

Cambridge University Press

978-0-521-63179-2 - Rational Commitment and Social Justice: Essays for Gregory Kavka

Edited by Jules L. Coleman and Christopher W. Morris

Excerpt

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## Introduction: The Moral and Political Philosophy of Gregory Kavka

CHRISTOPHER W. MORRIS

Gregory Kavka was a remarkable philosopher, certainly, to have written so many distinguished essays and books in his short life, for he was only forty-six when he died on February 16, 1994. Even greater testimony to his exceptional nature as a thinker may be his influence on contemporary moral and political philosophy. His contributions to several areas of practical philosophy are significant. His work falls into four overlapping areas: (1) the ethics of war – in particular, the ethics and rationality of nuclear policy; (2) the general theory of rational choice; (3) Hobbes studies; and (4) various topics in moral theory, applied ethics, and policy. In each of these areas his contributions have been striking and have opened new areas of thought.

Kavka wrote extensively about the ethics of war and of defense, especially nuclear conflict and its deterrence. His writings kindled contemporary interest in the philosophical and ethical issues concerning nuclear war. Most importantly, they showed how wider lessons are to be found in seemingly narrow issues about aspects of nuclear deterrence and policy. In a well-known and widely reprinted essay, “Some Paradoxes of Deterrence” (1978),<sup>1</sup> Kavka showed how certain sorts of deterrent situations give rise to moral difficulties with which our standard accounts are ill equipped to deal. These situations are those in which an agent must intend (conditionally) to harm innocent people in order to forestall some great harm and injustice. Deterring an adversary by means of threatened nuclear retaliation is often thought of as a “special deterrent situation” of the sort Kavka has in mind. An enemy state is deterred from attacking by its belief that we would retaliate massively. Central to the moral problem is the fact that retaliation of the sort envisaged, and intended, would target a large number of innocent civilians and would be morally wrong – a point conceded about nuclear deterrence by virtually everyone. Rather than conclude, as some moralists have, that nuclear deterrence (or sincerely threatening nuclear retaliation) is forbidden, Kavka points to the significant moral value of successful deterrence: “evil” intentions, he notes, “may pave the road to heaven, by preventing serious offenses and by doing so without actually harming anyone.” He argues that a variety of principles that “bridge” our moral evaluations of acts and of agents are shown to be problematic in such situations. In particular, the influential

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“wrongful intentions principle,” stating that it is wrong to intend to do what one knows to be wrong, he argues, should not be applied to deterrent intentions like the ones in question. Other problematic rules are “the right–good principle” – doing something is right if and only if a morally good person would do the same thing in the given situation – and “the virtue preservation principle” – it is wrong deliberately to lose or debase one’s moral virtue.

In addition to initiating and framing the philosophical discussions of these issues, Kavka contributed to virtually every debate about the ethics of nuclear policy in the seventies and eighties. He challenged the popular philosophical defenses of unilateral nuclear disarmament as well as the moral case influential in defense policy circles for “space defense.” Most of his writings on these topics are reprinted, with revisions, in his *Moral Paradoxes of Nuclear Deterrence* (1987).

Some of Kavka’s contributions to the theory of practical rationality, or rational choice, emerged from his reflections on deterrence and conflict. He was skeptical of orthodox accounts of rational choice in contexts such as special deterrent situations in which the outcome of conflict can be disastrous. In cases such as these – choices made under uncertainty, with several potentially disastrous outcomes – he thought that the influential principles of expected utility maximization (using subjective probabilities) or of maximin (which would have one minimize maximum losses or maximize minimum gain) are not satisfactory methods of making choices. He proposed instead a “disaster avoidance principle,” which would have agents in such situations choose the options for which the probability of disaster is smallest.<sup>2</sup>

