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Virtue and Prudence in a Footnote of the *Metaphysics of Morals* (MS VI: 433n)

Alice Pinheiro Walla

I. Realizing moral ends and latitude for choice[1]

> If the law can prescribe only the maxim of actions, not actions themselves, this is a sign that it leaves a leeway (*latitudo*)[2] for free choice (*freie Willkür*) in following (complying with) the law, that is, that the law cannot specify precisely in what way one is to act and how much one is to do by the action for an end that is also a duty" (MS VI: 390).

Kant scholars have long disagreed about how to understand the latitude for choice characteristic of imperfect duties.[3] This is not least due to seemingly contradictory statements Kant makes about imperfect duties. While in certain passages

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[1] *Kant*'s writings are cited according to the volume: page number of the Prussian Academy Edition of Kant's Complete Works (1900-, Gesammelte Schriften, Ausgabe der Preußischen Akademie der Wissenschaften, Berlin: Walter de Gruyter). Unless otherwise stated, all translations have been taken from the Cambridge Edition of the Works of Immanuel Kant, edited by *Paul Guyer* and *Allen W. Wood* (Cambridge University Press, 1992).
I use the following abbreviations for the individual works cited:
– MS Die Metaphysik der Sitten (The Metaphysics of Morals).
– ReL Die Religion innerhalb der Grenzen der bloßen Vernunft (Religion within the Limits of Reason Alone).
– KrV Kritik der reinen Vernunft (Critique of Pure Reason),
– KpV Kritik der praktischen Vernunft (Critique of Practical Reason).
Briefwechsel (Kant's correspondence). Edited and translated by HYPERLINK "http://www.press.uchicago.edu/ucp/books/author/Z/A/au5842669.html" Arnulf Zweig, The University of Chicago Press, 1986.
Logik Vorlesungen über Logik (Lectures on Logic)

[2] I have opted for "latitude" or "leeway" as a translation of *Spielraum (latitudo)*. I have thus replaced Gregor's translation of *Spielraum* as "playroom".

[3] The notion of latitude has been a controversial issue in Kant scholarship. For accounts of the latitude of imperfect duties see for instance *H. J. Paton*, The Categorical Imperative. A study in Kant's Moral Philosophy, *Mary Gregor*, Laws of Freedom, Blackwell, 1963, *Thomas E. Hill's* seminal article "Kant on imperfect duty and supererogation." Kant Studien, 62 Vo. 1, 1971 and his more recent "Meeting Needs and Doing Favours" in: Human Welfare and Moral Worth, Kantian Perspectives, Oxford University Press, 2002. *Jens Timmermann*, "Good but Not Required? Assessing the Demands of Kantian Ethics". Journal of Moral Philosophy 2.1, 2005 and *Marcia Baron*, Kantian Ethics almost without Apology. Cornell University Press, 1995 provide a more rigoristic interpretation of the latitude of imperfect duties.

Kant suggests that unlike perfect duties, imperfect duties allow exceptions for the sake of inclination (GMS IV: 421n; see also MS VI: 233), somewhere else he claims that imperfect duties can only be limited by other maxims of imperfect duties and never allow exceptions from the maxim of duty (MS VI: 390). As the discussion in the secondary literature shows, this gives us two very different readings of how much discretion there is for moral agents to decide how and how much to discharge their imperfect duties.

According to Kant, perfect duties "give laws for actions" in which they provide more or less clear instructions as to what is morally required: I must either omit or perform a certain action. Perfect duties are strict requirements to refrain from or to perform certain acts. All act tokens falling under the description of the duty are *binding* duties: they should either be performed or refrained from. If one has a perfect duty not to wrong others, one must refrain from performing all the act tokens matching the description "wronging others" or perform all those act tokens whose non-performance would imply harming others. Thus, it is not up to the agent to choose whether or not to perform a strictly required act token without violating duty.

Imperfect duty, in contrast, may leave some latitude for choice. Latitude arises from the fact that imperfect duties command the furtherance of moral ends such as beneficence and one's own perfection. Because moral ends can in principle be promoted *ad infinitum*, we can never "be done" with the duty by doing a certain amount of obligatory acts (not even by doing the best we can our whole life long).[4] This means that an unlimited amount of act tokens A1, A2, A3 ... may fall under the duty of beneficence, but doing a specific act instead of others does not imply a violation of duty, but only, to use Kant's own expression, "lack of merit" (*demeritum*, MS VI: 390) in regard to the act tokens which were not performed. As Kant observes, the German *Tugend* comes from *taugen* (to be fit for some function); *Untugend*, however, means not *vice* (*Laster*) but *lack of fitness* (*zu nichts taugen*). As long as the agent remains committed to the moral end prescribed by imperfect duty, she has not violated duty when she fails to perform a possible action falling under the description of imperfect duty.

> Only imperfect duties are, accordingly, duties of virtue (*die unvollkommenen Pflichten sind allein Tugendpflichten*). Fulfillment of them is merit (*meritum*) = +a; but failure to fulfill them is not in itself culpability (*demeritum*) = -a but rather mere deficiency in moral worth = 0, unless the subject should make it his principle not to comply with such duties. (MS VI: 390)[5]

[4] Contra Hill, who assumed that by doing a certain amount of beneficent acts, the agent would accumulate a kind of moral "bonus" after which certain acts falling under the duty of beneficence would be considered supererogatory (although in a weak sense). The problem I see with this view is the assumption that one can reach the point of "having done enough", even if temporarily. *Thomas E. Hill*, "Kant on imperfect duty and supererogation." Kant Studien, 62 Vo. 1, 1971.

[5] How does the fact that failing to fulfil imperfect duty implies only "demerit" relate to Kant's claim that one can only limit one's maxim of imperfect duty by another imperfect duty? Is Kant tacitly assuming that failure to comply with the duty is due to the compliance with another imperfect duty? However, it seems strange to assign "deficiency in moral worth" to an agent who is complying with some duty or other (since she cannot discharge all her imperfect duties at once).

