In search of the deep structure of morality. An interview with Frances Kamm.¹

In *The Gay Science*, Friedrich Nietzsche argued that only a form of philosophising that sprung from a deep commitment to the subject could ever hope for success. “All great problems”, he wrote, “demand *great love*.” He continued:

“It makes the most telling difference whether a thinker has a personal relationship to his problems and finds in them his destiny, his distress, and his greatest happiness, or an ‘impersonal’ one, meaning he is only able to touch them with the antennae of cold, curious thought. In the latter case nothing will come of it, that much can be promised; for even if great problems should let themselves be *grasped* by them, they would not allow frogs and weaklings to *hold on* to them”.²

Nietzsche went on to complain that, to his knowledge, no one had yet approached moral philosophy in this way:

“Why, then, have I never yet encountered anyone, not even in books, who approached morality in this personal way and who knew morality as a problem, and this problem as his own personal distress, torment, voluptuousness, and passion?”³

No one familiar with Frances Kamm’s work in moral philosophy could share Nietzsche’s complaint. In her two-volume work *Morality, Mortality*, and in her other work in moral theory and applied ethics, Kamm meticulously and imaginatively analyses moral cases in order to gain insight into our fundamental moral concepts and principles. The tenacity she brings to this task can only spring from personal engagement with the issues she investigates—an engagement reflected in her dedication of the second volume of *Morality, Mortality* to “the love of morality”.

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At the centre of Kamm’s work lies her development and defence of a nonconsequentialist ethical theory. Roughly speaking, consequentialism holds that the rightness or wrongness of our conduct is determined solely by the (expected) goodness or badness of the consequences of our acts or the rules to which these acts conform. According to consequentialism, to act rightly is to act in ways that bring about the best possible (expected) consequences, or to act in ways that conform to rules that bring about the best possible (expected) consequences. To act wrongly is to fail to act in ways that bring about the best possible (expected) consequences, or to fail to act in conformity with rules that bring about the best possible (expected) consequences.

Nonconsequentialists deny this. One way in which they depart from consequentialism is by recognising constraints on producing the good. One commonly proposed constraint is, roughly, a strong duty not to harm, which is contrasted with a weaker duty to aid. A standard example of this type of constraint is the prohibition on killing one healthy person in order to use his organs in order to save five other people from death through organ failure. (Call this the Transplant Case.)

To some extent, the different ethical theories proposed by consequentialists and nonconsequentialists have their roots in different methodologies. Consequentialists’ first allegiance is typically to a certain view of goods and evils, and to the view that, when we consider matters from a moral point of view, what we should do is aim at bringing about the greatest balance of good over evil in the world. When the pre-theoretical moral judgements people make in particular cases conflict with what their theory prescribes, consequentialists tend to regard these judgements with suspicion.

By contrast, some nonconsequentialists’ first allegiance is to their considered judgements about individual cases. They attempt to find principles that can explain these judgements, and
then to show, in turn, how these principles reflect important moral notions, notions to which we can be rationally attached.

To formulate principles that are both sufficiently complex to generate our considered pre-theoretical judgements in different cases and which, as a system, embody significant moral ideals is a difficult task. I meet Frances Kamm in London to discuss her attempts to tackle it. Our discussion focuses on her case-based method, her conclusions about the morality of harming people and saving people from harm, and the view of human beings’ moral status that she believes grounds these conclusions.

Alex Voorhoeve: What brought you to study philosophy?

Frances Kamm: I went to a high school for music and art. People there were interested in existentialism, Sartre in particular, so I started reading some philosophy in high school, of the continental variety. I found that I liked thinking about these issues. When I went to Barnard College, the women’s college of Columbia University, Robert Wolff, who was a professor at Columbia, came across to teach an introductory philosophy course. Of course, it had nothing to do with continental philosophy. It was on Descartes’ *Meditations*. What was wonderful about this course was that you could just read a page or two and think about it for weeks. I was interested in history and in literature too. ‘Tolstoy and Dostoyevsky’ was a wonderful course I took, for example. But it involved so much reading. ‘Read the Brothers Karamazov in 3 days!’ they told us. The trouble was that I wanted to just read a few pages and think about it.

I had wanted to go to medical school, but these ambitions were dashed because though I enjoyed the theory part of it, in the lab I was a complete disaster. They used to bring people over to watch me do experiments so they could have a laugh. So I wasn’t going to be a lab
person. I considered becoming a psychiatrist, but during a summer internship in psychiatric social work I realised that I just didn’t have enough patience with the patients. So I just went into philosophy. I went to graduate school at MIT because I thought I would do philosophy of psychology. At MIT that was the time of Jerry Fodor, and MIT had this connection between philosophy, psychology, and linguistics. I wasn’t interested in Chomsky’s thought or linguistics at the time, but I did think it was a good department to be in for that purpose.

Then when I got there, I didn’t feel very strongly motivated in that area. But I went over to Harvard and took an ethics course with Bob Nozick. And that’s what did it, since I really found what he was doing interesting. Just about three years ago, about one-and-a-half years before he died, I brought him over to NYU, where I was teaching at the time, to my ethics colloquium. And when I introduced him I said that for the last 20 years, I had been finishing the term paper for his class. All the topics I worked on were there: the distinction between harming and not aiding, the intention/foresight distinction, the question of abortion, and others.