Kavka may be best known in the field of rational-choice theory for a “puzzle” he announced in a few pages published in *Analysis* (1983). A millionaire presents you with a vial of toxin, which, if imbibed, will make you very ill for a day but with no lasting or life-threatening effects. The wealthy eccentric offers you \$1 million if tonight you (genuinely) *intend* to drink the toxin tomorrow. The money will be paid to you soon after you form the intention, independently of your carrying it out; you need not drink the toxin to receive the money. A number of important questions about reasons and intentions are raised by this seemingly innocent tale, and it has been the subject of considerable discussion since the time of its presentation. There is, first of all, the question of whether a rational person could, while remaining rational, intend now to do something later that he or she believes to be irrational. So, if one thinks that one would lack sufficient reason to drink the toxin tomorrow, one could not rationally form the requisite intention today. There is also the question of what sorts of reasons are provided by intentions (or plans) and whether these could be sufficient to have one (rationally) do something one would not otherwise have reason to do. One might rationally, though Kavka thought not, *decide* to drink the toxin and act on the intention thus formed, enriching oneself as a consequence.

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As will be seen by the three essays in this volume touching directly on this puzzle (the chapters by Gauthier, Bratman, and Harman), the issues are very difficult and go to the heart of many debates about practical reason. Kavka's little essay and his subsequent discussions have initiated a debate that has proven strikingly interesting and fruitful, not unlike the upshot of Robert Nozick's essay several decades ago on the Newcomb problem.<sup>3</sup>

In Hobbes studies Kavka's influence is unassailable: his *Hobbesian Moral and Political Theory* (1986), along with Jean Hampton's *Hobbes and the Social Contract Tradition*, published the same year, revived Hobbes scholarship and placed Hobbesian theory at the center of discussions in political philosophy. Kavka's secondary aim was to interpret Hobbes' thought; his principal ambition was to offer a "Hobbesian" theory that reconstructed Hobbes' own account in ways that make it especially relevant and plausible to contemporary thinkers. The theory that emerges is one that offers some justification for liberal welfare states but not for the master's favored absolutist state. Kavka argues as well that Hobbes' account of the relations of morality to self-interest is more promising than most have thought, even if it fails to capture large aspects of morality.

The project that Kavka left uncompleted at his death was entitled *Governing Angels: Human Imperfections and the Need for Government*. A preliminary statement may be found in his posthumous essay, "Why Morally Perfect People Would Need Government" (1995).<sup>4</sup> It was to focus on the same objects as the Hobbes work, namely conflict and the need for government, and it would generalize the idea, found in both the Hobbes work and that on nuclear deterrence, that much conflict is due to structural features of human interaction, not to moral failings of the agents. In this work Kavka was to challenge the view of government expressed in James Madison's famous words in *Federalist Paper* 51, "If men were angels, no government would be necessary." To the contrary, he thought, even morally perfect individuals would find themselves in conflicted situations that government might justly remedy.

In addition to topics in the ethics of war, rational-choice theory, and Hobbesian political theory, Kavka wrote extensively on a number of issues in moral philosophy, applied ethics, and public policy. He was one of a handful of thinkers to initiate philosophical reflection on the problems of future generations that are so topical in contemporary ethics.<sup>5</sup> His article on "Disability and the Right to Work" (1992) has attracted some attention in policy fields, and the author consequently seems to be highly esteemed among activists for the disabled. His essay "The Reconciliation Project" (1984) is one of the best statements of the ambitions and difficulties of neo-Hobbesians like David Gauthier to link morality with individual rationality.<sup>6</sup>

The particular theses and arguments that Kavka put forward continue, in several areas of philosophy, to foster debate. It is possible, however, that a greater

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measure of his intellectual significance is provided by an appreciation of the fields that he initiated or influenced. Their number is striking, especially for one who died so young.