In this paper, I offer an interpretation of the latitude of imperfect duties by focusing on an illuminating footnote of the *Doctrine of Virtue* of 1797, which has so far received little attention in Kant scholarship. In this footnote (MS VI: 433n), Kant reinterprets Horace's adage *insani sapiens nomen habeat; aequus iniqui – ultra quam satis est virtutem si petat ipsam* ("the wise man has the name of being a fool, the just man of being iniquitous, if he seeks virtue beyond what is sufficient"), and argues that while one can never be too virtuous, one can nevertheless "go beyond what is sufficient." As Kant's criticism of the Aristotelian doctrine of the mean equally shows, attempts to identify vice with "doing too little" or "too much" conflate the moral perspective, which has to do with the *quality* of one's maxims, and the perspective of one's permissible prudential interests, which may be given "more" or "less" consideration within one's commitment to the moral principle (section II).

While virtue can never be excessive, Kant admits that it can nevertheless be imprudent to do more than sufficient for complying with the principle of imperfect duties, when it would have been morally permissible to do less. This point is illustrated by Kant's letter to Maria von Herbert, in which he differentiates *lying* from *reticence* and on passages of the *Religion* and *Metaphysics of Morals* (section III). I conclude by drawing attention to the parallel Kant draws between the sage (*sapiens*) and the *prudens*, the prudent person, who does not neglect her permissible prudential interests for the sake of some unrealistic conception of human virtue.

II. Too much of the good? Kant on virtue and excess

Is it possible to do too much of a moral thing, that is, to be *too virtuous*? Kant considers this question in his criticism of the Aristotelian doctrine of the mean (MS VI: 404 note, 409 and 433 note). In Aristotle's account (as Kant reads it), virtue and vice are matters of degree. While virtue means "hitting" the right measure in one's actions, vice is either doing too much or too little. Kant argues that Aristotle's doctrine of the mean is superficial and cannot provide us with any determinate guidelines for action.[6] The difference between vice and virtue lies not in the degree

[6] Although Aristotle talks of the right decision as being a mean between extremes, what one should do according to Aristotle is determined by the *orthos logos* (the correct reasoning or decision), i.e., what the wise (*phronimos*) would do in a given situation (see *Aristotle*, Nichomachean Ethics, II.6, 1136b). If so, the fact that the right ethical decision is a "mean" between two extremes seems to be secondary in Aristotle's account. Ursula Wolf tried to make sense of the doctrine of the mean by arguing that the mean Aristotle has in mind refers to the agent's *affects* and not to the practical judgment concerning what one should do in a given situation (*Wolf*, "Über den Sinn der Aristotelischen Mesotheslehre" in: O. Höffe, Nikoma-

or *quantity* but in the *quality* of the agent's maxims. Avarice (a vice) and thrift (a virtue) are based on different maxims. It is not that "avarice carries thrift too far" (MS VI: 404, note). It is therefore the relation of a specific maxim to the moral law and not the reference to some quantitative standard of excellence that determines virtue and vice. A similar misunderstanding of virtue as defined by a quantitative standard is expressed by Horace's maxim "insani sapiens nomen habeat; aequus iniqui – *ultra quam satis est* virtutem si petat ipsam" ("The wise man has the name of being a fool, the just man of being iniquitous, if he seeks virtue *beyond what is sufficient*").[7]

It is noteworthy that Horace's maxim is quoted three times in the *Metaphysics of Morals* (MS VI: 404n, 409 and VI: 433n). According to Kant, if Horace's verse were taken *literally*, it would be "utterly false" (MS VI: 433, note), for going "beyond what is sufficient" would mean that one could be "too just" or "too virtuous." Claiming that virtue or justice can be excessive would be just as absurd as "making a circle too round or a straight line too straight" (MS VI: 433, note). However, Kant is often not content with showing only that his moral theory is superior to its alternatives; he is also keen to *incorporate* what is useful in the rejected alternatives into his own theory.[8] Although Kant rejects a quantitative understanding of virtue, he offers an interpretation of Horace's maxim compatible with his moral theory.

Let us now turn our attention to the long footnote in MS VI: 433, which I quote below in full:

> "The proposition, one ought not to do too much or too little of anything, says in effect nothing, since it is a *tautology*. What does it mean "to do too much"? Answer: to do more than is good. What does it mean "to do too little"? Answer: to do less than is good. What does it mean to say "I *ought* (to do or to refrain from something)"? Answer: that it is not good (that it is contrary to duty) to do more or less than is good. If that is the wisdom in search of which we should go back to the ancients (Aristotle), as to those who were nearer the fountainhead – *virtus consistit in medio, medium tenuere beati, est modus in rebus, sunt certi denique fines, quos citraque nequit consistere rectum*[9]– then we have made a bad choice in turning to its oracle.

chische Ethik, Akademie Verlag, Berlin 2010). Despite Kant's criticism of Aristotle's doctrine of the mean, he equally stresses the need for *moderation* in matters of virtue. Moderation, however, does not consist in finding the "right measure" between two vices but applies to one's *affects*. As Kant explains, a feverish person transforms sympathy for the good into an affect. Virtue, in contrast, consists of the firm resolution to put the moral law into practice. Moderation refers thus not to virtue itself but affects which can lead to enthusiasm (MS VI: 408-9). Kant therefore opposes a specific interpretation of Aristotle's *Mesothes* doctrine.

7 The emphasis is Kant's. I use Mary Gregor's translation.

8 For instance, Kant also tries to accommodate the heteronomous theories he rejects in Groundwork II within his theory of autonomy. See *Lewis White Beck*, A Commentary on Kant's Critique of Practical Reason. University of Chicago Press, 1960, p. 107.

9 Virtue consists in the middle/blessed are those who keep the mean/There is a certain measure in our affairs and finally fixed limits, beyond which or short of which there is no place for right (Horace Satires 1.1.105-06).

