

Kantian Virtue Ethics in the Context of Business: How Practically Useful Can It Be?

Daryl Koehn¹

A COMMENT ON Claus Dierksmeier (2013), “Kant On Virtue,” *J Bus Ethics* 113: 597–609.

ABSTRACT

Claus Dierksmeier admirably combats the misperception that Kant is a deontologist with no regard for virtue. Dierksmeier contends Kant offers a theory of virtue that can contribute in significant ways to advancing the analysis of, e.g., stakeholder theory and internal compliance programs. His plea that business ethicists should view Kant as a resource for thinking more widely and deeply about virtue seems eminently sensible. However, there are grounds for questioning whether a Kantian approach will be of much help in thinking through the ethics of real world business practices.

CLAUS DIERKSMEIER CONTENDS Kant is not simply a deontological thinker. Kant offers, Dierksmeier (2013) argues, a theory of virtue that can contribute in significant ways to advancing the analysis of, e.g., corporate social responsibility (2013: 606), the business case for good behavior (2013: 602), employee conduct (2013: 603), etc. In particular, Kant argues for the desirability of cultivating practical wisdom

¹ University of St. Thomas (Minneapolis–St. Paul, Minnesota).
Email: koeh4561@stthomas.edu

and our character (2013: 603) and for acting with charity (2013: 604). Dierksmeier's plea that business ethicists should stop seeing Kant as an enemy and view him as a resource for thinking more widely and deeply about virtue seems eminently sensible. However, before we start drawing upon Kant's ideas of virtue to enrich or supplement virtue ethics in a business context, we should attend to substantial and possibly irreconcilable differences between how someone like Kant and Aristotle (usually considered the father of virtue ethics) conceive of ethically good action. I begin by briefly sketching some key differences between Aristotle and Kant that Dierksmeier does not mention. These differences may well have profound implications for how we think about responsibility, compliance, sanctions and punishment, etc. Given space constraints, I will focus on difficulties we will encounter if we try to use Kantian thinking when employing corporate integrity/compliance programs. I choose this test case because such programs lie at the heart of corporate ethics. If Kant is to be practically useful, his ethics ought to be able to inform the operation of such programs.

As a first step, I need to say a word about what I take to be a difference in how Aristotle and Kant think about ethical and practical motivation. For Aristotle, neither reason nor desire by itself can serve as a motivation for human acts. Actions originate with choice understood as deliberative desire or desiderative deliberation (Aristotle 1908: NE, Bk 3, ch. 3). It is this combination that produces not merely virtuous action but all action that qualifies as human. Vice destroys choice, and a human life is a life of choosing (Aristotle, 1908: NE, Bk 7, ch. 8). So it is no exaggeration to say that when choice has been destroyed, the possibility of human action as such disappears as well. For Aristotle, the practical issue is whether and in what way reasoning in the form of understanding and deliberation appropriately works with and informs (or fails to inform) desire. For Kant, by contrast, practical reason by itself can and must serve as the motive for ethical/virtuous actions. Although other contributing causes (emotions; sensual intuitions) may be present when an agent acts, an act attains moral worth when the agent acts out of the motive of duty (i.e., acts on a maxim that can be consistently willed). In other words, practical reason in and of itself is motivational for Kant. Reason has, as it were, its own interest. For Kant, therefore, the crucial practical issue is

whether reason freely activates itself to provide the motive for duty on which a rational being will act.

Immediately we see a possible difference in how an ethically good compliance program would have to operate if analyzed through a Kantian as opposed to an Aristotelian virtue lens. Aristotle would have no problem with incentives and punishments aimed at shaping desires and passions as well as at informing deliberation. After all, both “drivers” work hand-in-hand when it comes to making a good choice construed as deliberative desire or desiderative deliberation. Kant, by contrast, would presumably be leery of incentives and punishments that shape (or even engender) desires that might supplant duty as the motivating force of our actions because actions motivated preeminently by the agent’s will to act out of duty is what gives these deeds moral worth.² Dierksmeier (2013: 602) may be right that Kant’s

concern is not at all . . . to avoid particular and sensual motives from entering into the process of our will formation, but solely to determine whether they make us violate moral commitments.

