

# Kant's Moral Theory and Demandingness

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**Abstract** In this paper, I sketch a Kantian account of duties of rescue, which I take to be compatible with Kant's theory. I argue that there is in fact no "trumping relation" between imperfect and perfect duties but merely that "latitude shrinks away" in certain circumstances. Against possible demandingness objections, I explain why Kant thought that imperfect duty must allow latitude for choice and argue that we must understand the necessary space for pursuing one's own happiness as *entailed* by Kant's justification of one's duty to promote other's happiness. Nevertheless, becoming *worthy of happiness* has always priority over one's own happiness, even when circumstances are such that we cannot secure our own happiness without seriously neglecting more pressing needs of other persons. I conclude that Kant's moral theory calls for complementation by the political and juridical domain. Implementing just political institutions and creating satisfactorily well-ordered societies create an external world which is friendlier to our attempts to reconcile moral integrity and a happy human life.

**Keywords** Immanuel kant · Imperfect duties · Beneficence · Perfect duties · Demandingness

I. Do we need the distinction between perfect and imperfect duties?<sup>1</sup>

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<sup>1</sup>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:

- GMS *Grundlegung zur Metaphysik der Sitten* (The Groundwork to the Metaphysics of Morals)
- KpV *Kritik der praktischen Vernunft* (Critique of Practical Reason).
- MS *Die Metaphysik der Sitten* (The Metaphysics of Morals)

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Perfect duties are injunctions to refrain from or to perform certain acts. They are strict requirements concerning more or less clearly specified actions. 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 to perform or refrain from performing a strictly required act token: refusing to do what is strictly required amounts to a violation of duty. This is made explicit by Kant’s *contradiction in conception test* of the *Groundwork* (GMS IV: 421–423).

Imperfect duty, in contrast, may leave some latitude for choice. This means that an unlimited amount of act tokens A1, A2, A3... may fall, for instance, under the duty of beneficence, but doing a specific act instead of others does not imply a violation of duty, only, to use Kant’s own expression, “lack of merit” (*demeritum*, MS VI: 390) in regard to the act tokens which were not performed.

Kant’s paradigmatic imperfect duty is the duty of beneficence. Even though it is possible to think of a world in which a maxim of indifference would be a universal law, Kant argues that as rational agents we cannot consistently *will* that such a maxim become a universal law (GMS IV: 423). Recognizing imperfect duties seems necessary for two reasons. Firstly, not recognizing them would imply making morality excessively demanding, perhaps even unbearable for human beings. No matter how much we do in matters of beneficence, we are never “done” with it. It is therefore not possible to release oneself forever (or even temporarily) from the duty by doing a “sufficient” amount of beneficent acts. Secondly, Kant scholars such as Marcia Baron have shown that imperfect duties can help us not only demystify the idea of *supererogation* but ultimately *replace* that notion by that of imperfect duties (Baron 1987; Hale 1991). Supererogation has been regarded with suspicion by moral theorists, who believe that accepting that some morally worthy actions are “beyond duty” can be used as an excuse for ignoring moral requirements (Wilson 1993).

According to Kant, perfect duties must always be given priority over imperfect duties. Since we are not obliged to act on every possible act token falling under an imperfect duty, foregoing one opportunity to comply with an imperfect duty for the sake of satisfying a strict requirement does not amount to a conflict of duties. In contrast, choosing to comply with an imperfect duty when this presupposes violating a strict requirement would amount to a positive violation of duty and undermine the moral worth of one’s conduct. If helping you would require stealing something or murdering an innocent, then I must not help you.

The normative priority of perfect over imperfect duties seems to contradict some common moral intuitions. For instance, it seems absurd to think that one should not save persons from a burning house if doing so would require using the neighbor’s garden hose without her permission, or that I should not save a drowning child because that will entail breaking a promise. Many instances of beneficence intuitively seem more pressing than certain instances of respect for private property or other perfect duties (Statman 1996). These are cases when we would have a *duty of rescue*. Kant however does not seem able to derive duties of rescue from his contradiction in the will test. Our duty to help is an imperfect one: it comes with a latitude for choice which seems out of place in emergency situations, when another person’s life is at stake. Kant seems either to have ignored duties of rescue or to have conflated them with duty of beneficence in general.