> Between truthfulness and lying (which are *contradictorie oppositis)* there is no mean; but there is indeed a mean between candor and reticence (which are *contrarie oppositis),* since one who declares his thoughts can say only what is true without telling the *whole truth.* Now it is quite natural to ask the teacher of virtue to point out this mean to me. But this he cannot do; *for both duties of virtue* have a latitude in their application *(latitudinem),* and judgment can decide what is to be done only in accordance with rules of prudence (pragmatic rules), not in accordance with rules of morality (moral rules).
>
> In other words, what is to be done cannot be decided after the manner of *narrow* duty *(officium strictum),* but after the manner of *wide* duty *(officium latum).* Hence one who complies with the basic principles of virtue can, it is true, commit a *fault (peccatum)* in putting these principles into practice, by doing more or less than prudence prescribes. But insofar as he adheres strictly to these basic principles he cannot practice a *vice (vitium),* and Horace's verse, *insani sapiens nomen habeat aequus iniqui, ultra quam satis est virtutem si petat ipsam*[10], is utterly false, if taken literally. In fact, *sapiens* here means only *a judicious* man *(prudens),* who does not think fantastically of virtue in its perfection. This is an ideal which requires one to approximate to this end but not to attain it completely, since the latter requirement surpasses man's powers and introduces a lack of sense (fantasy) into the principle of virtue. For really to be *too virtuous* – that is, to be too attached to one's duty – would be almost equivalent to making a circle too round or a straight line too straight." (MS VI: 433 n.)

That one cannot do too much in matters of strict duty is not hard to grasp. One's maxim can only be either permissible or impermissible; if an action is morally required or forbidden, compliance with the strict duty entails either performing or omitting the action. Doing more or less than required would amount to falling short of the requirement altogether. Consider the duty not to make false promises. How could one do more or less without falling short of the duty? Of course one could perform additional actions which are not prescribed by the duty (for instance, if I not only avoid making a false promise to you but also offer you some money). One might consider this additional action excessive or unnecessary, but the point is that the action is independent from the strict duty.

Virtue (*Tugend*), on the other hand, implies the adoption of a maxim of ends fit to be universalised: decisive is the relation of the agent's *maxim* to the *moral law.* Having different "degrees" of morality in this case is not an option either, although one can do more or less in compliance with the duty. This idea might sound strange at first when considering that virtue involves merit and thus seems to "add up" to compliance with strict moral requirements. But Kant's point is that virtue *itself* is not defined by the degree of merit of the agent (which is not fixed and can greatly vary), but by the quality of her maxim or principle of action. In other words: an agent either has adopted a virtuous maxim or she has not (*tertium non datur*). If agent A devotes more time to helping others, she has greater *merit* than B, who spends less time and effort.[11] However, insofar as both agents sincerely adopted a

10 The wise man has the name of being a fool, the just man of being iniquitous, if he seeks virtue *beyond what is sufficient.* Horace, Epistles, i.6.15.

11 One could argue that if B invests less time and effort than A in complying with her imperfect duties, but does it considerably more efficiently than A, B would have greater moral

maxim of beneficence, they are *equally* committed to a virtuous end. The alternative would therefore be an agent who completely falls short of sincerely adopting the moral end.

It follows from Kant's account that one cannot do too much when it comes to virtue. One is either virtuous or falls short of it. Therefore, if the wise and just are virtuous agents and if there is something the wise and the just can be said to do in *excess*, this cannot be their commitment to virtue. We can thus conclude that there is something in one's compliance with duty that allows a degree, although this is not the commitment to virtue itself. As Kant notes, one cannot be too attached to duty, but one can commit a fault (*peccatum*) in its application. A *peccatum* is not a vice, but a kind of excess that needs to be qualified in a non-moral way.

To explain what can be "excessive" in the application of the moral principle, Kant introduces the distinction between *contradictory* (*contradictorie oppositis*) and *contrary* maxims (*contrarie oppositis*). While truthfulness (*Wahrhaftigkeit*) and lying (*Lüge*) are based on contradictory maxims and do not allow a "more or less", candour (*Offenherzigkeit*) and reticence (*Zurückhaltung*) are merely contrary maxims and allow a variation in degree. Consider the difference between telling a lie and being reticent. Reticence is the ability to communicate only what is true while *not telling everything*. At first, it does not seem to be a virtue but only a prudential measure, which can nevertheless, to a certain degree, be reconciled with a genuine commitment to truthfulness. For this, the agent's maxim of action must be permissible: she must have a permissible (prudential?) reason not to disclose certain details, while refraining from lying in her account of the events. In contrast, assuming that she is acting on a permissible maxim, an agent who tells *the whole truth* without reserve will be just as committed to truthfulness as the reticent person, but she may be going against her interests or the interests of someone else by revealing all the details of a circumstance, when it would have been permissible for her to be silent about certain information.[12]

merit. I find this idea intuitive, but would object that B's merit would lie not in the better consequences of her actions as such, but on her maxim to help efficiently (provided her greater success is not based only on lucky circumstances, but also on her firm intent to help efficiently). As long as A is sincere in her commitment to the moral principle and her lesser or lack of efficiency is not due to her failure to carefully consider the best options available to discharge her duties, her merit remains intact. It is however important to note that we need not worry about comparing "interpersonal merit", since finding such a metric for comparison is not relevant for Kant's moral theory. What counts is the agent's maxim. My point with the comparison is to stress that virtue is defined by the sincere commitment to the moral end, which entails some amount of action by the agent (and not only "wishing"), but no *specific* amount of it.

12 When I say "without telling the whole truth" I do not mean refraining from telling irrelevant true details (which would not only cost too much time and render the narrative pointless) but from telling possible relevant ones.