Alex Voorhoeve: What was it that captured your imagination in that class?

Frances Kamm: First of all I should say that we were all captured by Judith Thomson’s imagination. She was a professor at MIT at the time, but she didn’t teach in her classes, at that time, what she was writing on, which was on the topics in moral theory we discussed in Nozick’s class. In her class, we spent about half a semester on three or four pages of G.E. Moore. I was going out of my mind! This was not for me. It was an eye-opening experience to see the level of care, detail, and rigor devoted to Moore’s writing. I wasn’t used to that.

Nozick was dealing with topics that interested me, and he appreciated Thomson’s article on abortion. So it was the combination of my discovery of these new standards of rigor, of
imaginativeness, and the use of cases, thought-experiments, in ethics, rather than relying only on principles that captured me. I seemed to be able to do this, and after finding that I wasn’t capable of doing other things, I thought, ‘Well, I might not be a renaissance woman, but I have one little ability, and I enjoy doing it, and it seems to be something that the world would like to see done, so why don’t I do this?’

Alex Voorhoeve: What do you mean by saying that ‘the world would like to see it done’?

Frances Kamm: I meant I thought I could get a Ph.D. by doing it! You must realise that I wasn’t the person voted most likely to succeed in philosophy at MIT by a long shot. I was hopeless for a while. It took me a long time… I went back to New York, hung around Columbia… My supervisor, Barbara Herman, was very patient; she saved my life.

I do think, though, that moral philosophy is very important, even when it doesn’t relate to public policy issues, though that’s probably what the world is interested in. I think today, people realize that philosophy is not just the explication of erudite texts, or incomprehensible discourses, but that it emphasises rigour and clarity. Well, at least Anglo-American philosophy does. So people come to philosophy for practical guidance, certainly in bio-ethics. We now even have philosophers on medical wards, wearing beepers, who get asked by doctors, ‘Come advise me whether I should pull the plug’, and so on. I have never done that. I tried teaching at the medical school at NYU, and actually was a professor of medicine at NYU. But they were more interested in answers to specific cases, and I was more interested in theoretical issues that related to questions of practical import.

Alex Voorhoeve: Why do philosophers have authority in these matters?
Frances Kamm: Well, philosophers are different from religious thinkers in that they obviously are not referring to sacred texts; nor are they claiming that they have revealed answers. I mean, they’re trying to provide universally accessible reasons for certain judgements. (Of course, there are individuals within religious traditions that do the same. Aquinas, for example, says that natural reason can give us answers to many things.) I think that philosophers very often do it better than others. When I look at arguments on war, abortion, or stem-cell cloning or whatever, that are put out by people who have some interest in ethics, but who are not philosophers, but rather, say, literature professors, or even people who are well-known in the Catholic or Jewish tradition for doing this kind of work, I find that people who are trained in philosophy generally present better papers, are much better able to see the validity of other positions than their own. I think people with analytic training simply have better argumentative skills.

Alex Voorhoeve: Is part of what sets philosophers apart a willingness to imagine and consider cases or arguments that others might find too wacky to consider?

Frances Kamm: It is interesting that I would agree with that, since I have a colleague, Peter Unger, who calls me a conservationist in philosophy. He does so because I very rarely come out with things that are radically different than our everyday morality. Consequentialists are the ones who are prepared to accept anything, no matter how much it is at odds with our everyday thinking, like chopping up the one to get organs to save five—or even two!—people who are in need of a life-saving transplant, if it will maximise good consequences. My approach is generally to stick with our everyday judgements. I share and take seriously the everyday intuitions we have. I tend to think that some of the philosophers who think that we have very large positive duties, but don’t live up to them, are not really serious. You can’t
seriously believe that you have a duty to give almost all your money away to help others in need, or even a duty to kill yourself to save two people, as one of my former colleagues believes, and then, when we ask why you don’t live up to that, say, ‘Well, I’m weak. I’m weak.’ Because if you found yourself killing someone on the street to save $1000, you wouldn’t just say, ‘Well, I’m weak!’ You would realise you’d done something terribly wrong. You would go to great lengths not to become a person who would do that. That’s a serious sign that you believe you have a moral obligation not to kill someone. But when somebody says, ‘Our theory implies that you should be giving $1000 to save someone’s life and if you don’t do it, that it’s just as bad as killing someone,’ and he says, ‘I don’t give the $1000 because I’m weak!’, then I can’t believe he thinks that he really does have that obligation to aid or that his not aiding is equivalent to killing. Imagine him coming up to me and saying, ‘I just killed someone for $1000, but I’m weak!’ Gimme a break! This is ridiculous. There must be something wrong with that theory, or else there is something wrong with its proponents.

But I admit that when you put together some intuitive judgements, sometimes you get surprising conclusions. For example, it may be that many people are opposed to euthanasia or physician-assisted suicide, and they may think that only philosophers would think that it’s permissible. But in my article “A Right to Choose Death?” I take ideas that people would ordinarily accept, and show that they have surprising implications [that when a patient’s death is a lesser evil, and his pain relief a greater good, it is sometimes permissible to intend the patient’s death for the sake of relieving his pain].