If we take these intuitions seriously, it seems that it is not the specific structure of the duty which determines our judgment of what to do in a certain circumstance. This raises the suspicion that practical deliberation can do without the distinction between perfect and imperfect duties. A second, more serious worry follows from the first one: if imperfect duties do not always allow us latitude for choice, it could be that we are wrong when we think it is

permissible to forego an opportunity to help. If the pressing needs of others can make the duty to help stronger than some perfect duties and we are living in a world of urgent need, then it is possible that we are being more lax about the duty of beneficence than we are aware of.

Kant himself did not seem to think his conception of beneficence could be overdemanding precisely because he believed in the distinction between perfect and imperfect duties. However, he believed that *perfect duties* could be very demanding, depending on external circumstances. I will discuss the demandingness of perfect duties in the last section of this article and argue that it can be reduced with the implementation of just political institutions, although not altogether eliminated. In the following, I will concentrate on Kant's understanding of the duty of beneficence and make the case for the following claims: (1) the distinction between perfect and imperfect duties is not superfluous; (2) it is possible to give a Kantian account of duties of rescue without undermining this distinction; (3) the latitude of imperfect duties can deflect demandingness objections against a Kantian duty of beneficence.

Most cases which rule out latitude for compliance with imperfect duties are instances of the duties of aid or rescue, which Kant does not explicitly distinguish from beneficence in general. Kant argues in the *Doctrine of Right* that the concept of right "does not signify the relation of one's choice to the mere wish (hence also to the mere need) of the other, as in actions of beneficence or callousness" (RL VI: 230, my emphasis). As stressed before, Kant seems unable to account for the stringent requirement to help in emergency situations; he treats emergency situations in the same way as instances of the duty of beneficence. If there is a *juridical* duty of rescue, that is, if the duty of rescue is institutionalized by one's state, the case would be settled for Kant. The duty of rescue would be a *perfect* duty whose "ground of obligation" could be considered more stringent than the duty to respect private property, for instance. However, I will explore the possibility of a *moral* argument for duties of rescue and will put this possibility aside.

Daniel Statman has argued that when a perfect duty is "overridden" by an imperfect duty in accordance to our common intuitions, the imperfect duty in question must actually be a perfect one. If saving persons from a fire requires us to use the neighbor's garden hose without her permission, saving them not only has priority over respecting private property, but is a perfect duty. While this view at first seems to leave Kant's understanding of perfect duties as more fundamental than imperfect ones intact, Statman goes on to argue that the characterization of a duty as perfect or imperfect is done ad hoc, "on the basis of the weight of the conflicting duty, instead of independent considerations concerning the nature of the duties at stake" (Statman 1996). In other words, it is not the specific "logical structure" of a duty which determines which action should be given priority in a certain situation.

Although under certain circumstances it may *seem* that imperfect duty overrides perfect duty, I will argue that it is only the *stringency* of these duties which may vary under exceptional circumstances. The subordination of imperfect to perfect obligation, however, is maintained and still plays an important regulative function for practical judgment. This is the subject of the next section.

## 1 Why Latitude Matters and When It Shrinks Away

While in the first formulation of the categorical imperative in the *Groundwork* Kant used the termini perfect and imperfect duties, at the transition from the first to the second formula, Kant changes his terminology. He now speaks of *necessary* or *owed* duty (*nothwendige Pflicht gegen sich selbst*, IV: 429, l. 15, *nothwendige oder schuldige Pflicht gegen andere*, Ibid, l. 29) and of *contingent* or *meritorious* duty (*zufällige/verdienstliche Pflicht gegen sich selbst*, IV: 430, l.10). It might seem

puzzling that Kant associates the distinction strict/wide duty with the predicates *necessary/contingent*. Given Kant's standard definition of duty as the necessity of an action from respect for the law (GMS IV: 400 I.18), one might wonder how a duty can ever be contingent. According to Timmermann, wide duties are contingent not because they depend on an existing inclination of the agent (in which case they would no longer be duties, but a hypothetical commands), but because token duties depend on particular occasions to apply (for instance, from the fact that someone else is in need). They are not "less obligatory" than perfect duties (Timmermann 2010)

Contingent duties are dependent on the specific circumstances in a way necessary or strict duties are not. The necessity of acting on a certain act token identified by the agent as a beneficent action will depend on the specific circumstances, for instance, the degree of need involved, her position to give help, whether there are other persons responsible or more able to help, etc. Depending on how pressing the conjunction of all these factors is, one has either an opportunity to act beneficently or no latitude at all. As I will stress later, latitude refers to the *stringency* of the duty and not to the choice of means available to the agent.