III. Lying and reticence

Kant's considerations about lying and reticence seem to have been inspired by a peculiar letter he received from a young Austrian noblewoman in 1791. Maria von Herbert was only 20 years old when she wrote to the 70 year old philosopher, seeking moral guidance. Her brother, Baron Franz Paul von Herbert, was the owner of a lead factory in Klagenfurt and an ardent follower of Kant's philosophy. Despite general opposition to Kant's critical philosophy in conservative Austria, von Herbert's house became a centre for the discussion of Kant's philosophy.[13] Maria was also acquainted with Kant's theory. In her letter she raises interesting philosophical issues, namely, whether retaining information would amount to lying and if one can be reproached for being reticent to a beloved person.

> Great Kant,
>
> As a believer calls to his God, I call upon you for help, for solace, or for counsel to prepare me for death. The reasons you gave in your books were sufficient to convince me of a future existence – that is why I have recourse to you – only I found nothing, nothing at all for this life, nothing that could replace the good I have lost. For I loved an object that seemed to me to encompass everything within itself, so that I lived only for him. (...) Well, I have offended this person, because of a protracted lie (*langwierige lug*), which I have now disclosed to him though there was nothing unfavorable to my character in it – I had no viciousness in my life that needed hiding. The lie was enough, though, and his love has vanished. He is an honorable man, and so he doesn't refuse me friendship and loyalty. But that inner feeling that once unbidden led us to each other, it is no more. O my heart splits into a thousand pieces. (...) Now put yourself in my place and either damn me or give me solace. (Briefwechsel, Letter 614 from Maria von Herbert to Immanuel Kant, 1971)

The letter seems to have touched Kant. He wrote a very sensitive reply in "sermon form" to Maria's first letter, which was sent to Austria in the Spring of 1792. In this letter, Kant argues that we must differentiate moral from prudential failure. Although we have a duty to abstain from lying, we are not morally required to reveal details which could harm us from a prudential point of view.[14] The problem is thus the following: while ideal love and friendship require complete openness and are incompatible with distrustful reticence,

13 While Kant's philosophy became widely popular under Joseph II, his writings were banned from Austrian schools and Universities from 1798 until 1861. *Wilhelm Berger / Thomas Macho* (ed.) Kant als Liebesratgeber. Eine Klagenfurter Episode. Verlag des Verbandes der wissenschaftlichen gesellschaften Österreichs, 1989, p. 6.

14 In her article „Duty and Desolation", Philosophy 67, No. 262, 1992, *Rae Langton* sees Kant as reproaching Maria von Herbert for deceiving her lover while she "may have had a duty to lie" in order to save her relationship (p. 504). Langton argues that Kant sees no principled distinction between lying and reticence (p. 491), which is clearly a wrong interpretation of the point Kant is making in his reply. For a criticism of Langton's article and an account of the distinction between lying and reticence in Kant's reply to Maria von Herbert, see *James Edwin Mahon*, "Kant and Maria von Herbert: Reticence vs. Deception", Philosophy 81, 2006.

"... there is in man an element of improbity (*Unlauterkeit*), which puts a limit on such candor, in some men more than in others. Even the sages of old complained of this obstacle to the mutual outpouring of the heart, this secret distrust and reticence, which makes a man keep some part of his thoughts locked within himself, even when he is most intimate with his confidant: "My dear friends, there is no such thing as a friend!" (...) This reticence, however, this want of candor – *a candor that, taking mankind en masse, we cannot expect of people, since everyone fears that to reveal himself completely would make him despised by others* – is still very different from that lack of sincerity that consists in dishonesty in the actual expression of our thoughts. (Briefwechsel, Letter 510 from Kant to Maria von Herbert, 1792, my emphasis)

As Kant explains in his reply, reticence "does not corrupt one's character," but merely limits the full expression of one's commitment to truth. Lying, in contrast, is a sign of corruption in one's attitude to morality and a positive evil. A lie can be harmless, but it is nevertheless a violation of a duty to oneself, whereas reticence takes into account the imperfection of human nature with view to the protection of one's integrity in regard to others. Kant suggests to the young woman that she ask herself whether her feelings of regret are due to her moral failure (i.e. a lie) or mere lack of prudence (i.e. disclosing more than morally required and suffering the consequences). While in the case of a moral failure the beloved's reaction would be justified, the second, Kant argues, would only prove that the nature of his love "was more physical than moral" and thus would have ended soon by itself.

Candour and reticence are not opposed to each other as a maxim of truthfulness is opposed to a maxim of deceit; they are both consistent with a commitment to truthfulness. However, they are not just different *degrees* of *truthfulness* (since truthfulness itself does not allow degrees) but variations in the degree of *disclosure* consistent with a sincere commitment to truthfulness. Candour and reticence are *contrary* maxims, while truthfulness and deceit are *contradictory* maxims. Kant is drawing on the traditional square of opposition. While contradictory opposites are mutually exclusive, contrary opposites are mutually inconsistent but not mutually exhaustive.[15] As Aristotle puts it in the *Metaphysics*, "nothing exists between two contradictories, but something may exist between contraries" (1055b2).[16]

[15] See *Laurence R. Horn*, "Contradiction", The Stanford Encyclopedia of Philosophy (Spring 2012 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2012/entries/contradiction/>.

[16] The characterization of virtue and vice as *contradictory opposites* in VI: 433n seems to be at odds with Kant's statement in VI: 385 that virtue and vice are *contraries* or *real* opposites (*contrarie s. realiter oppositum*).

If one considers virtue and vice not as specific principles or maxims, but as mere forces or degrees of strength of the will, virtue and vice can be seen as what Kant defined in 1763 as *negative magnitudes*.

Negative magnitudes are defined not by logical oppositions (based the law of contradiction) but on *real* oppositions, that is, on differences in *quantity* ("Versuch den Begriff der negativen Grössen in die Weltweisheit einzuführen", II: 171). Negative magnitudes are thus *intensive* magnitudes and can vary in degree. This presupposes a common "metric", on which differences in degree can be drawn. If regarded as mere *forces*, virtue (+a) and moral and vice (-a) are not contradictories (logical opposites) but contraries (real opposites). As Kant stresses, the force in question is not strength of *affect* but strength of the *soul* (*Stärke der Seele* or *Vorsatz*) in the pursuit of one's moral maxims (MS VI: 385).