The present volume of essays commemorates Gregory Kavka's work in several ways. Tyler Burge's essay pays tribute to his person, and many of the essays discuss some particular idea or thesis of his. All pay him the greater compliment of developing themes associated with him. The first set of five essays focuses on topics about rational choice, intention, and deterrence that are the focus of much of Kavka's work. Brian Skyrms brings to bear recent game-theoretic work on rational interaction in repeated situations to the problem posed by Hobbes' infamous Foole, who questions whether reason always demands compliance with one's covenants. Hobbes, as well as Hume, may be read as grounding cooperation in long-term interest where "the shadow of the future" comes into play. Skyrms suggests that the manner in which the shadow of the future supports cooperation in our world has more to do with incomplete information than with infinite time horizons. After a careful account of Kavka's views about the paradoxes of deterrence, Daniel Farrell develops a new such paradox in his essay. Accepting that a rational and fully decent person could not intend (conditionally) to harm a number of innocent people as part of a deterrent strategy to protect another group of innocents from wrongful harm, Farrell argues that it would nevertheless be possible for such an individual to activate an "automated retaliation device." This is paradoxical, or at least puzzling. Farrell's case implies, significantly, that a complex deterrent account of punishment such as that developed by the late Warren Quinn cannot be right.<sup>7</sup>

In the first of three essays focusing on the toxin puzzle, David Gauthier argues, against Kavka and others, that although it is true that one can intend rationally to do only what one expects to have reason to do, it is not the case that what *acts* one has reason to perform can be determined independently of an evaluation of the consequences of *intentions* to perform those acts. One cannot, he thinks, assume that one has no reason to drink the toxin given that there is no gain from drinking it. Even if there is no gain from drinking the toxin – the \$1 million is already in one's bank account – it does not follow that there is no reason to drink it. For consuming the poison may be part of the best *plan* or *course of action* available to one the day before, when presented with the eccentric millionaire's offer – what Edward McClennen dubs "resolute choice." As part of a rational plan, the intention to drink the toxin is a reason for drinking it. Gauthier urges, in conclusion, good deliberators to drink up! Michael Bratman, however, is loath to imbibe. His sophisticated account of intention and practical rationality lead him to be sympathetic with Gauthier's concern that deliberations settle future action, but he thinks as well that rational agents retain some control over their future actions. "Following through with

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one's plan," he claims, "is not . . . like following through with one's tennis swing." Bratman, like Gauthier, thinks that ideal rationality is not mere "sophisticated" planning, that is, limiting one's plans to those courses of action one will want to carry out at the time of action. He thinks that the "resolute" approach favored by Gauthier, McClennen, and others fails to recognize the temporal and causal location of our agency: what is in our control is (choice from) the set of alternatives we face now, at the moment of choice. Introducing a condition barring regret in the carrying out of plans, Bratman develops an alternative account that, though different from the resolute approach, does not collapse into a form of sophisticated choice. Gilbert Harman's approach to the toxin puzzle is different from that of many. He argues that one has an "intrinsic" desire for something to the extent that one does not desire it as a means to something else one may want. If we have instrumental reasons to form an intrinsic desire for something, the reasons provided by the latter, once it exists, are not exhausted by the original, instrumental concerns; one can retain the desire long after the original reasons for forming it have been satisfied. When faced with the toxin choice, Harman suggests that one can form a stable and enduring intrinsic desire to drink the toxin, enabling one to expect to drink when the time comes, and thus making possible the forming of an intention to do so. He thinks that the account proposed a type of sophisticated choice but expresses skepticism about the sophisticated–resolute distinction. It is possible, however, that Harman has developed a response to the toxin problem that falls in between these alternatives as they are usually characterized.