Kant often equates the distinction pairs *strict/wide* with *juridical/ethical*, perhaps giving the impression that they are synonymous. Although juridical duties are all strict,<sup>2</sup> ethical duties can be both strict and wide (although wide duties are the paradigmatic ethical duties). There are also variations in the wideness of different imperfect duties. The duty to work towards greater moral perfection is presumably stricter than the duty to develop one's talents, (MS VI: 446) just as the ethical duty of respect for others is more strict than the ethical duty of love (MS VI: 449–450). The distinction strict/wide thus seems to refer to the *type of necessity* or the *stringency* of the obligation in question, whereas the juridical/ethical distinction addresses the aspect of *necessitation* (*Nötigung*), i.e. whether only *internal* or also *external* necessitation (i.e. coercion) is possible.<sup>3</sup> The stringency of wide duties can thus vary depending on the context, a feature belonging to the *latitude* of these duties. Therefore, Kant's distinction between perfect and imperfect duties is less rigid than Kant's critics assume and could accommodate variations in stringency without undermining itself.

When is there is no latitude for choice? My view is that latitude shrinks away when refusing to help would amount to *giving up* one's commitment to beneficence *altogether*. While bypassing opportunities to help is mostly compatible with a maxim of beneficence ("sorry, I don't have time to help you with your garden right now, but next time!"), there are circumstances when acting otherwise would necessarily imply that the agent has altogether given up a maxim of beneficence. Making use of the latitude of wide duties is permissible in Kant's account as long as one remains sincerely committed to the moral end. Certain circumstances, however, put the sincerity of one's commitment to the moral end *under proof*. Under these circumstances the duty to help acquires a *stringency* that is identical to that of perfect duties. This is because even though beneficence is an imperfect duty, the requirement to adopt a moral end is itself a strict one: what is "in the manner of imperfect duty" is *discharging* the duty, that is, the promotion of the end of beneficence. As rational finite beings we are strictly required to adopt the happiness of others as our end, but since this involves the furtherance of an end<sup>4</sup> (and

<sup>2</sup> The exception is wide duties of right, which cannot be externally enforced. See MS VI: 233.

<sup>3</sup> See Mary Gregor 1963 p. 97.

<sup>4</sup> Another way of talking about the adoption of a morally required end is to talk about the adoption of a *maxim* of promoting obligatory ends (as opposed to a maxim of indifference or of neglect of one's natural talents). This is the way Kant formulates the first principle of ethics: act according to a maxim of ends (*Maxime der Zwecke*) which it can be a universal law for everyone to have (MS VI: 395). The maxim of ends of ethics is contrasted to the maxim of actions characteristic of the domain of right (*Recht*, cf. VI: 230 II. 29–30).

not simply the omission or commission of certain acts), we need latitude for choice, so that we can comply with other duties and have the necessary space for the satisfaction of permissible needs and non-moral interests.

As Kant notes, “if the law can prescribe only the maxim of actions, not actions themselves, this is a sign that it leaves a latitude (*latitudo*) 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). The ways in which I can comply with my maxim of beneficence seem open to me. Because I can choose when, how and how much to comply, foregoing act tokens which would fall under the description “beneficence” are not violations of duty; they just reflect the fact that I have chosen to comply with my duty of beneficence in a different way; insofar as I remain sincerely committed to the moral end, it poses no greater difficulties.

Now, I do not claim that the way one should help becomes determinate in emergency cases, while it is otherwise indeterminate. What is clear in the circumstances is only that help we must, here and now. The requirement to help is stringent in the sense that under the circumstances we cannot choose whether to help or not (although we could still decide between one act token or another, say, ringing up the ambulance, screaming for passers-by to assist you with the injured person or applying your first aid knowledge by yourself). It is important not to confuse the latitude / stringency of the duty with the possibility of choosing the means to help. Even perfect duties allow for choice in the means of compliance (for instance, I can pay my debt by cheque, debit or with any combination of paper money and / or coins, even though using only coins is likely to drive the creditor mad). If that is the case, what makes a duty stringent or gives rise to latitude is not simply the availability of different means to discharge the duty.

My duty not to lie is stringent and not complying with this duty here and now amounts to a violation of duty. It is not permissible to lie to you now because I shall be discharging my duty of truthfulness to someone else tomorrow after breakfast. Stringency has to do with the question *when* to discharge the duty. We cannot put off compliance, with the thought that we are going to discharge it later in this or that way.