I thank Anita Leirfall for making me aware of Kant's use of the notion of negative magnitudes in his moral philosophy and for very insightful discussions on the topic.

An agent who is committed to truthfulness can, to a certain extent, determine how much to disclose in her account of the events without violating duty. At first, reticence and candour seem to be defined merely with reference to prudence, as a (permissible) prudential measure or lack thereof. However, it is interesting that Kant takes reticence and candour to be *virtues* themselves. As he writes in the passage "both duties of virtue have a latitude in their application" (*beide Tugendpflichten haben einen Spielraum der Anwendung*). 'Both duties of virtue' in this case must refer to candour and reticence, as those duties of virtue "who allow a middle." That candour is a virtue is not difficult to see: telling *the whole truth* without reserve requires great moral fortitude, which needs to be acquired (Rel. VI: 190) and is therefore an expression of courage (*Tapferkeit*, *fortitudo moralis*, MS VI: 405). However, it is harder to see how reticence can be a virtue as opposed to a mere permissible prudential measure, unless the incentive for keeping some information is a moral one.

In the *Religion*, Kant draws the distinction between uprightness (*Aufrichtigkeit*) and open heartedness (*Offenherzigkeit*).[17] Although uprightness is like "Astreia, who fled earth to the heavens", it is something we can require from human beings, namely, that everything we say is said with truthfulness. Complete open-heartedness, in contrast, is to reveal the whole truth one is aware of, without reserve. But this, Kant argues, requires great moral strength, since an open-hearted moral agent will be more exposed to temptations and forced to make sacrifices (*aber jene verlangte Gemüthseigenschaft ist eine solche, die vielen Versuchungen ausgesetzt ist*

[17] O Aufrichtigkeit! du Asträa, die du von der Erde zum Himmel entflohen bist, wie zieht man dich (die Grundlage des Gewissens, mithin aller inneren Religion) von da zu uns wieder herab? Ich kann es einräumen, wiewohl es sehr zu bedauren ist, *daß Offenherzigkeit (die ganze Wahrheit, die man weiß, zu sagen) in der menschlichen Natur nicht angetroffen wird. Aber Aufrichtigkeit (daß alles, was man sagt, mit Wahrhaftigkeit gesagt sei) muß man von jedem Menschen fordern können,* und wenn auch selbst dazu keine Anlage in unserer Natur wäre, deren Cultur nur vernachlässigt wird, so würde die Menschenrasse in ihren eigenen Augen ein Gegenstand der tiefsten Verachtung sein müssen. *Aber jene verlangte Gemüthseigenschaft ist eine solche, die vielen Versuchungen ausgesetzt ist und manche Aufopferung kostet, daher auch moralische Stärke, d. i. Tugend (die erworben werden muß), fordert,* die aber früher als jede andere bewacht und cultivirt werden muß, weil der entgegengesetzte Hang, wenn man ihn hat einwurzeln lassen, am schwersten auszurotten ist. – Nun vergleiche man damit unsere Erziehungsart, vornehmlich im Punkte der Religion, oder besser der Glaubenslehren, wo die Treue des Gedächtnisses in Beantwortung der sie betreffenden Fragen, ohne auf die Treue des Bekenntnisses zu sehen (worüber nie eine Prüfung angestellt wird), schon für hinreichend angenommen wird, einen Gläubigen zu machen, der das, was er heilig betheuert, nicht einmal versteht, und man wird sich über den Mangel der Aufrichtigkeit, der lauter innere Heuchler macht, nicht mehr wundern. (Rel. IV: 190)

und manche Aufopferung kostet, daher auch moralische Stärke, d. i. Tugend (die erworben werden muß), fordert, Rel. VI: 190). Absolute *Offenherzigkeit* is thus the *moral ideal* we ought to realize in ideal circumstances. However, given the human tendency to manipulate and even to *despise* open hearted agents, open heartedness would make agents vulnerable to the malice and contempt of others. This is why Kant says that what we can *demand* from human beings is not complete open heartedness, but merely uprightness. Kant is thus taking into consideration the non-ideal conditions under which finite rational agents find themselves. Although uprightness is only "the second best option" to absolute open-heartedness, it is rare and difficult enough (it seems to have "fled the earth to the heavens"). Therefore, as long as it is guided by a commitment to truthfulness, *reticence (Zurückhaltung)* can thus be identified with uprightness (*Aufrichtigkeit*) as the ability to communicate only what is true without disclosing *everything one knows*. However, how can a maxim of reticence be a duty of *virtue* instead of a mere permissible, prudential maxim?

If we assume that the agent's motivation for being reticent instead of completely open-hearted (*offenherzig*) is a moral one, understanding how reticence can be a virtue poses no major difficulty. For instance, if I am careful not to mention the sensitive details of a certain event, insofar as morally permissible, in order to protect a friend's privacy, it seems that my reticence is not only consistent with a maxim of truthfulness but has moral worth itself. However, the question is whether reticence would be an independent virtue or just one way to comply with my duty of love to others (after all, I am helping my friend). Even if we grant Kant that my reticence would be a virtue in itself, would it still be a virtue if my motivation were the protection of my own reputation against the malice and prejudice of others, that is, a seeming prudential motive, as in Maria von Herbert's case? If we follow Kant's own definition of what a duty of virtue amounts to, the answer is clearly no: only internal coercion, that is, *moral* motivation can account for virtuous action (MS VI: 383).