However, it is not at all clear how a compliance program can both introduce sensual motives (e.g., fear of being blamed or fired) and at the same time provide a mechanism for insuring that employees keep these sensual motives subordinate to the pure idea of duty.

There is a related problem: How can those who administer a compliance program *ascertain* whether particular employees are keeping their moral incentives in the correct order (i.e., subsuming sensual motives to the pure idea of duty)? Kant contends that others can never know with certainty what our operative motive has been in any case, a point that Dierksmeier (2013: 602) notes in passing but does not develop. Indeed, according to Kant, we ourselves cannot know whether we have acted out of duty as opposed to inclination. Kant’s point is worth quoting at some length because so many non-Kantian ethicists seem to

² There is a huge debate within the Kantian literature as to whether 1) Kant thinks that genuinely moral actions require that the acting agent have only one motive present – duty – or whether, e.g., sympathy and compassion may also be present while somehow not functioning as the operational motive (Herman, 1993) in the case of genuinely moral acts; and 2) whether the idea of motives being present but not having causal efficacy or not being operational is even coherent (Weber, 2007). I take no stance on this issue here. My point is rather that the mere presence of desires/inclinations (be they opposed to or supportive of duty) are problematic in Kantian ethics in a way that they are not in Aristotelian ethics.

be unaware of Kant's strictures regarding the assigning of motives to others and even to oneself:

In fact, it is absolutely impossible to make out by experience with complete certainty a single case in which the maxim of an action, however right in itself, rested simply on moral grounds and on the conception of duty. Sometimes it happens that with the sharpest self-examination we can find nothing beside the moral principle of duty which could have been powerful enough to move us to this or that action and to so great a sacrifice; yet we cannot from this infer with certainty that it was not really some secret impulse of self-love, under the false appearance of duty, that was the actual determining cause of the will . . . [W]hen the question is of moral worth, it is not with the actions which we see that we are concerned, but with those inward principles of them which we do not see (Kant 1964: 74).

Even if we are aware that we ought to act out of duty, our awareness does not carry "its own guarantee of authenticity" (Kirwan 2014: 57). Any action insofar as it is made manifest within the sensible world wherein nothing occurs without a prior determinate cause means that actions "can always be traced to things in this world" as opposed to freedom (i.e., the motive of duty binding upon rational beings as such) (Mensch 2003). So, while it is fine to contend that Kant maintains a strict "conceptual distinction between the ethical validity of an act and its phenomenological reality" (Dierksmeier 2013: 602), compliance programs must deal with the phenomenological reality of actions. And that reality – as Kant understands it – does not and cannot tell us which motives are dominant or preeminent in the daily practical lives of employees (vendors, customers, etc.) who are subject to compliance codes and training.

So where does that significant caveat leave us? Compliance programs grounded in a Kantian understanding of morality and virtue presumably could legitimately aim at encouraging people to actualize their freedom and could stress the possibility and worthiness of acting out of duty. But such programs would become ethically problematic the moment they strayed into questions of motivation with respect to any particular case. However, questions of motivation arise all the time within compliance programs. For example, to prove fraud on the part of an employee, one will have to be able to prove intent. That

requirement takes one into the realm of motivations (e.g., did the employee act out of greed or out of some misunderstanding of a policy or even out of some misinterpretation of the categorical imperative regarding his or her duty?). Yet, according to Kant, we can never know for sure what any agent's motivations are in a given case.

Dierksmeier (2013: 602, emphasis in the original) seems to be somewhat aware of this problem because he insists that Kant does not mean for us to “*attain* but only to *aspire* to purity in motivation.” This claim only pushes the ethical motivation problem back a step without eliminating it. Given that we can be infinitely clever when it comes to deluding ourselves regarding our motives and psychological states, we surely could convince ourselves that we really and truly are “aspiring” to act ethically while in reality we are only pretending to so aspire.