So sometimes, in moral reasoning, you can shock yourself. Sometimes you’re amazed, you know… You think, ‘Look at that!’ Even I come up with unusual conclusions, starting off in perfectly ordinary places, just by thinking carefully. In a way it’s like what an artist does, creating something surprising from ordinary colours and shapes. Suppose we had a great picture on the table in front of us. It might seem, at first, just like an ordinary picture. But if
you just look at it long enough, in a relaxed state of mind, you begin to notice the play of shapes, the relation of it to the whole of which it’s part, etc.

Alex Voorhoeve: Is there an analogy between what an art historian does when discussing an image and what an ethicist does when discussing a moral case? An art historian might direct an observer’s attention to aspects of an image, in order to explain to her why it is beautiful, or has a certain significance, even though the observer might not recognise its beauty or significance, or might admit that it strikes her as beautiful or significant, without being able to give reasons for her response. Analogously, in a moral case about which the observer’s initial judgement may be uncertain, or about which she may have a strongly held intuitive judgement without being able to support her judgement with reasons, an ethicist’s role is to draw attention to various aspects of the case which provide reasons for coming to a moral judgement in that case.

Frances Kamm: Yes. This may just be an autobiographical fact, but I don’t really have a considered judgement about a case until I have a visual experience of it. I have to deeply imagine myself in a certain situation, with an open mind… It’s almost as if you’re looking at something, with no preconceptions, you have to attend to it, and then the things will pop out at you. The intuitive judgement, first of all, may come, of what you really should do in this circumstance you’re imagining, and then you wonder, ‘Why am I reaching this conclusion?’ and your inner eye sort of focuses on one factor as driving this. I suppose that when you look at a painting, it’s the same sort of thing. Make sure you are attending to it, and not having stray thoughts or whatever. You start to focus on what it is that is so fascinating. And it can take a while. You can develop a whole theory about what it is that is causing you to have an aesthetic judgement, and the same can be said about judgements in moral cases.
Alex Voorhoeve: The idea that we just ‘see’, or ‘intuit’ the right response to a moral case suggests that such judgements are simply personal emotional responses, or that we use a mysterious faculty in order to make them. You distance yourself from this interpretation of our case judgements. Why do you do so, and what alternative view do you have of them?

Frances Kamm: The term ‘intuition’ has a long history, and when you use it people tend to think that you’re talking about immediate access to some atomic entities of some sort. I’m not talking about intuitive judgements about the atomic structure of some substance. I am just talking about a judgement about a case. These judgements may be wrong, and we need to be able to give reasons for them, reasons which are not just our emotional responses. What I’m saying is that in order to have a judgement about a case, you really have to situate yourself in the case. For example, imagine a case in which a runaway trolley will kill five people if a bystander does not divert it onto another track, where, she foresees, it will kill one person. [Call this the Trolley Case.] You’ve got to tell yourself, ‘There are five people on one track, and there’s one on the other.’ You might even have to consider, ‘Which way is the track going? Is there a loop in the track, so that if you diverted the trolley away from the five and the one person was not blocking its path, it would rush round and run into the five from the other side?’ You have to sink into these details, not just say immediately, ‘Oh, it’s one versus five, so of course you have to sacrifice the one’, or, ‘Oh, the track is going round, so…’ Just situate yourself in the case. I think this is what Judith Thomson is trying to get us to do, in the special case where there is a loop in the track. Now, in this case, some would immediately draw on a general principle, like the Doctrine of Double Effect. [The Doctrine of Double Effect (or DDE, for short) says that it is impermissible to bring about lesser harm as an end in itself or as a means to a greater good, but that it can be morally permitted (or required) to
perform a neutral or good act as means to a greater good, though we foresee lesser harm as a side-effect.\textsuperscript{10} They would say, ‘Well, this is a case where the hitting of the one is causally necessary to save the five, so it violates the DDE, because in this case we are using the one only as a means to the greater good.’ But the way I interpret what Judith Thomson is doing is, ‘Forget about the principle! What do you think when you really have in place all the facts?’ And surprisingly, people often say, ‘Well, I \textit{do} think it’s impermissible to use people as a means, but I also think it’s all right to turn the trolley in this case.’ You can be very surprised about your own responses to a case like this one.

Alex Voorhoeve: But the principle that one should not use another person merely as a means is an important one and appears to capture an idea of moral significance. Why should we abandon it merely because of our—possibly tentative—response to a case of which we have had no experience?