Let us look closer at the footnote in MS VI: 433. As Kant stresses "both duties of virtue (candour and reticence) have a latitude in their application *(latitudinem)*, and judgment can decide what is to be done only in accordance with rules of prudence (pragmatic rules), not in accordance with rules of morality (moral rules). In other words, what is to be done cannot be decided after the manner of *narrow* duty *(officium strictum)*, but after the manner of *wide* duty *(officium latum)*." A person who is committed to truthfulness and protects her privacy by being silent about some events (and would be doing so for prudential reasons) would be making use of the latitude allowed by uprightness (*Aufrichtigkeit*) in order to protect herself against possible abuse or manipulation by others. The latitude consists not in being more or less upright, but in the degree of disclosure compatible with a maxim of truthfulness. Being reticent in this case is also compatible with *the right of humanity in one's person*, that is, the duty not to let oneself become a mere tool for other people and to maintain one's own integrity. In the *Doctrine of Right*, Kant associates this duty with the first Ulpian formula *honeste vive* (*sei ein rechtlicher Mensch*, MS VI: 236 ll. 24).

If we assume that *honeste vive* or the duty of rightful honour is an *internal juridical* duty, that is, a non-coercible duty of right because it lacks the relation to the rights of other agents,[18] the agent's incentive for avoiding making herself a tool for others does not have to be the motive of duty; her fear of the social consequences of exposing herself to others, for instance, would equally satisfy the requirement to maintain rightful honour as long as she *de facto* avoids vulnerability to others. However, as a juridical duty, *honeste vive* is also an *indirectly ethical duty* and also allows ethical motivation (MS VI: 221).

Since complete open heartedness is not always compatible with *honeste vive* in a world of manipulation and social conventions detrimental to women, reticence, as a form of uprightness (*Aufrichtigkeit*), is the "second best" option for human beings, Thus, if the agent is genuinely committed to a maxim of truthfulness, her prudential considerations may be morally *permitted* to shape her compliance with the duty of truthfulness and leading her to be reticent instead of candid. In other words, prudence may lead to reticence but not to mendacity or insincerity.

When reticence is motivated by mere prudential reasons but is nevertheless required for maintaining rightful honour and does not violate any other strict duty to others (*neminem laede!* MS VI: 236), it nevertheless satisfies the requirement to maintain one's rightful honour. This is because juridical duties allow but do not *require* virtuous motivation. Doing whatever is necessary for complying with the duty is sufficient, even if one's motive is a prudential one. However, when reticence *is done from the awareness that it is a duty to maintain rightful honour*, it acquires moral worth and becomes a virtue proper: the agent is making the right of humanity in her person also the *motive* of her conduct (and positively adopting a moral end). Reticence is therefore a virtue when the agent is aware of the fact that maintaining her integrity is also something she owes herself morally, and not merely fears losing due to its social consequences. It remains an open question whether Maria von Herbert's motive for being initially reticent to her beloved was a merely prudential or also ethical. In both cases, however, her reticence can be seen as required by *honeste vive*.

In a letter, Johann Benjamin Erhard told Kant that Maria von Herbert had "thrown herself in the arms of a gentlemen" for the sake of realizing "idealistic love." This person, however, "misused her" (Briefwechsel, Letter 557, from Johann Benjamin Erhard, 1793). This might be what she later confessed to her later beloved, after being initially silent about it. Taking into account that such an incident

[18] See *Bernd Ludwig*, "Die Einteilung der Metaphysik der Sitten im Allgemeinen und die der Metaphysischen Anfangsgründen der Tugendlehre im Besonderen." In: Andreas Trampota/Oliver Sensen/Jens Timmermann (eds.), Kant's Tugendlehre. A Comprehensive Commentary, De Gruyter Verlag, 2013. As Ludwig observes, Kant does not maintain the distinction between internal duties of right and duties of virtue in the body of the Metaphysics of Morals. While the Doctrine of Right restricts itself to externally enforceable duties to others, the Doctrine of Virtue covers internal duties to the self and all other internal duties.

would have a devastating impact on the life of a young woman, as Maria's rejection by her second beloved confirms, Kant's conclusion that being reticent would be permissible in her case also reflects sensitivity to the condition of women in the 18th century.[19]

IV. Prudence and fantastic virtue

Duties of virtue have to do with our moral *perfection* and not with what is strictly due to other persons. Because duties of virtue involve the realization of moral ends, they do not prescribe an upper limit for compliance: it is always possible to do more and become more perfect than we are. At first sight, this seems to imply a maximisation requirement (to do as much as we can). Kant however explicitly rejects such a requirement to maximise virtue. The reason is that perfection is an unachievable task for the finite beings we are.

Kant believes that our commitment to morality requires recognizing the possibility (or at least the "non-impossibility")[20] of completely fulfilling moral requirements (the achievement of moral perfection). This is because adopting an end requires committing oneself to its realization, but one cannot commit oneself to something one believes impossible. Since the achievement of moral perfection would require an infinite amount of time for finite rational beings, practical reason allows us to

[19] Walter Benjamin called Kant's letter to Maria von Herbert "the most shocking philosopher's letter of all times," on the one hand for its "monumental clarity," on the other for its "complete naivety concerning the relations between the sexes." As Benjamin scornfully adds, even "Frau Christine" from a German evening newspaper was more apt in giving advice than the great Immanuel Kant. *Walter Benjamin*, "Kant als Liebesratgeber". In: Wilhelm Berger/ Thomas Macho (ed.), Kant als Liebesratgeber. Eine Klagenfurter Episode. Verlag des Verbandes der wissenschaftlichen gesellschaften Österreichs, 1989. I disagree with Benjamin. The gentle tone of Kant's letter and the rare display of understanding for the condition of women have been blatantly overlooked by Kant's critics, especially in German speaking Kant scholarship. Maria von Herbert's correspondence is also taken with some disdain. In his Kant biography, Wolfgang Ritzel describes how Maria in her "alteration and anguish bangs down an entire page without punctuation" and addresses the great Kant in the second person singular. *Ritzel*, Immanuel Kant: Eine Biographie, de Gruyter, 1985.