A Kantian might counter: 1) that a corporate ethics programs should focus on behavior more than on motivations; and 2) that a Kantian approach does not stop a firm from evaluating behavior. Even if one were to concede that behavior can be evaluated apart from motivations (which I doubt), the rejoinder is not as helpful or powerful as it might initially seem for two reasons. First, many firms see themselves as moving beyond mere compliance. They prefer to offer integrity programs. These programs insert one squarely into the world of intentions and motivations. Consider, for example, Sprint's (2013, emphasis added) integrity code:

The Code of Conduct helps ensure that our *good intentions* consistently take the form of appropriate actions. The Code of Conduct defines our relationship with our stakeholders and each other. It provides a solid foundation for making sound, ethical business decisions and for protecting and building upon our strong reputation for doing the right thing.

Second, both compliance and integrity programs hold employees accountable through systems of praise and blame and sanctions. By their very nature, these programs aim at assigning responsibility, modifying behavior, and encouraging good intentions. Yet, given that people's actual motives can never be known with certainty, Kant likely would require us to be careful about blaming others for failing to act responsibly. As the respected Kantian scholar Thomas Hill (1999: 419, emphasis in the original) has argued, for Kant,

the moral perfection of others . . . is generally *their* responsibility, not ours . . . [I]n Kantian ethics, moral agents are, in a sense, *trusted* to govern

themselves by moral principles. The law, ideally, imposes sanctions only when [agents'] use of their freedom hinders the legitimate freedom of others under universal laws, and even here we are subject to penalties only for 'external acts,' not bad (even wicked) attitudes.

Kant is generally suspicious of attempts to use

informal social pressures to back up the law and motivate moral behavior . . . [because] we should, in general, respect each person as able, disposed, and potentially willing to meet his or her own responsibilities without external prods" (Hill 1999: 419–420).

Insofar as compliance and integrity programs are "external prods," Kant presumably would distrust corporate compliance programs. Kant's wariness on this score contrasts sharply with a virtue ethicist like Aristotle who proclaims that we need to distinguish voluntary from involuntary actions precisely so that lawmakers and each of us in our roles as friend, parent, teacher, or professional can appropriately apportion praise and blame (Aristotle, 1908: NE, Bk 3, ch1). Aristotle has no ethical problem with people shaming, praising and blaming one another and would not, I think, offer any in principle objections against compliance and integrity programs designed to apply social pressure and sanctions with a view to encouraging people to become ever more virtuous.

In conclusion, although Dierksmeier persuasively argues that Kant offers an ethic of virtue, he and other Kantians need to provide detailed arguments showing that such an ethic of virtue would be genuinely useful in a corporate context. For, as I have shown, Kant himself offers explicit grounds for doubting the utility of his ethics with respect to, e.g., compliance and integrity programs.

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REFERENCES

- Aristotle. 1908. *Nicomachean Ethics*. Trans. W.D. Ross. Oxford: Clarendon.
- Dierksmeier, C. 2013. "Kant on Virtue." *J Bus Ethics* 113: 597–609, <http://doi.org/10.1007/s10551-013-1683-5>
- Herman, B. 1993. *The Practice of Moral Judgment*. Cambridge: Harvard University Press.

- Hill, T. 1999. "Kant on Wrongdoing, Desert, and Punishment." *Law & Phil* 18 (4): 407–441.
- Kant, I. 1964. *Groundwork of the Metaphysics of Morals*. Trans. H.D. Paton. New York: Harper and Row.
- Kirwan, J. 2014. *Sublimity: The Non-Rational and Rational in the History of Aesthetics*. New York: Routledge.
- Mensch, J. 2003. *Ethics and Selfhood: Alterity and the Phenomenon of Obligation*. Albany, NY: SUNY Press.
- Sprint. 2013. "Ethics and the Sprint Employee Code of Conduct," <http://www.sprint.com/responsibility/ourpeople/conduct.html>
- Weber, M. 2007. "More on the Motive of Duty." *J Ethics* 11(1): 65–86, <http://doi.org/10.1007/s10892-006-9010-3>