Frances Kamm: Well, this case may show not that you should abandon the principle, but that the Loop Case does not actually violate it because there is a moral difference between acting because you will hit someone when this is causally useful and treating someone as a mere means. That is, we don’t really understand what believing in a principle amounts to until we consider the cases. But I also think that, in fact, our responses to cases may undermine the validity of this principle ‘don’t use people only as a means’. In Volume I of \textit{Morality, Mortality}, I consider the case where we have to choose between saving either a doctor or a janitor’s life with an organ transplant.\textsuperscript{11} Assume the doctor could do a great deal more good than the janitor: he would, let’s imagine, go on to save another five people. In this case, I actually thought, ‘Well no, we shouldn’t give the doctor priority, even if he will go on to save five lives’. This appears to support the ‘don’t use people only as a means’ principle. But then I
thought about a case where I have a set of organs to distribute. One of these organs can help either person A or person B, who are on my side of a river. The rest of these organs can help five people on the other side of this river, which I am too weak to cross. If I give the first transplant organ to person B, she will be strong enough to cross the river. By contrast, A does not have this ability. Now, in this case, I thought, ‘Ah, now that’s interesting. I think it’s permissible to give a transplant organ to B in this case, even though it’s not OK to give it to the doctor rather than the janitor.’ If A’s ability is connected to distributing the resource you have, then it is OK. An instrumental difference between A and B is then a permissible ground for distribution. By contrast, the doctor is useful to people who need him, but not useful to what I have to distribute. Right away, this showed me that it wasn’t just the purely instrumental use of people that was the issue.

The lesson I draw from such cases is that these variations in cases save you from overgeneralization, from an immediate attachment to a moral principle. There is so much variation, there are so many delicate distinctions to be drawn, that I don’t think that these very general principles that we immediately jump to can possibly be correct.

Alex Voorhoeve: I don’t understand what these cases have to do with the injunction not to use people merely as a means. For when we give B priority, we do not treat her merely as a means. For we are also counting the fact that the transplant would save B’s life as a reason for giving her the transplant. Moreover, B would presumably consent to being ‘used’ in this way. So the preference for saving B would not violate the injunction. The same would apply to the doctor, should we decide to give him priority over the janitor…

Frances Kamm: You have to consider it from the perspective of the person who is being denied the transplant because he is not useful. Take A: he is being treated as a means because
we consider whether he could serve our goal, and then refuse him the transplant because he will not. So I think the judgement in this case that we should give the transplant to B does violate the injunction. But it is true that in saying this, I am relying on my sense that one can treat someone as a mere means even when he is not being made into something causally useful.

Alex Voorhoeve: I can think of several explanations for your judgements about these cases that might undermine their purported authority. One such explanation is that in actual cases, our limited knowledge and limited ability to think through all the consequences of our acts, together with the advantages of specialisation, lead to a moral division of labour and a concomitant division of responsibility. This division of responsibility is, roughly, one in which you are required to think only about your resource, about how you could put it to best use. So when what someone could go on to do with his life is relevant to the use of your resource, you do take that into account. But you don’t think in general about everything that the people who you are helping will go on to do with their lives. The moral intuitions you have in these cases are a product of being educated into practices that embody this division of responsibility. But since the grounds for this division of responsibility are absent in your imaginary cases (where we do know and can take account of everything that people will go on to do with their lives) the moral intuitions that are based on this division of responsibility may not be trustworthy.

Frances Kamm: Your explanation seems to be this: ‘Well, ordinarily, we don’t know what doctors will do with the life we give them, so we just tend to ignore this question; we’ll make it an irrelevant good. Whereas here we do know.’ But I don’t think this explanation is sensitive enough to what is going on. In this case, I can suppose that I know that the doctor is going
right from his treatment to his surgery to perform a treatment on five people who only he can save from their cancers. When I imagine this, I still see a difference between these cases. But then people will say: ‘Well, you have these ingrained tendencies from ordinary life, to reason in the habitual mode. I know you think you’ve convinced yourself that you think the doctor is going to do this, but your habitual mode of thinking is: ‘Who knows what’s going to happen, I’m going to block out what the doctor is going to do’.’ But I don’t believe our capacity to reason about cases is so limited by habitual responses.

Nonetheless, I must admit that I was worried when a psychologist colleague Marc Hauser reported to me in a research seminar that the moral distinctions people make in the Trolley Case are respected cross-culturally, in the sense that people would turn the trolley onto the one to save the five, but not throw an innocent bystander in front of the trolley to save the five. Even though I have taken the view that many intuitive judgements reflect some deep structure not completely accessible to the person who has it—and this may be universal—I thought: ‘That’s terrible! I’m just reporting some ingrained response! If even babies share this view…’

Alex Voorhoeve: Babies?

Frances Kamm: Well, you know, young children. A famous developmental psychologist told me that children had the same response.

Alex Voorhoeve: Why does that worry you?

Frances Kamm: It doesn’t really worry me. I just meant that it doesn’t necessarily help us with the principles we’re trying to explain and justify. That a lot of people agree doesn’t yet show
that something is correct. It does not help to support the normative authority of the judgement. Now, Marc Hauser himself recognises that. But there was a colleague of his at the research seminar who said upon hearing the empirical data, ‘Well, that’s great. What more do you need?’ Now, what worries me about that view is of course that everyone could be wrong. For example, the research by David Kahneman and Amos Tversky on the psychology of decision-making under risk reveals that everyone makes certain mistakes when making decisions based on the probabilities of things happening. That everyone in fact decides as though they have a certain false theory of probability ingrained in them doesn’t mean that is the right theory of probability.

In addition, I was worried that if even very young children are having these responses, then what is at work here is some remnant of the primitive part of the development of the organism, rather than a rational capacity. Maybe even chimpanzees respond this way. ‘Well’, someone might say, ‘that’s a good thing. Maybe morality is more widespread than we thought. Even reptiles would have this morality, they would flick their tails, to turn the trolley onto one lizard, rather than five, but they wouldn’t push another lizard in front of the trolley.’