In contrast, Kant's behavior in regard to Maria von Herbert's second and third letters was indeed disrespectful. Although it is understandable why Kant did not reply to Herbert's two subsequent letters (her tone became increasingly inappropriate to the 70 year old Kant. She also announced her intention to visit him in Königsberg), Kant ended up sending Maria von Herbert's complete correspondence to Elisabeth Motherby, the daughter of an English friend, as a "warning" against the confusions of a sublimated imagination *(Verwirrungen einer sublimierten Phantasie,* AA XI, Briefwechsel 1793, 411). In 1803, nine years after her last letter to Kant, Maria von Herbert committed suicide by drowning herself in the Drau river. In 1806 her brother, Baron von Herbert, also took his life. After the French revolution, von Herbert's household and philosophical circle in Klagenfurt had been under constant police surveillance, as Kant's philosophy was considered subversive in conservative Austria.

[20] When a positive *proof* for a certain claim cannot be provided, it is enough to show that the claim is *not impossible*, that is, that nothing rules it out as eventually the case.

postulate the immortality of the soul as the condition for the realization of moral perfection and consequently of the coherence of our commitment to morality (KpV V: 5:122). Only if we assume that we can continue to improve morally beyond this life, can we make sense of the requirement that we ought to strive for perfection. However, to strive to achieve perfection *in this finite life* at all costs is not only vain, but can also be morally reprehensible. Virtue for human beings means a continuous approximation of the moral ideal, which shall never be achieved. Achieving moral perfection would be holiness and no longer human virtue (KpV V: 8, 122). The *sage* (*sapiens*) personifies the continuous approximation to virtue, with the awareness that it shall never be achieved in this life (MS VI: 383).

> In fact, *sapiens* here means only a judicious (*gescheuten*) man (*prudens*), who does not think fantastically of virtue in its perfection. This is an ideal which requires one to approximate to this end but not to attain it completely, since the latter requirement surpasses man's powers and introduces a lack of sense (fantasy) into the principle of virtue. (MS VI: 433, note)

It is noteworthy that Kant identifies the *sapiens* with the *prudens (Gescheuten)*[21]. This might seem peculiar. Why is the person who does not think fantastically of virtue also a *prudens?* Is one imprudent if she attempts to achieve moral perfection at all costs? I will argue that Kant identified at least two ways agents may vainly attempt to achieve moral perfection in this life: they can either *moralize the amoral* and/or wilfully *disregard the latitude of imperfect duties,* when it would be otherwise permissible to make use of latitude. Both ways, I will argue, are attempts to *maximize* virtue. Although not obvious in the passage, I take the first kind of attitude to be Kant's main point when he writes about the fantastically virtuous in the *Doctrine of Virtue:*

> The human being can be called fantastically virtuous who allows *nothing to be morally indifferent (adiaphora) and strews all his steps withduties, as with mantraps*; it is not indifferent to him whether I eat meat or fish, drink beer or wine, supposing that both agree with me. Fantastic virtue is a concern with petty details *(Mikrologie)* which, were it admitted into the doctrine of virtue, *would turn the government of virtue into tyranny.* (MS VI: 409, my emphasis)

At first, it seems that the problem with the "fantastically virtuous" is only one of wrong judgment: the agent takes situations to be morally relevant when they are not. We could simply shake our heads at such a person for being silly, but harmless. The passage however, suggests more. Although it is true that the fantastically virtuous treats morally irrelevant situations *(adiaphora)* as being relevant, it is important to note that admitting the concern with petty details into the doctrine of virtue would "turn the government of virtue into tyranny."Although the fantastically virtuous is creating "pseudo-duties", what is reprehensible about his attitude is something that

[21] *Gescheut* (*gescheidt*) is a synonym for *klug* (clever, provident, prudent). Prudence in German is *Klugheit.* Adelung Grammatisch-Kritisches Wörterbuch der hochdeutschen Mundart, bd. 2, Sp. 605.

goes beyond mere misjudgement. His attitude seems to be *reproachable* from the perspective of virtue. But why exactly?

Kant accuses the fantastically virtuous person not precisely of misjudgement but of "*micrology*" (*Mikrologie*), a term which Mary Gregor translates as "a concern with petty details". In other passages, Kant associates micrology with "useless precision" *(unnütze Genauigkeit,* Logik IX: 046), "subtlety in the smallest details" (*Subtilität im Kleinen*, Logik IX: 049) or also "hair-splitting" (*Kleinigkeitskrämerei,* MS VI: 440). Above all, *micrology* is a form of *pedantry* (*Pedantarei*, Cf. Logik IX: 046). I interpret the fantastically virtuous' attitude as an attempt to create *opportunities* for virtue artificially, when there is no occasion for doing so. What is reprehensible about her attitude is not so much misjudgement of the circumstances but her *pedantry* in moral matters.

The fantastically virtuous person attempts to *maximize* virtue by treating all her decisions as matters of strict duty even when it would be morally permissible for her to act on the basis of her inclinations and to further her happiness (e.g. when choosing to eat fish or meat, drink beer or wine, since Kant assumes that these options are morally indifferent). According to this interpretation, the "fantastically virtuous" agent does not simply lack judgment[22] but is a *pedant*, who turns human virtue into tyranny and allows for no *adiaphora*.

A parallel can be made in regard to the tendency to moralize the permissible (the *licitum* instead of the *adiaphoron*): an agent who constantly disregards her non-moral interests even when taking these considerations into account would be morally permissible, may also be attempting to maximize virtue in an unrealistic manner. In the casuistic questions at MS VI: 426, Kant asks us when treating wide obligation in a strict manner would amount to *purism*, i.e. "a pedantry regarding the fulfillment of duty." Characteristic of purism or pedantry in the fulfillment of duty is the denial of some latitude to one's animal inclinations, even when giving leeway to these inclinations would not endanger one's moral integrity. As in all other casuistical questions, Kant does not give us a precise answer, since an answer presupposes judgment of the circumstances and cannot be settled a priori.