The problem posed by Hobbes' Foole, discussed by Skyrms (and often not far from the surface of Gauthier's text), raises questions about the rationality of commitment. The Foole, of course, who says in his heart "that there is no such thing as justice," has also said "in his heart that there is no God."<sup>8</sup> Although philosophers today usually read Hobbes as developing an essentially secular moral and political theory, many, if not most, attribute to him some sort of theism, however unconventional. Edwin Curley wishes to challenge this implicit assumption of contemporary philosophical readers. He seeks to show that Hobbes was most likely an atheist, or at least deeply skeptical about theism, and that this is crucial to an understanding of *Leviathan*. He sees Hobbes as "one member of an underground movement, which also included Spinoza and Hume, whose purpose was to subvert the dominant religion of their culture, and to free people from the authority of the priests and their sacred texts." Hobbes' secular morality may offer lessons for our world and answers to our Fooles. By contrast, Sharon Lloyd challenges the suggestion that Hobbes' lengthy and detailed discussions of religious doctrine are a cover for his atheism and questions the standard reading of his theory – accepted, broadly speaking, by Gauthier, Kavka, and most contemporary political philosophers – as based on mechanistic materialism and as concluding that human beings are self-interested creatures who take the appetites to

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be the proper measure of good and evil. In contrast to Kavka, who professed to be less interested in interpreting Hobbes correctly than in offering an account that was interesting, relevant, and plausible, Curley and Lloyd are historians, whose first aim is to understand past thinkers correctly. Both, however, are also interested in the contemporary relevance of Hobbes' doctrine, rightly interpreted. The matter of Hobbes' theistic beliefs, for Curley, is important to an evaluation of the success of his sort of political theory in addressing the political divisiveness of religious disagreement and containing the seditious tendencies of religious dissidents. This is Lloyd's concern as well; she thinks Hobbes' theory is ideally suited for the pluralistic societies characteristic of our world. In her view, Hobbes offers a political solution to the problem of social disorder caused by "transcendent" interests, one that differs from and may be superior to both Gauthier's "morals by agreement" and Rawls's "political liberalism."

The counterpart to Hobbes' Foole, in David Hume's writing, is the "sensible knave" who may prefer vice to virtue, in the case of justice. The knave reasons: "That *honesty is the best policy*, may be a good general rule, but is liable to many exceptions; and he, it may perhaps be thought, conducts himself with most wisdom, who observes the general rule, and takes advantage of all the exceptions."<sup>9</sup> The problem he poses is, on most readings, similar to that of the Foole. But Hume's response and the resources thought to be available to him are different from Hobbes'. Hume suggests that the heart of most will "rebel against such pernicious maxims"; they will be reluctant "to the thoughts of villainy or baseness," will have a strong "antipathy to treachery and roguery"; and "Inward peace of mind, consciousness of integrity, a satisfactory review of our own conduct" will be cherished by most. Jean Hampton calls these sentiments "exploitation-blocking," because they are what prevents us, on this account, from taking advantage of others where it might pay to do so. She wants to challenge this sort of reply to the knave (or Foole) and argues that, in fact, sentimental models cannot make sense of aspects of moral behavior.<sup>10</sup>

Hobbes' political theory is contractarian, and his account of morality is thought to be so as well. Hume's account of justice and of property has been interpreted by many as conventionalist or contractarian, and there are obvious contractarian elements in the political thought of Rousseau and Kant. In contemporary philosophy, John Rawls and David Gauthier are the two most prominent contractarian moralists. In his contribution to this volume, Gary Watson argues that contractualist moral theory is better able to articulate the ways in which moral rights and responsibilities serve our interests by constraining them, a feature of morality that has seemed perplexing to some. Watson argues that utilitarian and consequentialist theories have sought to accommodate it in ways less satisfactory than contractualism. Without making the right derivative in some manner from the good (or resorting to a two-tier structure), contractualism is able to show that moral rights are linked pervasively to human good and