Alex Voorhoeve: I don’t see why the mere fact that a particular response that we regard as moral is ingrained, in some sense, should worry you. For example, many animals display reciprocal altruism. A vampire bat who returns from his flights to the bats’ resting place well-fed will often regurgitate blood into a hungry ‘buddy’s’ mouth. Because this pattern of interaction is repeated over time, and the bat who has fed his neighbour will on some occasions be the one being fed, the pattern can be sustained to the bats’ mutual advantage. Suppose that we have a similar ‘ingrained’ tendency to engage in acts of reciprocal altruism. That would not show that this tendency would be something that, on reflection, we would disapprove of.
Frances Kamm: I guess you could give an explanation consistent with morality being something you would have reason to follow. But we want to know if morality is something rational beings could choose to develop, not just that they did develop it. The point is that the mere fact that we have a certain response to the Trolley Case doesn’t indicate to us that there is a good reason to act on that response. It does not solve the problem of normativity.

Alex Voorhoeve: You remark that we might give up our moral judgements if the principles that best explain these judgements fail to embody morally significant ideas…

Frances Kamm: Well, I guess that ultimately, I believe that you could reject all our moral judgements once you find out what’s driving them. But I must admit that when I find a principle that appears to explain my judgement in a particular case and my reaction to it is, ‘How could that be of any importance?’, then my further response is to think that I must not be seeing something. I have to think further. It could be the case that when I see everything that’s there, I will think, ‘This can’t be right.’ But I’m much less willing to give up my intuitions in particular cases than proponents of the method of reflective equilibrium. [This method consists in working back and forth among our judgements about particular cases, the principles that we believe govern them, and the theoretical considerations that we believe bear on accepting these judgements or principles, revising any of these elements wherever necessary in order to achieve an acceptable coherence among them. We achieve reflective equilibrium when we arrive at an acceptable coherence among these beliefs.] I feel it is more like building up from the bottom.

Nonetheless, for me these intuitions don’t provide sufficient justification. I’m interested in the question, ‘Why do I think this?’ I’m interested in figuring out our everyday moral
consciousness. But when you see it whole, really go down to its depth, its deep grammar, so to speak, and ask whether this makes any sense, I am prepared to accept as a possibility that once we see what the fundamental principles are, we shall conclude that the intuitive judgements in particular cases are not worth adhering to.

Alex Voorhoeve: Can you illustrate this in a particular case?

Frances Kamm: Suppose that in order to explain my judgements in various cases I come up with a principle that says that the greater good can cause lesser evil, but the means that lead up to the greater good cannot. [This is a rough version of Kamm’s proposed Principle of Permissible Harm, which—again roughly—states that it is permissible to harm some when it is necessary to save more just in case the harm is an effect or aspect of the greater good that one produces. One may do greater good even though lesser harm may come of it. One may not, by contrast, do harm in order that good will come of it.16] And then you look at this principle and ask, ‘Why should that be true? The person is going to die as a result of the greater good happening in both cases, why should it make a difference whether the means that bring it about involve harming someone, rather than that the harm is produced by the greater good itself?’ Then I have to go back and ask myself, ‘What might this constraint express about what it means to be a person?’ In Volume II of Morality, Mortality, I propose an answer based on the idea that it is a different matter when the fate of a person, who is of worth as an end-in-itself, is confronted directly with the good of other ends-in-themselves, than when this person is confronted with a chain of events which in themselves have no worth but are means to a good end.17 [For example, in the Trolley Case, diverting the trolley away from the five towards the one just is the greater good (the saving of the five), which has as its effect the harming of the one. So in this case, when we are considering whether to turn the trolley away
from the five, we are confronting the five, who are ends-in-themselves, directly with the one, who is also an end-in-himself. By contrast, if we could stop the trolley only by pushing an innocent bystander in front of the trolley to prevent it from running over the five, something which is usually regarded as impermissible, then this single person is directly confronted only with the means to a good purpose, that is, stopping the trolley.] I thought, ‘Maybe that is the reason’. But when I look back on that stuff I ask myself, ‘What is this garbage?! What does this amount to?’ But my point is that if you can’t find something of this sort, then there is something very unsatisfying about the whole thing.

I also want to say that maybe when I look at these cases I can come up with something entirely new, that may have nothing to do with treating people as ends, or the worth of the person. I might be awakened to some new aspect of the universe never before seen. When you read Kant, there is something that happens to students, and it certainly happened to me. It is like there is this whole new dimension of the moral universe that is opening up to you. That is why it is so difficult to understand Kant. Sometimes I think I am such a primitive form of humanity compared to what he is on about. As Kant says, ‘We have reason not for the purpose of producing happiness, for instinct would have been better at that’ –now whether that is true I don’t know—‘but for the purpose of producing a will that is good in itself.’

You know, a will that is good in itself? That is the point of my life?! That’s a standard I never thought of measuring my life against! I taught a course on Kant once, and I thought, ‘What is going on here?’ But you feel that there is a mountain of gold to be mined. What it involves is a completely different conception of what your life is about, what people are about, how to judge whether an outcome has been successful. We should always be open to the idea that life has dimensions that we haven’t recognised yet.