While bringing wide duty closer to narrow duty is a virtue in some circumstances (see for instance MS VI: 390),[23] completely disregarding one's happiness for the sake of maximizing virtue unrealistically would be to introduce a fantastic idea of virtue, unfit to be applied to rational beings as *finite beings with needs*. Prudence, which is also a normative standard for human beings (although only conditionally), is thus "permitted" to dictate limits to our compliance with moral ends, insofar as these limits imply neither a violation of moral requirements nor an abdication of the

[22] As Kant observes in the Critique of pure Reason, lack of judgment is what we call "stupidity" and cannot be remedied (KrV A 097/B132).

[23] "The wider the duty, therefore, the more imperfect is a man's obligation to action; as he, nevertheless, brings closer to *narrow* duty (duties of right) the maxim of complying with wide duty (in his disposition), so much the more perfect is his virtuous action" (MS VI: 360).

moral end. Since for Kant there are certain maxims or ends we are morally required to adopt (ends which are also duties, MS VI: 380-1), insofar as we remain committed to realize the moral end, it is nevertheless possible to reconcile our practice of virtue with the requirements of prudence. Therefore, when one is said to "do too much" in moral matters, this can only be the case from the perspective of *permissible prudential considerations*, that is, when one sacrifices one's happiness beyond what is strictly morally required. However, one can never do too much from the perspective of virtue itself (since this would amount to *falling short* of virtue and not to an excess of virtue proper).

Kant reinterprets Horace's adage and uses it to account for the intuition that one can indeed do too much in matters of virtue. However, the excess in question lies not in moral goodness itself. At MS VI: 406n, Kant quotes the adage again, now referring specifically to *moderation*.[24] The injunction for moderation applies to one's *affects* and not to virtue itself. One can therefore be too enthusiastic (to give too much leeway to one's affects), but this is not an excess of virtue, but of the leeway one may give to one's affects in support to one's commitment to the moral principle.

To cultivate a feeling or attitude is to give them a certain leeway in influencing our conduct, ideally after some deliberation that it is morally desirable to do so.[25] In the casuistic question at MS VI: 437, Kant suggests that we can *cultivate* the feeling of self-esteem. But since the line between self-esteem and self-conceit is a very subtle one (MS VI: 437), the question is whether it is not wiser to cultivate *humility* instead of self-esteem (MS VI: 437). Humility can be problematic since it tends to turn into self-abnegation (*Selbstverläugnung*, ll. 10) and leads to a violation of a duty to the self. Kant therefore leaves open whether one should cultivate self-esteem or humility (or both). Presumably, deciding between cultivating humility or self-esteem would be a matter of personal discernment according to whether one is prone to self-conceit or self-denial.

Passages as these suggest that latitude may allow us to take into account other features of human nature such as one's affects or certain attitudes and to integrate

[24] "Only the apparent strength of someone feverish lets a lively sympathy even for *what is* good rise into an affect, or rather degenerate into it. An affect of this kind is called *enthusiasm,* and the *moderation* that is usually recommended even for the practice of virtue is to be interpreted as referring to *it (insani sapiens nomen habeat [;] aequus iniqui ultra quam satis est virtutem si petat ipsam. Horat.)* for otherwise it is absurd to suppose that one could be *too wise, too virtuous.* An affect always belongs to sensibility, no matter by what kind of object it is aroused. The true strength of virtue is a *tranquil mind* with a considered and firm resolution to put the law of virtue into practice."

[25] The cultivation of certain feelings and attitudes falls under Kant's account of indirect duties. Unfortunately, entering into a discussion of Kant's complex account of indirect duties goes beyond the scope of this paper. I shall restrict myself to pointing out the relation between cultivating certain natural dispositions and feelings and latitude for choice. For a discussion of Kant's understanding of imperfect duties, see *Alix Cohen*, Kant and the Human Sciences. Biology, Anthropology and History. Palgrave Macmillan, 2009, especially chapter four.

these with our commitment to morality. This integration will require careful practical judgment from the agent's side, since the commitment to the moral principle has normative priority. In the paper, I have focused on one's prudential interests as rational being with needs and how imperfect duty allows us to integrate these concerns within our sincere commitment to morality. While one can never be too virtuous one may fail to give enough consideration to one's permissible prudential interests and needs. Kant therefore reminds us that what is open to us is human virtue. Although human virtue may be demanding enough under the circumstances, it is no tyranny over human nature.

Zusammenfassung

In diesem Aufsatz stelle ich eine Interpretation des Spielraumes (latitudo) von weiten Pflichten vor, indem ich Kants Neuinterpretation des Horaz'schen Spruchs "*insani sapiens nomen habeat; aequus iniqui – ultra quam satis est virtutem si petat ipsam*" und seiner Kritik an Aristoteles' MESOTES-Lehre analysiere. Um meine Thesen zu unterstützen, untersuche ich auch Kants Unterscheidungen zwischen Lüge und Zurückhaltung in seiner Korrespondenz mit Maria von Herbert und zwischen Offenherzigkeit und Zurückhaltung in seiner *Religionsschrift*.

Ich vertrete dabei die Auffassung, dass es moralisch erlaubt sein kann, Klugheitsüberlegungen in die Entscheidung darüber einzubeziehen, wie weite Pflichten erfüllt werden, weil es keine obere Grenze dafür gibt, inwieweit wir moralische Zwecke verfolgen dürfen. Im Gegensatz dazu kann die bewusste Missachtung moralisch erlaubter prudentieller Interessen das darstellen, was Kant als phantastisches Konzept der Tugend bezeichnet, demzufolge Handlungssubjekte vergeblich glauben, dass sie Tugend *in diesem Leben* vollständig erreichen könnten. Ich lenke dabei die Aufmerksamkeit auf die Tatsache, dass für Kant der Weise (*sapiens*) zugleich auch klug (*prudens*) ist, d. h. eine Person, die in Sachen der Tugend nicht phantastisch denkt und also nicht bestrebt ist, auf Kosten der eigenen moralisch akzeptablen Klugheitsinteressen als endliches Wesen "Tugendmaximierung" zu betreiben.