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that the reasons the former yield do not reduce to beneficence. Additionally, the conditions under which moral requirements may be infringed or overridden are determined in the same manner as the content and nature of the rights themselves, namely, by the basic agreement. Watson thinks contractualism's comparative advantages are possessed by Hobbesian as well as by Kantian versions. But his own sympathies lie more with the latter, as he conjectures that the Hobbesian version will yield, at best, "a seriously revisionist conception of moral practice." Worries about this feature of Hobbesian contractarian moral theory are the motivation for my other contribution to the volume. In "Justice, Reasons, and Moral Standing," I acknowledge that such contractarian theories face what Kavka has called "the problem of group egoism": although cooperation is generally advantageous, not everyone need the cooperation of all others – for instance, of the weak and the unproductive. This problem compounds a worry I have long had about such theories, namely, that they tend to restrict the scope of justice so that it excludes many we would ordinarily think possess moral standing (or that it includes them only insofar as others care for them). I argue that, in the end, the problem is due to an "internalist" assumption that moral requirements always provide reasons for action – no reason, then no duty or obligation. Relaxing this assumption, even if it is central to the tradition, may be necessary to salvage the general account.

Jeff McMahan's essay, "Wrongful Life: Paradoxes in the Morality of Causing People to Exist," addresses certain ethical issues "at the margins of life" somewhat different from those discussed in my contribution. He considers a variety of hypothetical cases in which, owing to the negligence of a physician, a severely mentally handicapped child is born. In one case the negligent act took place prior to conception, in the other after conception (I simplify). In the first case the timing of the negligent act is such that in its absence a different child would have been born, an instance of Derek Parfit's "non-identity problem." These and other cases of the non-identity problem may be thought to threaten commonsense moral beliefs. (In the first case, just mentioned, it is not clear that the physician has a debt to the child.) McMahan considers a number of reactions to these sorts of cases, one of them invoking Parfit's "Impersonal Comparative Principle," which would have us evaluate outcomes (involving the same number of people) solely in terms of quality of life, whoever exists. McMahan offers several reasons for objecting to these reactions, especially the principle just mentioned, and conjectures that impersonal accounts will fail to support a number of our convictions. Impersonal accounts reject the intuitive idea that sometimes, at least, the explanation of why a person's death is worse than the failure to bring a person into existence has to do with the fact that the former is worse for someone whereas the latter is not. McMahan defends an "Encompassing Account," which accords weight to person-affecting as well as impersonal considerations, but which considers them distinct and nonaddictive.

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### Notes

1. Full references for my Kavka citations are given in "Gregory Kavka's Writings" at the end of this volume.
2. See "Deterrence, Utility, and Rational Choice" (1980).
3. See Kavka's "What Is Newcomb's Problem About?" (1980). His other essays on topics in rational-choice theory include "Some Social Benefits of Uncertainty" (1990), "Is Individual Choice Less Problematic than Collective Choice?" (1991), and "Rational Maximizing in Economic Theories of Politics" (1991).
4. Several chapters of the book project exist in draft form.
5. See "The Futurity Problem" (1978), "The Paradox of Future Individuals" (1982), and "Political Representation for Future Generations" (1983).
6. See his essay "The Problem of Group Egoism" (1993), as well as several essays in this volume (especially Hampton, Morris, and Watson), for some of the difficulties with this project.
7. Warren Quinn, "The Right to Threaten and the Right to Punish," *Philosophy and Public Affairs* 14 (1985), 327–73.
8. Thomas Hobbes, *Leviathan*, ed. Edwin Curley ([1651/1688]; Indianapolis: Hackett, 1994), xv, p. 90.
9. David Hume, *An Enquiry Concerning the Principles of Morals*, ed., L. A. Selby-Bigge, rev. P. H. Nidditch ([1751]; Oxford: Clarendon Press, 1975), ix, ii, pp. 282–3.
10. The essay from which I quote, which Jean Hampton was not able to revise before her death, may be seen as part of a larger skeptical treatment of neo-Humean and neo-Hobbesian practical philosophy. Her account of this tradition's views of normativity and practical rationality are to be found in her posthumous book, *The Authority of Reason* (Cambridge University Press, 1998).



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## Some Personal Memories

TYLER BURGE

This book commemorates the intellectual contributions of Greg Kavka. I wanted to say something to celebrate his person. He lived a life full of character, courage, strength, love, caring, and even satisfaction. And he did so despite enduring an astonishing series of misfortunes.