Now, not everyone agrees with me on this. Baruch Brody [a professor of philosophy at Rice University] once said to me, approximately, ‘I go with you in your intuitive analysis, but
why are you always searching for deeper principles? It is important that we realise that our
ejudgements don’t display the superficial irrationalities that consequentialists claim our
judgements display when we say we don’t believe it’s permissible to chop up the one to save
the five, but do believe it is permissible to turn the trolley. But all you have to do is show, as
you claim, that in the latter case the greater good leads to the lesser evil, and in the former case
the lesser evil leads to the greater good.’ Brody says, ‘I go with you that far. But these
intuitions wear it on their face that they are correct. Why do you have less confidence in them,
and more confidence in some deeper underlying theory of the person, or interpersonal
relations, or something like that? I am less confident about the latter than I am that these
intuitive judgements are correct.’

I guess that I don’t see it that way. There is this argument, sometimes Thomas Nagel
brings it up, which is, ‘We should stop doing theory when any theory we come up with as an
explanation of the data is something that we have less confidence in than the data.’ I don’t
think that’s true. Even though I admit that we never might have the confidence in the theory
that we have in our intuitions.

Perhaps we can put Kamm’s disagreement with Brody and Nagel as follows. We can’t do as
Brody and Nagel appear to propose and simply stop at the considered case judgements in
which we have greatest confidence, or the relatively superficial principles that explain them.
For there is a further question to ask: Why should we act as our moral judgement tells us that
we should act in these cases? After all, adhering to moral requirements may be costly: We may
have to sacrifice our aims, our own lives, or the lives of others in order to respect them. A
critical understanding of morality therefore requires that we understand which values the
moral requirements express, and that we can judge whether these values are worth respecting
or promoting. We cannot, therefore, rest content with the observation that we can ‘explain’ our intuitive responses to the Trolley and Transplant cases by the fact that in the first, the greater good leads to the lesser evil, and in the second, the lesser evil leads to the greater good. We need to know that by following moral principles that are based on this difference, we are doing something worthwhile.

Though distinctive in many ways, Kamm’s project displays an interesting similarity with Kant’s project in the *Grounding for the Metaphysics of Morals*. Kant believed that what he called “common moral cognition”—the unreflective, practical knowledge of the standards that everyone must, and typically does use in moral reasoning and judgement—reaches the right practical conclusions. Nonetheless, Kant believed that we need a deeper, philosophical knowledge of morality because in the absence of this knowledge we have a tendency to “quibble with these strict laws of duty, to cast doubt upon their validity,” because what these laws command may conflict with our happiness (and, we might add, with other values, like saving human lives). This deeper knowledge of morality would, Kant believed, provide us with new and powerfully motivating reasons to be moral. These reasons relate in part to the special and appealing relationship Kant believed we have to others when we judge that certain principles are morally right and act on these principles. In these cases, Kant argued, we are making and conforming to rules that would hold in a community of reasonable and rational beings that considered each of its members as an end-in-itself. Starting from our ordinary moral judgements, Kant therefore sought to make our faculty of moral judgement “attentive to its own principle” by elucidating the underlying principles implicit in our commonsense understanding of moral worth. In the same way, Kamm attempts to develop an understanding of our deeper moral principles and values from our pre-theoretical judgements of cases in the hope that this will reveal that our ordinary moral judgements are worth following.
A good example of a case where this deeper understanding appears to accomplish this aim is Kamm’s discussion of the justification of nonconsequentialist constraints on harming. Constraints that prohibit inflicting certain types of harms on individuals are notoriously hard to justify. For it appears irrational that one be prohibited from violating a constraint when such a violation will prevent more of the same type of constraint from being violated.\textsuperscript{22} For example, imagine someone had maliciously sent a trolley hurtling towards five with the intention of killing them. It is impermissible, nonconsequentialists typically hold, to kill an innocent bystander by pushing him in front of the trolley, even when this is the only way to prevent the murder of the five. But if rights are so important, how can the violation of the single individual’s right to be killed outweigh five violations of the very same right?

In response to this question, Kamm attempts to formulate an idea of human status that such constraints express, and to show that this status would be undermined by always acting so as to minimise the violation of these constraints.

Alex Voorhoeve: Could you explain your idea of status, and how it relates to constraints?

