theory of Freedom*, 87-88.

period of time. In order to complete this idea, we must now inspect a special kind of maxim.

2. The Maxim as *Gesinnung*

I have discussed, thus far, maxims as propositions that dictates some type of action as good. In addition, there is a criterion for an agent to adopt these maxims, and this criterion. i.e., a *Gesinnung*¹¹ is also called a maxim.¹²

Stephen Palmquist¹³ sought out a proper English equivalent for *Gesinnung*, and compared it to the words ‘disposition,’ ‘attitude,’ and ‘conviction.’ Palmquist said that the *Gesinnung* is a rationally committed conviction which leads to an agent’s deciding to dedicate her life to a specific practical principle. This conviction is distinguishable from mere psychological feelings like the guilty awe, and for him, this constitutes the reason as to why *attitude* is not a proper word to grasp the concept of *Gesinnung*.¹⁴ On the other hand, when one takes Kantian *Gesinnung* as *disposition*, it means a fixed metaphysical constituent of human nature, like the predispositions to good or the propensities to evil. Perhaps one is unconscious or subconscious of that constituent. To rescue *Gesinnung* from the metaphysics of human nature, Palmquist interpreted it as our conscious conviction appearing in our *everyday experience*.¹⁵ In other words, a *Gesinnung* refers to an agent’s *one-off* decision to dedicate his life in good or evil ways.¹⁶

Another recent piece by Julia Peters has suggested a completely different interpretation of *Gesinnung*.¹⁷ According to her *holistic* idea, whether one has a good *Gesinnung* is not fully present at the moment of any particular moral choice or action in our *everyday experience*. Nor is it verified by a *one-off* decision to obey the good practical principle, i.e., “the moral law” or “the categorical imperative.” This is because Kant said in *Religion within the Bounds of Mere Reason* (hereafter, *Religion*)¹⁸ that, even if it is one’s own *Gesinnung*, one cannot *observe* it, but can *infer* it from observable actions. The categorical imperative, as was formulated in the *Groundwork*, commands us to “act only in accordance with the maxim through which you can simultaneously will that it becomes a universal law.”¹⁹ The universality of the categorical imperative requires us to follow it at all times. If one makes a one-off decision to follow it, whether one successfully commits to the categorical imperative rests on whether the whole of all later choices and actions will actually be in accordance with it. On the other hand, Peters asserted that one can determine evil *Gesinnung*

¹¹ *Gesinnung* is conventionally left as a German word. I follow this convention.

¹² 4: 435

¹³ Stephen Palmquist, “What is Kantian *Gesinnung*?: On the Priority of Volition over Metaphysics and Psychology in Religion within the Bounds of Bare Reason,” *Kantian Review* 20, no. 2 (Summer 2015): 235-64.

¹⁴ *Ibid.*, 242-44.

¹⁵ *Ibid.*, 243, 252.

¹⁶ *Ibid.*, 236.

¹⁷ Julia Peters, “Kant’s *Gesinnung*,” *Journal of the History of Philosophy* 56, no. 3 (Summer 2018): 497-518.

¹⁸ 6: 20.

¹⁹ 4: 421.

through just one particular choice or action against the categorical imperative. This is because Kant also denied the intermediate position between good and evil. According to Kant's own position, an agent can only be good or bad, because she is supposed to have only one *Gesinnung*. One has a good *Gesinnung*, only if all of one's choices and actions (after a decision to follow the categorical imperative) are in accordance with the categorical imperative. Therefore, if one of the choices or actions transgresses from the categorical imperative, and given that an agent cannot be partially good and partially evil with regard to her own *Gesinnung*, then one's *Gesinnung* is evil. (Cf. this can be generalized; $((p \supset \forall xFx) \wedge (\exists x \neg Fx) \wedge (p \vee q)) \supset q$; the domain of x is limited to the set of all the agent's actions after a decision.)

Here, corresponding to what was pointed out at the end of the previous section, Peters' interpretation is dominated by the idea that the *Gesinnung* is a linchpin of moral identity. One's *Gesinnung* reflects a deep-rooted moral commitment. Thus, in light of one's own *Gesinnung*, one identifies with all the other maxims. Peters insisted that this identity requires a strong condition. That is, all human beings are ignorant of their having a morally good identity, so they must strive to keep their moral commitment.