In contrast, beneficence does not *always* impose a stringent obligation to act in a particular circumstance. But it *can* become stringent. While perfect duties are *always* stringent across different scenarios, imperfect duties can vary in stringency depending on the circumstances. If so, when does beneficence become stringent, to the point of leaving us no latitude for choice? I will argue that stringency in the case of beneficence signals that not to act here and now would be incompatible with the description of an agent who is committed to the end of beneficence.

It is important to remember that the commitment to any end excludes certain actions and attitudes as incompatible with one's commitment to that end. If I have decided to further my musical talent and become a professional pianist, any activities compromising my ability to play are off the list. For instance, becoming a hobby boxer or chopping wood in my free time would show that I no longer take serious my end to become a professional pianist. Since not helping someone in great need at very little cost to ourselves when possible is incompatible with having adopted the end of beneficence, not helping would amount to giving up the moral end of beneficence. Stringent occasions for help are therefore situations in which voluntary, conscious non-compliance would undermine our commitment to a moral end. Just as the pianist who irresponsibly hurt his fingers, you can no longer say you are sincerely committed to beneficence. This of course excludes cases of ignorance or inability to offer help.

But what if some perfect duty prohibits or imposes constraints on one's conduct in an emergency situation? For instance, if helping the victims of a car crash nearby makes it necessary that I break into your house and take whatever I need to help the victims? Intuitively, one might think that I would be morally permitted to violate private property (whether this is legally the case is another matter), but not to murder you if you are in the house and refuse me entry. Strictly speaking, we are not *permitted* to violate perfect duty; we might be merely *excused* to do so, given the circumstances. I would be violating a perfect duty if I broke into your house and used your phone to save the victims of the car crash, but the point is that from a moral perspective I may be retrospectively *excused* for doing so.<sup>5</sup>

Perfect duties are not "trumped" by the imperfect ones in emergency situations. They are *violated*, but with an *excuse*, namely that the circumstances were such that although our duty to help is very stringent, perfect duties did not allow us to comply with imperfect duty. However, there is a point when violating perfect duties is no longer excusable and this is not only when violating perfect duties would be strictly necessary for complying with the stringent imperfect duty. Although the violation of a perfect duty must be strictly needed for saving the victims, saving the victims is not the only duty we have. Our conception of the perfect duties there are still imposes constraints on the means "morally available" to us for saving the victims. This shows that the subordination of imperfect to perfect obligation is still maintained at a broader level and plays a regulative function for practical judgment. It accounts for the intuition that although we may be excused for violating some perfect duty to comply with a duty of rescue, there is a point *we may be excused not to comply with the duty of rescue*.

We can summarize the points made so far about stringent imperfect duties as follows:

1. Willfully not acting would be incompatible with the description of an agent who is committed to the end of beneficence. There is no latitude for choice;
2. However, the duty to help is still an imperfect duty because it may be limited by perfect duties;
3. One may need to violate some perfect duties in order to discharge one's stringent duty to help; given the circumstances, we may be morally excused for doing so.
4. But there is a limit to how far we can violate perfect duties and be excused. Other perfect duties still limit one's conduct and there is no trumping relation.

One might object to the idea of *excusing* a violation of a perfect duty in order to save a person's life. Why not acknowledge that agents are *permitted* and not merely *excused* to violate these duties? Granting an agent a permission to do X entails an express recognition that the agent is justified in violating the norm. In contrast, excusing the agent may suggest that it would be better if the agent had not violated the duty, although her violation can be condoned, given her circumstances (perhaps she was too distressed and not fully accountable for her conduct at the time). Intuitively, there is a great difference between someone who breaks into a house to save someone's life and a person who does the same action to avoid some inconvenience, although her action is excusable. It seems that *excusing* someone is incompatible with the idea that she has done nothing *wrong* in the first place.<sup>6</sup> I will argue that the agent has done something wrong, even though not helping the victim is not an option either.

<sup>5</sup> Depending on the existing laws of a society I may be legally sanctioned for violating private property or contracts, even if addressing emergency situations.

<sup>6</sup> I thank an anonymous referee for the BSET for this point.

Positive laws are needed for maintaining a condition of public justice. Once they are laid down in an equally binding manner for all agents, it is not up to individuals to decide for themselves when they should uphold or make an exception to these laws. This would undermine the possibility of public justice. Kant himself acknowledges that strictly adhering to positive laws will sometimes generate unfair outcomes and yet we must abide by what is publicly laid down as right (MS VI: 234–235).<sup>7</sup> Kant's point is that we need an omnilateral system of laws which would collapse if everyone took the liberty to reinterpret the law subjectively. Therefore, there is a very important reason for insisting upon the unconditional character of perfect duties. However, courts of justice can decide to excuse agents for violations in emergency cases or to formulate clauses permitting the violation under certain conditions.