Frances Kamm: The key idea I was grappling with when I developed this idea of the role of status was the so-called ‘paradox of deontology’: if you care about rights, about people not being harmed in certain ways, then if you can stop five from being harmed in a certain way by harming one (who would otherwise be alright) in the same way, then why wouldn’t you do that? This would be a kind of consequentialism of rights-violations. And the answer of most people working in this area, like Bernard Williams and Thomas Nagel, was to bring in an agent-centred perspective, and say, ‘Well it would be \textit{me} doing it, whereas the five would be someone else doing it.’\textsuperscript{23} Then I thought, ‘If it was \textit{me} who produced the threat, if it was \textit{me}
who set a bomb that would kill five, would it then be permissible to kill a different person to
minimise the rights that I was violating? And I realised that the answer was, ‘No’. So I
decided to look in a different direction: not to focus on the agent who would violate the
constraint, but instead to consider the potential victims of violations of the constraint.
Because I thought, ‘Suppose it was the case that I could kill the one to stop five from being
killed? That would mean something about all of us. It would mean that all of us were useable in
a certain way.’ You see, there’s a kind of status that is defined in terms of what it is permissible
to do with people. One measure of people’s worth is what we judge is permissible to do to
them. It is true that the five will be mistreated if I don’t harm the one in order to stop their
mistreatment. But they will still be the kind of beings who should not be treated in that way.
They will still be the kind of beings who are inviolable insofar as it is wrong to harm them in a
certain way even in order to realise the greater good of minimising that type of harm. If it
were permissible to kill the one to save the others, no one (the one or the five) would have the
status of a highly inviolable being. So it is this value that is being expressed by this constraint.
It is true, it stands in the way of saving more lives, and it doesn’t stand in the way of being
mistreated. But it expresses the fact that there is this character or nature of the individual that
requires us to treat her in certain ways and prohibits treating her in other ways.

Alex Voorhoeve: What is it about our nature that gives rise to these requirements?

Frances Kamm: I don’t know, though I suspect it has something to do with the fact that we
are rational beings. But that was not what I was trying to establish. What I cared about was
this paradox of deontology. And I realised that the answer lies in the fact that a moral system
expresses the value or worth of a person, and that the value of a person increases when we are
less violable as there are fewer constraints that it is permissible to violate. It is not only what
happens to people that matters but also how their nature requires us to treat them that determines their worth.

Alex Voorhoeve: What about the following, different response to the paradox of deontology. The question, ‘If you care about rights, why not aim to minimise rights violations?’ might derive its force from the idea that caring about something (e.g. that people’s rights be respected), always involves taking oneself to have a reason to promote its occurrence, other things equal. But it is not true of every valuable thing that if I care about it, I should promote its occurrence. Caring about friendship, for example, doesn’t commit me to ‘promote its occurrence’ by maximising the number and/or quality of friendships I have. Breaking off one relatively time-consuming friendship so I can have two new friends would not show that I cared deeply about friendship. Perhaps what is true of friendship is true of rights.

Frances Kamm: Though this may be right about friendship, it doesn’t work in the case of rights. For take a case where there are two non-overlapping groups of people, one of five, and one of one, and both are having their rights violated, and we have to decide who to save from this. In this case, we should save the five from having their rights violated. It is clear to me that when I don’t have to mistreat a person, I should maximise the number of people whose rights are respected. So you can’t use the idea that maximising is not always important in this case.

Alex Voorhoeve: That’s very interesting…

Frances Kamm: [Laughs.] I’ve just said something interesting! I can’t believe it!
I mean, the other response is to say that one life is as precious as any number of lives. That faced with a choice between saving one life and a million other lives, you should flip a coin. But I think the view that I’m proposing, about the importance of recognising constraints, has nothing to do with a refusal to count numbers.

You know, I’m glad you’re looking like you’re interested, because you know that’s what this stuff is all about. I mean, we are trying to do something important here. I always am surprised when people say, ‘Oh that was a nice discussion. That was fun.’ I think, ‘Fun? Fun? This is a serious matter!’ You try and try to get the right account of the moral phenomena in such cases as the Trolley Case, and getting it right is just as important as when you are doing an experiment in natural science, or any other difficult intellectual undertaking. If we worked on a NASA rocket, and it launched well, we wouldn’t say, ‘Well that was fun!’ It was awe-inspiring, that’s the right way of putting it!

Alex Voorhoeve: What about Shelly Kagan’s challenge to your argument for the status-enhancing role of inviolability? Kagan pointed out that as you increase inviolability, and so increase our moral status because less may be done to us for the sake of maximising the good or minimising evil, you also decrease ‘saveability’, or what may or must be done in order to save us. And saveability, too, is a mark of moral status…

Frances Kamm: Well, I don’t always dwell on the objections that critics raise, because… well, because I don’t always know how to answer them, but also because I think that it’s important for someone who thinks they’re on the right track to keep going. But let me say something about it. Shelly is deriving a person’s degree of saveability from facts about how much has to be done to save him when he is a member of a group of several people who can be saved. But saveability seems to be a mark of someone’s status only if it is a mark of how much you
should do to save him *as an individual*. The status of a person *qua* individual is a function of what is true of any individual person. So Shelly’s case isn’t an indication of the status of a person as an individual. I guess the test for saveability is more like: if someone were drowning, how much of a loss would you impose on someone else, less than death, to save this person? That would be a way to argue that a degree of saveability shows someone’s value. That is different from the question, ‘How many would you kill or sacrifice to save a thousand people?’ For the answer to that question is a function of the aggregate group. See, you might have a very valuable jug in your house, and a lot of *tschashkes* [Yiddish for knick-knacks]. And given a lot of them, you might be willing to sacrifice the jug for them. But that wouldn’t be a mark of their status as individual items.