Conversely, Palmquist thought instead that a one-off decision would suffice for having a *Gesinnung*. This decision appears in everyday life, so every moral agent has access to her own *Gesinnung*.

Palmquist and Peters differ in thinking to what extent an agent should commit to her own *Gesinnung*. On the other hand, they share the idea that an agent commits to some principle which can be evaluated as either good or evil. This paper focuses on the evil *Gesinnung*.

Then, what kind of *Gesinnung* does an evil agent have? Kant brought up *happiness* as the principle of the evil *Gesinnung*.²⁰ Happiness, according to Kant's understanding, is the totality of fulfilled *inclinations*,²¹ sense-based representations that impel agents to act in some way. One of the characteristics of inclinations is their variability and instability. In *Critique of Practical Reason*, inclinations differ from subject to subject. Even in one subject, they differ from time to time.²² How one ought to do for fulfilling the totality of one's inclinations depends on each particular situation. It seems that Kant also thought that in pursuit of the efficiency of the fulfillment of inclinations, rational capacity is necessary. According to *Groundwork*, human reason can take after "the interests of the inclinations, whether singly or, at most, in their greatest compatibility with one another."²³ This remark implies that, if a human being reasonably deliberates her inclinations to the utmost limit in each situation, then she can maximize her happiness. Therefore, a rational agent who cares about her happiness is supposed to try to maximize her happiness. Thus, the evil *Gesinnung* contains the commitment to the maximization of happiness.

Furthermore, recall that the *Gesinnung* is the criterion for other maxims. Kant noted in *Religion* that "[t]he *Gesinnung*, i.e., the first subjective ground of the adoption

²⁰ 6: 36-37.

²¹ Kant manifested this understanding of happiness several times in his critical period, e.g., in A806/B834, 4: 399.

²² 5: 28.

²³ 4: 496.

of the maxims, can only be a single one, and it applies to the entire use of freedom universally.” The entire use of freedom is, in this citation, directed to all of one’s free adoptions of maxims. We can conclude from this that the evil *Gesinnung* contributes to maximizing happiness *through founding the adoption of the maxims*. It seems to be most natural for the evil *Gesinnung* to be formulated as follows: *If a maxim M, “X is good,” contributes to maximizing happiness, having M is good.*²⁴ Since every maxim is a proposition, a necessary condition for having the evil *Gesinnung* is a commitment to this sort of second-order proposition, with reference to which an agent can judge all other first-order maxim-propositions.

3. The Inconsistency

One can easily discover an inconsistency here. Given that an agent A commits herself to the evil *Gesinnung*, the conjunction of the following three propositions cannot stand together;

- (A) M is supported by A’s evil *Gesinnung*.
- (B) If A commits herself to M, then A conducts all her actions in accordance with M.
- (C) It depends on each particular situation whether a particular action maximizes happiness.

(A) means that M is derived from A’s evil *Gesinnung*. (B) is motivated by the idea that one’s maxims, supported by a single *Gesinnung*, constitute one’s moral identity. (C) originates directly from the property of inclination, i.e., instability and variability. Each proposition, from (A) to (C), has a certain level of validity at first glance.

For instance, in the *Groundwork*, Kant enumerated credit and money as two of the opponents of morality.²⁵ Consider the inclinations to get each of these two things. If one has the evil *Gesinnung*, one must have two maxims: “keeping up one’s credit is good” and “increasing income is good.” One can easily imagine a situation in which keeping up one’s credit and increasing income conflicts. Suppose that Hanna is a fruit vendor, and her customer Johnson is a child. She can easily deceive Johnson and sell him rotten apples that cost 2\$ each. However, she knows she is going to lose her credit instead of the \$4, if she deceives Johnson. Then, it is quite natural that she would sell him fresh apples and dispose of the rotten ones. In this case, Hanna’s maxim, “increasing income is good,” is inactive. On the other hand, at a later time, she might sell 10,000 rotten apples to an apple-pie factory, taking to the woods with \$20,000. In this case her maxim, “keeping up one’s credit is good” is inactive. If all actions derived from one’s maxims are inevitable, neither of these two situations is explainable. After all, the inconsistency seems to consist in Kant’s double standard. On the one hand, the evil *Gesinnung* cares for happiness, i.e., the sum of fulfilled inclinations. To meet this requirement, it is necessary to behave flexibly. On the other hand, it also founds all of