There is a clear difference between taking your coat by mistake and taking your coat because I want it for myself. None of these intentions can make your property right in that coat disappear, although they will be relevant for accessing my action retrospectively. Now, if I take your coat to save the life of someone dying of cold, it is still the case that I have violated your property right in that coat. Your right does not disappear nor is it “trumped”. We might however agree that in this case I should be *excused* for taking your coat.

## 2 Why Latitude Matters

While some Kant scholars interpret latitude as allowing the agent to decide when, how and how far to comply with imperfect duty,<sup>8</sup> other scholars have adopted a more rigoristic interpretation of imperfect duties, in which the notion of latitude for choice is restricted. One of the problems which more rigoristic approaches to latitude seek to address is the worry that acknowledging latitude for choice in the case of imperfect duties would lead not only to a minimalistic, self-indulgent conception of morality, but also to the dangerous belief that compliance with imperfect duty may be considered *supererogatory*. Doing anything that goes beyond what is strictly owed to others would be considered “good but not required”. As Marcia Baron notes, “one can puff up with self-satisfaction at having done something extra for someone; it is not as easy to feel smug and superior about doing what, one believes, anyone in those circumstances is morally required to do.”<sup>9</sup> This view is a good expression of Kant's critical attitude in regard to the romantic ideals recommending extraordinary heroic acts (cf. KpV V: 155).

Since in Kant's moral theory moral worth depends on whether an action is morally required and has been done from the motive of duty, the idea of something being morally good but not required seems a conceptual impossibility, at least in Kant's theoretical framework. Although not ill founded, Kantian concerns about admitting the category of supererogation should not lead us to adopt an excessively restrictive understanding of the latitude of imperfect duties, against Kant's own intention. Once we understand the role the notion of latitude is intended to play in Kant's account of duty, these worries will be dispelled.

<sup>7</sup> For a discussion of the tension between positive laws and equity judgments in Kant's legal theory see my “When the strictest Right is the greatest Wrong: Kant on Fairness”. Forthcoming in *Estudos Kantianos*, 1/2015.

<sup>8</sup> H. J. Paton, *The Categorical Imperative. A study in Kant's Moral Philosophy*, Mary Gregor, *Laws of Freedom*, Blackwell, 1963, and more recently Thomas E. Hill, “Meeting Needs and Doing Favours” In: *Human Welfare and Moral Worth, Kantian Perspectives*. Oxford University Press, 2002

<sup>9</sup> Marcia Baron, *Kantian Ethics almost without Apology*, p. 37

Jens Timmermann interprets latitude of choice as restricted to the possibility of choosing the *means* to satisfy duty in a certain situation, since the choice of means falls outside the scope of moral deliberation. Latitude thus only applies to rules of skill (technical imperatives) related to one's duty.<sup>10</sup> According to Timmermann, we have a *strict* duty to help when there is only one permissible course of action open to the agent in a given situation. In this case, it is not possible to choose the means to beneficence "according to one's preferences," that is, there is no latitude for choice.

Timmermann's interpretation is problematic. Imagine someone going out to work in the morning who finds a severely injured person lying on the pavement (a pedestrian who was hit by a car on the nearby road). It is clear to the agent that she has no option other than to help. Nevertheless, she might still be unsure what means to take, although help she must: what should she do first, call the ambulance straight away or perhaps first see that the person is not choking on her own blood? Should she perhaps first cover the injured person's body with a warm blanket, since this is a cold January morning, and then call for help? Or should she perhaps just start screaming for help as loud as she can, so that the neighbors will come and perhaps make a better decision? Latitude in Kant's account refers to the *stringency of the duty* relative to the circumstances and not to the range of possible means for complying with the duty. What is "not an option" in this case is *indifference* to the injured person's condition rather than any specific way of helping. When the duty is especially pressing, latitude for doing *anything else which is not helping* shrinks away, even though we are still dealing with an imperfect duty. On the other hand, it is possible that helping in a certain case is only *effective* through a particular action. If I am dying of thirst, the only useful thing you could possibly do is to give me some water. If you *know this* and choose instead to make a generous bank transfer on my behalf, it seems that you were not really committed to helping me. Your duty is to try to help me effectively. But this is a "technical" aspect of my action and not what latitude is all about.