I met Greg twenty-six years ago, when he first came to UCLA. It was not love at first sight. I thought I wouldn't like him. He seemed boyish and old-fashioned. I saw my mistake within a week of knowing him. I had mistaken the boyishness for lack of awareness or sophistication. What drew us together was an impatience with pretension and an enjoyment of UCLA basketball. Gradually, weekends between our families became a regular matter. We developed a four-way friendship. It was just a matter of spending time together in simple pursuits. It was Greg's way. He was aggressively unpretentious in his tastes – Pepsi instead of wine, pizza rather than salmon, *Sports Illustrated* before the *New Yorker*, loafers not Guccis, basketball over Proust.

We went through some hard times. One misty winter's night in Pacific Palisades, I had to tell him that his tenure case was in trouble. He was not given tenure because a few senior philosophers saw the boyishness as I first did and failed to recognize his intellectual power and persistence. Most of his adversaries have since acknowledged their mistake. He took the news with an objectivity and dispassionateness that characterized all his responses to adversity. Discussing it, planning how to fight it, and working through the consequences made us closer. I thought him admirable throughout. An emotional bond formed and remained between us to the end. He was my closest male friend. His loyalty and depth of caring remained even through periods when life became hellish for him.

When he went to the University of California at Irvine, we saw less of each other but still kept up regular contact – on the phone and through visits. His career bloomed. He won prestigious awards from the National Endowment for the Humanities and from the Ford Foundation. He published over fifty articles and two books on philosophy. He wrote a widely admired book on Hobbes and created a series of brilliant articles on nuclear deterrence that opened a new area of practical philosophy. He made significant contributions to the ethics of

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biotechnology. When he died, he was working on a new book on the charming but naïve dictum of President James Madison – that if men were angels they would not need government. Greg argued that even angels would need organization, cooperation, and constraint to live together. It was typical of his work – on Hobbes, on nuclear deterrence, on government – that he looked the weaknesses of people and the hardness of life full in the face and reasoned about how to salvage something that was worthwhile. He was well known throughout the profession as a creative thinker who had done his work despite exceptional misfortune.

When he first learned that he had cancer, he did not withdraw into a shell; he called for help. My wife Dorli and I spent a long day with him and Virginia, talking through the grim prospects. He expressed his fear and discouragement. But he remained objective, practical, and strong. We reenacted this horrible disaster-confronting scene twice more – once when he had to make a terrible choice between disfiguring operations and radiation, and once, weeks before he died when he faced the depressing prospect of another round with cancer. I saw him many times in between, suffering through the daily oppressive consequences of his disease-fighting decisions. He was always himself – human and expressive, yet objective, dispassionate, good-humored, and courageous. He and Virginia showed superhuman strength through the worst and most prolonged physical troubles of anyone I have known.

He did not think that just any life was worth living. Some pain would be too nasty, too brutish. But he was willing to face an incredible amount of pain, disfigurement, and daily aggravation to salvage the goods from life.

The meaning of his life lay in those goods: they were his relations, his work, and his simple pleasures. He loved Virginia and his daughter Amber. He told me that leaving them would be hardest. He loved his parents and his sister and her family. I felt I knew them through him. He loved his friends. Even when he was experiencing the greatest physical hardship, he maintained interest in his friends. Even in the deepest trouble, he remembered to ask about the lives of others. He had a knack for holding friends, once friendships were made. He kept up and cared.

He continued to work to the end. He kept planning and thinking. He had written a stylish book about his bouts with cancer. It was one of his ways of understanding, mastering, and sharing with others the good in his experience. He intended to expand it by interspersing chapters on philosophical problems among the chapters on his life. The book would have been unique. He was working on that and on the book on Madison's dictum when he died.

He knew how to have fun. My last time with him combined the most serious discussion of his life prospects with immersion in a professional football game on television. Neither of us cared much who won, but he threw himself into the game in an infectious way that was characteristic of him.