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Title: Kantian Critique of Police Brutality

Ethics and character form the basic tenets of a healthy society. In the absence of such tenets, human relations would turn disorderly and arbitrary. Our collected understanding of morals and ethics, along with our interpersonal interactions lead to the formation of agreements, laws, and thereby law enforcement. The issue of ethics thus plays a leading role in law enforcement. Police brutality refers to the use of unnecessary use of excessive force by law in dealing and interacting with the public. These brutalities can either be non-physical, in the form of abuse, threats, and undue intimidation, or physical which may involve injuring, harming, or killing a suspect. In either case, such misconduct and brutalities create a negative impact on public confidence and trust, for whom having faith and trust in law enforcement is necessary to create a safe society. In the context of the police brutality case against Stephanie Washington, Kantian ethics can be successfully applied to assess and identify the nature of the issue and address the ideals, values, or basis of the police subculture which enables this behavior. Kantian ethics would take the position that police brutality, and the culture that enables it, is immoral since such acts cannot be consistently universalized as law.

In the case of Stephanie Washington, 22, she had suffered severe injuries and hospitalized after being shot by an officer. There were no weapons observed in custody of the suspect at the time of the incident, as was admitted by the Connecticut State Police Department. The incident led to protests for a number of days where people spoke about police brutality and the police culture that enables such misconduct. The incident occurred when two officers responded to a report of an attempted robbery near a gas station. Stephanie Washington's car happened to fit a description that the officers had received. The driver, who was otherwise believed to be wrongly blamed due to a dispute, was confronted but the situation quickly escalated and led to an officer firing several wounds towards the passenger’s window, causing critical injuries to Stephanie (Romero). Such incidents are notably commonplace in the U.S. and have led researchers to explore the root cause of the nature of policing that leads to such ethical violations.

 In accordance with what the protestors indicated, a certain subculture among law enforcement exists which believes in the justification of the use of force to perform their duties. Combined with certain implicit biases and profiling of individuals on the basis of their race, ethnicity, social status, or religion, this subculture creates an increased likelihood of the public becoming a victim to police brutality. A common policing model is the social enforcer model, which sees the use of exploitation techniques and intimidation as justified in achieving the law enforcement objectives. Another model, the crime fighter model, views every potential criminal to be an enemy, and the officer protects the citizens thereby (Hess and Orthmann). In Stephanie’s case, it is evident that the crime fighter police model was influential in creating an ethical dilemma within the police officer’s mind, by creating a cultural and moral acceptance within them that all criminals should be harshly dealt with. Such culture influences the officers’ operating procedures and leads them to develop an alternative code of conduct, which justifies violence against those profiled as likely criminals that can often escape justice through the courts.

However, such conduct and the values, assumptions, and models that enable such conduct by law enforcement would not be ethically permissible to develop from a Kantian ethics point of view. Kantian ethics views certain duties to be universal such as the right to protect innocents. The ethical system emphasise the nature of actions rather than its consequences or implications, which formed the basis of the categorical imperative (CI) theory that Kant developed. The theory allows individuals in various difficult situations to solve problems in an ethically justifiable manner. Kant sees the presence of good will as the only disposition that can make a certain judgment or decision as ethical or moral. Any maxim thus adopted by an individual which is based on goodwill, and is rationally consistent, and allows for a universal application would be morally correct. Moreover, the principle further extends to treating human beings as ends in of themselves rather than as means. Thus, Kant did not give primary importance to the end result, but rather the moral intent of the act or decision itself. Duties that fall within the CI are imperative and absolute in the sense that they cannot be abandoned irrespective of the consequences, and are equally applicable.

For law enforcement officers, they are bound by the law as well as morality to perform their duties in an ethically upright manner. Such duties are required to be executed irrespective of whether we desire to fulfill them or not, or whether they have negative consequences. These duties can either be absolute, based on the CI, or conditional, based on hypothetical imperatives. A hypothetical imperative, according to Kant, is a duty which is important to perform in order to achieve a specific goal or an end, while the CI would define an unconditional duty. Any action, thus taken by law enforcement has to have consistent universalizability in being practiced by all men and women, for it to be classified as ethical. An officer, for instance, would be duty bound to charge a person with assault if there is evidence to that effect, regardless of their personal feelings about the matter. Moreover, a duty under the CI does not have to be formally stated as a policy, thus stopping a violator, and handing them a ticket, would be a duty when certain conditions are fulfilled, such as their driving history or dangerous nature of their activity.

The reasoning given by Kant is unambiguous and clear. Any act that contradicts the principle of the CI would be unethical. For instance, intentionally breaking a promise is unethical because if it is universally allowed as law, it would destroy the whole idea of promises itself, since no one would believe any promises or commitments made to them, in turn disrupting the entire social fabric. Moreover, the CI theory is extended by Kant to include the principle that any action to treat human beings must be one that treats them as an end, and not solely as a means. This principle holds that all human beings carry an intrinsic worth, and all acts should respect that worth since it is owned by rational agents. Thus, people should never be treated as an instrument to achieve some end (Immanuel Kant). It can be observed that Kantian ethics strongly emphasize the nature of actions rather than their implications, and thus it follows, that the law enforcement must act in a way that they become genuine guardians of innocent people. Any use of unnecessary excessive force against suspects, based on their perceptions, or stereotypes, would be unethical. Moreover, he brutal assault on Stephanie is ethically unjustifiable according to Kant not just because it was done based upon stereotypes and suspicion but on basis of the ethical question that considers what would happen if every officer were to behave in a way that the two officers behaved in that particular situation. Such a world, where these acts become universal law would not just be rationally inconsistent but would disrupt the very social fabric that orders society.

Furthermore, the duty to ‘serve and protect' is one that guides all law enforcement officers beforehand, and serves as the basis for their code of ethics. The duty to engage ethically, therefore, cannot be inconsistent with their acts that are otherwise without universalizability and rely on a ‘crime fighter' policing model where human beings are treated as a means rather than an end. Therefore, the culture that originates based upon such a policing model, along with the actions, itself both violate Kantian ethics. In tense situations, when officers fail to adhere to these ethical principles, incidents such as Stephanie, or earlier ones in Ferguson that involve abuses of power and brutality, are waiting to happen. These acts of coercion are not merely impermissible because they lead to harmful consequences, but because they cannot be used as universal principles consistently in a world where every man and woman would follow them. Those actions that fail this test are morally incorrect.

 To conclude, preventing incidents of police brutality would require law enforcement to make the right ethical decisions when confronted by certain defiant suspects. Although, people should also be educated to respect authority and not fall prone to herd mentality; however, regardless of the circumstances a categorical duty cannot be ignored. A police sub culture that develops on the basis of ideas that treat human beings as instruments to an end would create a sense of justification within personnel to misuse their powers. Kantian ethics believes that all officers are required to uphold a higher moral imperative irrespective of the consequences. The assault of the two officers is ethically unjustifiable, besides violating the principle of due process. Thus, training within the correct ethical system would be helpful for officers to deal with defiant individuals or suspects and act irrespective of their personal implicit biases, stereotypes, or racial profiles, in order to uphold justice.

# Works Cited

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