Timmermann's interpretation might suggest that we may pursue our happiness only when there is no other duty to be discharged. As soon as one perceives an opportunity to help, one has a *stringent* duty to help, unless other moral principles speak against it. Latitude is only about which means to take in order to help: but if no perfect duty speaks against it, help we must. But my question is: since one has a duty to actively *promote* a moral end (in this case, the happiness of others), should we not *look* for opportunities to help when no opportunity presents itself? The world is full of persons in need, many of them in urgent need and I know this. How can we know *when* we are finally permitted to devote ourselves to our own happiness? Further, when the pursuit of non-moral ends precludes satisfying the more pressing needs of others we also have what I will call the *lexical asymmetry problem*. As Timmermann puts it, moral goodness is "infinitely precious."<sup>11</sup> The question is thus: how can my happiness, which is merely *permitted*, ever compete with what is *morally necessary*? In other words, how can we ever find space for the "merely permitted", when we could be realizing moral goodness?

Here we can enumerate all those aspects of Kant's moral theory which permit us to limit compliance with beneficence and perhaps clear Kant's moral theory of the charge of being overly demanding: firstly, we must take into account the indirect duty to promote one's happiness, since a certain degree of satisfaction with one's condition keeps us from temptations to violate duty. Secondly, we should only adopt the permissible ends of others (although it seems implausible to

<sup>10</sup> Jens Timmermann, "Good but Not Required? Assessing the Demands of Kantian Ethics". *Journal of Moral Philosophy* 2.1, 2005.

<sup>11</sup> Timmermann, op. cit., p.23.

assume that not having to help sloths, bank robbers, murderers, and exploitative people to achieve their immoral ends would considerably reduce opportunities to help). Thirdly, we should avoid making others dependent; we should only help until agents can restore their ability to provide for themselves. There is also the duty to cultivate one's talents, which would permit (if not *require*) us to invest some resources in our person. Additionally, Timmermann argues that one should not let the morally lax free ride on our good works (even though he acknowledges that in Kant's account no one would be exempt from duty if others happen not to do their share). Despite these limiting conditions, it seems that we have still not justified *why* we are not giving up our commitment to the happiness of others when we *recognize* an opportunity to help and deliberately forego it, despite the fact that we are *always under the obligation to help*.

In order to solve this problem, we must recall why we have a duty to help others in the first place. The condition for the permissibility of the pursuit of one's own happiness is that we also adopt the happiness of all others as our end. This means that a person who sincerely adopts the happiness of others as her end is *permitted* to be beneficent to herself (MS TL § 27 at VI: 451). Marcia Baron argued that these considerations do not rule out a "sterner" view of the latitude of imperfect duties. The quotation at VI: 451 means only that "we are all equals and there is no ground for regarding as morally irrelevant one's own happiness."<sup>12</sup> In her view, what will lead us to adopt a more restrictive view of the latitude of imperfect duty is the duty of *self-perfection*. According to Baron, the duty to improve oneself morally will influence the way we carry out the duty to promote each other's happiness. As she puts it, "the full spirit of the [imperfect duty of making the ends of others my own] is not brought out until that duty is seen as shaped and "stiffened" by the duty to improve oneself morally."<sup>13</sup> By self-scrutiny, the agent will become alert to the fact "that she has a tendency to avoid friends when they are ill or depressed or in mourning" and has the opportunity either to improve herself or to be beneficent in different ways. Baron's interpretation may suggest that agents who make use of the latitude of imperfect duties are not perfecting themselves when they could do so, and are failing to live up to certain moral standards. No significant role seems to be assigned to the notion of latitude in the moral life (apart from the view that it ought to be restricted by self-perfection). It is also important to note that self-perfection in Kant's account is "narrow and perfect in terms of its quality but it is wide and imperfect in terms of its degree, because of the frailty (*fragilitas*) of human nature." In regard to its object, the moral ideal one ought to realize, it is narrow, but in regard to the subject, whose duty it is, it can only be considered an imperfect duty to the self (MS VI: 446). Although more strict than other wide duties, self perfection focuses on the *purity* of our motives and does not necessarily imply that we should maximize opportunities of making ourselves more perfect and thereby reduce latitude for compliance with beneficence.<sup>14</sup>

Since beneficence to oneself is not a duty, but merely a *permission* entailed by the adoption of the happiness of others as one's end (MS TL VI: 451), it is necessary that the principle commanding beneficence to others involves *latitude* for compliance. We have the duty to adopt the happiness of others as our end because we naturally want our own happiness. If commitment to the principle would exclude the possibility of pursuing our

<sup>12</sup> Marcia Baron, *op. cit.* p. 93.