Alex Voorhoeve: But how many of them it would take before you sacrifice the jug might reveal something about their individual value…

Frances Kamm: Well, on the consequentialist view, if you say, ‘I’ll sacrifice the one for the two,’ then that is compatible with the saveability status of a person being half the inviolability status, in the sense that saving each of two people contributes one half the value of the one life sacrificed. But this is all bizarre. I mean, I think that the saveability status of a human being is more than one half of its inviolability status. The way you would show what the saveability status is, would be to see how much of your arm I could take to save a person. You have to do this on a one-to-one basis.

Alex Voorhoeve: I am still puzzled. It seems that a person’s degree inviolability is determined not only by how bad the fate of others must be before we override constraints against harming her, but also by how many others will suffer bad fates. That is, it seems that I am
more inviolable when my right not to be killed can be overridden only in order to save the lives of more than twenty others than I am when it can be overridden to save only two others.

Frances Kamm: Well, Judith Thomson thinks that when it’s a question of the violation of rights in order to help others, you have to engage in pairwise comparison of the loss that the rightholder would sustain if we violated his right and the harm that would thereby be prevented for each of the other people. You have to ask of each of these people, ‘How much worse off would they be?’ The degree of violability of a person’s rights is then determined by how bad the fate of one other person would have to be before you transgress the right. The analogous idea in the saveability case would be that you have to think about it one person at a time.

Alex Voorhoeve: But Thomson’s view appears to be wrong, because it must sometimes be permissible to kill someone to save a large enough group of different people from a serious harm, even when the harm that each member of this group would suffer is less bad than death.

Frances Kamm: I don’t necessarily agree with Thomson.

Alex Voorhoeve: So how are you helped by her point about not determining violability with reference to aggregate harm?

Frances Kamm: I brought it up to show that not everyone agrees with your point that the number of people bears on the determination of your inviolability.
Alex Voorhoeve: If inviolability is a mark of status, why don’t we increase our inviolability and hence status by saying that we can’t turn the trolley onto the one to save the five?

Frances Kamm: I don’t believe this idea of our ‘making’ something is the right one. I don’t believe that we construct morality. I believe that given a certain conception of the person, the rest of it follows.

Alex Voorhoeve: Even though you don’t have this conception of the person?

Frances Kamm: I don’t know what it is yet. I have it. I have it. There’s no doubt about that, because I must have it, since I have the intuitions that express it.

Alex Voorhoeve: But you don’t have it articulated…

Frances Kamm: I don’t have it articulated. It’s there, but I don’t know what it is. It is like one of these revelations when you read Kant. The thing is I have beliefs that don’t fit into a consequentialist model. I believe you can’t throw a fat man off the bridge to stop the trolley from hitting the five if that will paralyze him, but that I can turn the trolley away from the five and onto the one and kill him. There are certain ways in which you can bring about a result, and it can’t just be legislated. You might ask, ‘Why don’t we just eliminate that restriction and introduce another?’ It’s not like that. It’s a package deal. It’s like a theory of grammar. Once you have the core, everything else follows. About a billion million sentences. And you can’t say, ‘Let’s take five sentences and make the adverb work differently here.’ You can’t. I mean the structure. It’s hard, rigid. It’s not something we put together, or fool around with. And you’ve got to figure out why it is rigid in exactly this way.
Alex Voorhoeve: Why did you dedicate the second volume of *Morality, Mortality* to the love of morality?

Frances Kamm: When I was writing that book, I was so involved in it. Going over and over and over it again, you become completely detached from other people. And there is this structure that looms in your presence. At certain points I just had to sit in my bedroom, the most secure place I could find, with a big bag of potato chips and a big bag of popcorn and try to read the whole thing in one go, without leaving my bed. I had to encompass the whole thing in my mind all at once to see whether it would all fit together. Remember that I said that when I think of these examples I have to think, to feel myself into them. And when I was doing this with the whole structure, I was trying to think as deeply as I could possibly—and I'm no Saul Kripke!—and I just felt there wasn’t anything else. This morality structure that I thought I had uncovered just seemed to me to be life. That was it. And I dedicated my book to it. Because I felt like I had been granted admission into…, well, into a new world. And it seemed to me to be so completely different to care about these things. The way I put it was, “another way to live.” Most people I know didn’t seem to live in accordance with these principles. It was like a new world that I was having insight into, that other people weren’t responding to. And that’s why I saw it as another way to live.

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1 I am grateful to Luc Bovens, Michael Otsuka, and Leif Wenar for discussions of Kamm’s work and comments on this interview. I have also benefited from M. Otsuka, “Kamm on the Morality of Killing,” *Ethics* 108 (1997): 197-207.


3 Ibid.


10 For discussion of this definition, see *Morality, Mortality, Vol. II: Rights, Duties, and Status*, pp. 150-152.


17 See ibid., pp. 184-7.


19 Ibid., 404.

20 Ibid., 405.

21 Ibid., 404.


23 In “A Critique of Utilitarianism,” in J.J.C. Smart and B. Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University Press, 1973), pp. 93-100, Williams has argued that one has a special responsibility for
actions that flow from one’s agency that one does not have for the actions of others, and that this is why it might be wrong to kill somebody rather than allow another to kill more. In *The View from Nowhere* (New York: Oxford University Press, 1986), pp. 175-180, Nagel bases the impermissibility of killing one to save five others from being killed on a distinction between harm that one intentionally commits and harm that one merely foresees that others will commit.