²⁴ This is parallel to what Kant said in the *Metaphysics of Morals*. There, “[a]ct in accordance with duty, from duty” (6: 391) or “to fulfill one’s duty” (6: 410) is mentioned as the good *Gesinnung*. Imperatives of duty are, in the same way as maxims, founded by the categorical imperative, according to the *Groundwork* (4: 422). As a result, it is reasonable to assume that the good *Gesinnung* also contains a commitment to some second-order proposition.

²⁵ 4: 402, 422.

one's maxims, i.e., general and, therefore, inflexible propositions.

The rest of this paper is devoted to an overview of solutions to this inconsistency. First, one might propose that the inconsistency could be eliminated, when M is transformed into a conditional, because through the nature of happiness, whether it is the case that X maximizes happiness depends on each particular situation, we cannot prescribe a type of situation in the protasis. The conditional, therefore, can only be this; If a token of X maximizes happiness, then X is good. If one substitutes this conditional for M in (A) and (B), the inconsistency will disappear. However, this conditional renders the evil *Gesinnung* meaningless. If one substitutes the given conditional into the form of the evil *Gesinnung*, then the following is the result: *If a maxim, "if a token of X maximizes happiness, then X is good" contributes to maximizing happiness, having a maxim, "if a token of X maximizes happiness, then X is good" is good.* This makes no sense. Why? The role the evil *Gesinnung* is expected to play is to support the first-order maxims that maximize happiness. However, the first-order maxims with the conditional form have already been restricted to the ones maximizing happiness by its protasis. Therefore, the evil *Gesinnung* gets incapacitated for playing its role. In other words, insofar as all of one's maxims are those conditionals, it does not matter whether a further second-order proposition exists. However, the *Gesinnung* is originally set to provide the criterion for adopting first-order maxims. Thus, one has to look for another solution.

The second solution is to assume that an agent is so-called wandering over the sea of maxims. That is to say, depending on what type of action maximizes happiness, on each occasion the agent changes maxims to which she commits herself. After once an agent acts on some maxim in a certain way, this maxim may well never manifest in actions again. Unfortunately, this solution is simply implausible, because it is hard to discern why any maxim dictates general content.

Let us return to Hanna's case. If this solution is true, her maxim changes from "keeping up one's credit is good" to "increasing income is good." However, in this case, it is more natural that she thinks that both keeping up one's credit and increasing income are *generally* good, but one or the other is better *in this particular situation*. It seems implausible that, when she sells apples to an apple-pie factory, she no longer thinks that keeping up one's credit is good. Hanna keeps both maxims all along. The second solution is, in this way, disrupted.

The only viable solution is the third one. It suggests cutting off the logical necessity between having a maxim and acting on it. In other words, an agent can freely choose *not* to act on an adopted maxim. This solution means to deny (B). I shall now consider the motivation of (B). It was motivated by the idea that an agent's maxims constitute her moral identity. For example, caring about keeping up one's credit and increasing income reveals who Hanna is. More concretely, those maxims show that Hanna is a person who likes money and credit. Therefore, if she really wants to keep credit and get money, and, moreover, if it is given that her commitment is without reservation, then it is odd for her to distract from her maxims. It matters how to restrict her commitment

The first and second solutions suppose the unrestricted commitment. The inconsistency of Kant's concept of maxim is due to the conflict between the instable and variable end of one's actions, happiness, and the general and inflexible way of attaining

this end, one's maxim. For an agent to maximize happiness, she needs to impose a restriction on the way from committing to a maxim to acting on it. The first solution *restricts* what is *unrestrictedly* committed, i.e., one's maxim. The protasis of the conditional expresses the restriction. The second solution also admits that an agent commits *unrestrictedly* to a maxim. One *necessarily* follows a maxim, *once* one commits to it. However, one can change her commitments from one situation to another. The third solution insists that an agent can decide not only whether to commit to a maxim, but also to follow a committed maxim.

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