<sup>13</sup> Marcia Baron, *op. cit.* p. 100.

<sup>14</sup> Cf. Thomas E. Hill, "Meeting Needs and Doing Favours" In: *Human Welfare and Moral Worth*, Oxford University Press, 2002, pp. 209–210.

own happiness,<sup>15</sup> a maxim of benevolence would be *self-contradictory*. We *must* acknowledge latitude because while there is no upper limit to the demands of wide duty, the promotion of our own happiness is *not morally required*. We are required to promote the moral end of beneficence and self-perfection ad infinitum, not because we must *maximize* virtue, but because we are *always* under obligation and 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).<sup>16</sup> Latitude creates the required space for the satisfaction of the agent’s most important needs compatible with a genuine commitment to the promotion of the happiness of others, what Kant calls one’s true needs. A permissible pursuit of happiness must thus *necessarily* be embedded in the context of our moral commitment to the happiness of others, in the form of latitude for choice *granted* to the agent by the principle of beneficence. To deny genuine latitude for choice in the case of the duty of beneficence is thus to undermine its very *raison d’être*.

When we deliberately forego an opportunity to comply with the duty of beneficence to pursue our own happiness, this is not necessarily morally objectionable; this is not because we are making “exceptions” to the duty of beneficence in the name of inclination. We are invoking a permission, which is implicitly built into the principle of beneficence, qua wide duty. This permission is expressed in the way we *integrate* obligation in and *structure* our lives and not on an ad hoc basis: our different maxims of imperfect duty, personal projects and preferences all shape the way we lay out (or interpret) the duty of beneficence in advance. It is therefore possible to have more than one correct answer to the same moral problem. Moreover, *different agents* may have *different (correct) answers*. As Barbara Herman argues, “having made certain decisions about how to live one’s life, say, ones that require the focused development of special talents, one may have closed off, morally speaking, certain ways of living with others. That is, such decisions affect not just obligations but permissions as well. We can now understand why it is that how often and how much I might offer help could in a sense be up to me and it still be the case that “I don’t feel like it” is not a reason for not helping.”<sup>17</sup>

### 3 A Few Remarks on the Tragic Side of Kant’s Moral Theory

Learn now the wisdom of Oedipus: if a man with a sharp blade

<sup>15</sup> It can be argued that one’s happiness could coincide with the happiness of others. I would be pursuing my happiness in that I adopt the happiness of others as my end. Although this is possible, it is certainly not the case that one can completely reduce one’s own happiness to the happiness of others. This would mean either that the happiness of others would coincide with my conception of happiness or that my happiness could be reduced to mere moral self-approval. Kant seems to rule out the first option as a conceptual impossibility: if I pursue the happiness of others as my own conception of happiness, I am not adopting the moral end of beneficence, but merely taking the means to my own happiness. As for the second, Kant explicitly rules out the plausibility of reducing *human* happiness to mere moral self-approval (KpV V: 88).

<sup>16</sup> 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.

<sup>17</sup> Barbara Herman, “The Scope of Moral Requirement.” In: *Moral Literacy*, Harvard University Press, Cambridge Massachusetts, 2007, p.221.

Lops off a shoot from a glorious oak and disfigures its  
 glorious form,  
 even if it can no longer bear leaves it casts a vote in its  
 own favour,  
 whether it comes at the end to a fire in winter  
 or, sustained by upright pillars in a master's house,  
 it performs a cheerless labour in an alien building,  
 having abandoned its native place.  
 (Pindar, Pithyan Ode 4, 2008)

In this paper, I have focused on the demandingness of Kant's account of the duty of beneficence. I have not yet discussed the demandingness of perfect duties in his account. That perfect duties can also be demanding is exemplified by several examples in Kant's works. For instance, Kant stresses that one must not give false testimony even if one's own life may be endangered by complying with the duty (whether one will act as duty commands is another story, KpV V: 30, 155–6). As Kant often stresses, we must do what duty commands regardless of the impact on our non-moral interests (however, when one can avoid bad consequences without being immoral, there is no reason why one should be imprudent).<sup>18</sup>

Kant seems to have thought that the latitude characteristic of beneficence would preclude demandingness. But if conditions are as dire as to make the need around agents more pressing than furthering their less urgent non-moral interests, then similarly to emergency situations, latitude may shrink away. I will argue that possible sources of demandingness are the same for perfect and imperfect duties in Kant's account. Even if one's conception of happiness includes only permissible ends, moral demands and the agent's happiness may still be *contingently* incompatible. The fact that morality can become very demanding is therefore not intrinsic to moral demands, but depends on how friendly or unfriendly external circumstances are in regard to moral agency.

Kant regards morality as the condition for the permissibility of happiness (in Kant's words, for the "worthiness to be happy"). Although for Kant there is a necessary conceptual link between morality as worthiness to be happy and happiness proper, "morality meets happiness" only in a contingent way in the world (KpV V: 124). The best moral agent may end up being a very unhappy person, while an immoral agent may enjoy a much more pleasant life. Kant's moral theory does not exclude the possibility of moral agents having to sacrifice their happiness completely when circumstances are very dire. This is because *worthiness to be happy* must always be given normative priority over happiness, when being moral *and* securing one's happiness is contingently impossible. All that Kant seems to offer in those circumstances are reasons to hope that God exists and will compensate us for our morally motivated sacrifices in an afterlife. Since this hope cannot be confirmed theoretically, the Kantian agent's only consolation must remain an unwarranted object of faith (KpV V: 125).

Telling the truth, keeping one's promises and being kind and helpful to others are all aspects of everyday life in well ordered societies. Instead of being a moral burden, these 'basic' obligations are more or less integrated into the lives of most agents and play a crucial role in structuring social life. However, under circumstances of political turmoil or instability (civil wars or in extremely unjust or malfunctioning polities) it can become exceptionally hard if not

<sup>18</sup> Kant is by no means saying that we should not care about our prudential interests when these do not collide with morality. Often, morality allows us to reconcile duty and prudential interests. For a discussion of the relationship between morality and prudence, see Pinheiro Walla (2013).

altogether impossible to comply with the simplest of these everyday duties without sacrificing one's happiness completely. Under less well ordered conditions, compliance with the most trivial moral requirements can make moral agents vulnerable to violence or manipulation by others. Although moral requirements remain the same in both ordered and badly ordered societies, it is clear that the particular social and political context makes a difference to whether morality will be too demanding or not.

Just political institutions are not meant to distribute rewards "proportional to one's moral worth," as God would presumably do in the afterlife in Kant's account of "moral faith". Nevertheless, just societies can create conditions of greater or lesser security and stability under which moral agency does not exclude human happiness and flourishing.<sup>19</sup> Although just institutions would not completely rule out eventual clashes between moral requirements and the possibility of a happy life, the point is that morality is not *intrinsically* incompatible with human happiness. Since overdemandingness is mostly due to contingent factors (for instance, whether there are princes who try to force subjects to give a false testimony by threatening death, cf. KpV V: 30, 155–6), reducing these factors is a political task which may not be achieved within the span of one's life but needs not to be relegated to the afterlife.

Kant suggests a similar idea in the *Conflict of the Faculties* when he identifies moral progress not with the increase in the human capacity for morality or moral intentions, but with the development and expansion of political institutions. Political institutions would "increase the *effects* of morality", that is, actions in external accordance with duty (*legality*, SF VI: 91). Although Kant does not say explicitly that just political institutions create favourable conditions for moral agency, this is clearly presupposed by his view of moral progress.

Gradually violence on the part of the powers will diminish and obedience to the laws will increase. There will arise in the body politic perhaps more charity and less strife in lawsuits, more reliability in keeping one's word, etc., part out of love of honour, partly of well-understood self-interest. And eventually this will also extend to nations in their external relations toward one another up to the realization of the cosmopolitan society, without the moral foundation in mankind having to be enlarged in the least; for that, a kind of new creation (supernatural influence) would be necessary. (SF VII: 91–2)

The charge of demandingness has been regarded by moral philosophers as a serious objection against a moral theory. While a Kantian account of morality does not need to deny the possibility of demandingness, it can nevertheless withstand demandingness objections by pointing out that it is not its conception of morality that needs revision, but the political conditions under which agents must act. Although unfortunate circumstances do not free us from the call of duty, we are confronted to the political task of creating a world which is friendlier to rational ideals: a world in which moral agents can finally be at home.

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<sup>19</sup> See Barbara Herman, 'Morality and Everyday Life'. *Proceedings and Addresses of The American Philosophical Association* 74:2 (2000), pp.29–45.

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