

## ARTICLE

# Kant on Imperfect Duties: A Defence of the Latitudinal Interpretation

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## Abstract

According to the ‘rigorist’ interpretation, the imperfect duty of (e.g.) beneficence does not permit agents to fail to perform any beneficent act that is available to the agent in order to pursue some nonmoral interest, whereas on the latitudinal interpretation, agents are permitted to fail to do so. I defend the latitudinal interpretation by criticising recent defences of rigorism offered by Jens Timmermann and Pauline Kleingeld, arguing that they conflict with important features of Kant’s moral theory, and that the latitudinal interpretation better coheres with Kant’s overall view.

**Keywords:** imperfect duties; *Tugendlehre*; latitudinal interpretation; rigorist interpretation; Timmermann; Kleingeld

One major issue on which interpretations of Kant’s moral philosophy diverge is that of imperfect duties. Arguably the most contentious area of disagreement is on the nature of imperfect duty itself. According to the ‘rigorist’ interpretation, the imperfect duty of (e.g.) beneficence does not permit agents to fail to perform any beneficent act that is available to the agent in order to pursue some nonmoral interest, whereas on the ‘latitudinal’ interpretation, the imperfect duty of beneficence permits agents to fail to perform some available beneficent act in order to perform an alternative act that serves some nonmoral interest. My aim here is to defend the latitudinal interpretation. But rather than doing so by arguing that the rigorist account cannot accommodate the category of supererogatory acts or that the rigorist account is morally unacceptably overdemanding, the focus of my argument will be on Kant’s texts. Specifically, I will argue that although there is textual support for each interpretation, there is text that clearly favours the latitudinal interpretation, and that much of the text cited by proponents of the rigorist interpretation can plausibly be interpreted to support the latitudinal view. Most importantly, the latitudinal view better coheres with some important larger aspects of Kant’s view. In so doing I will directly challenge the positions of two prominent recent defenders of the rigorist position and make a case for the latitudinal interpretation.<sup>1</sup>

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### 1. Some preliminaries

Although analyses of the nature of imperfect duties typically rely primarily on Kant's discussion of imperfect duties in the *Tugendlehre*, the treatment of imperfect duties, including beneficence, in the *Grundlegung* cannot be dismissed casually. Kant explicitly refers to the testing of agents' maxims by using the Universal Law Formula as 'The Canon of Moral Judgement' (4: 424), insists that it is always best to use 'the universal formula' and then gives a variant of the Universal Law Formula.<sup>2</sup> Even in the *Tugendlehre* we find Kant claiming that 'every morally practical relation' is 'a relation of free actions in accordance with maxims that qualify for a giving of universal law' (6: 451). Hence, the contours of imperfect duties ultimately depend at least in part on the application of Universal Law formulas to agents' maxims.

Having introduced the Universal Law formulas, Kant entertains four examples that illustrate not only how to apply those formulas but also how those formulas generate both perfect and imperfect duties. Briefly, the final example involves an individual who is considering adopting a policy of not contributing anything to the well-being of others or assisting them when they are in distress. Kant argues that even though we could conceive of a world that includes that maxim (although he never actually identifies the maxim) as a universal law, one cannot consistently rationally will such a world. Such a will would be in conflict with itself since, as Kant argues, many situations might arise in which that individual required the love, help, and sympathy of others, which would be denied to him by a law of nature generated by his own will (G, 4: 423). Kant concludes that we have a wide, meritorious duty not to adopt the maxim of nonbeneficence.

In a footnote that appears prior to his introducing the four examples in the *Grundlegung* Kant states that the first two examples give rise to perfect duties, whereas the latter two give rise to imperfect duties. He writes: 'I understand here by a perfect duty one which allows no exception in the interest of inclination' (4: 421, n). His identification of a perfect duty as one that allows no exception in the interest of inclination implies, or at least strongly suggests, that imperfect duties *do* allow such exceptions. Otherwise, why would he identify *that* as the characteristic that distinguishes the two?<sup>3</sup> Pauline Kleingeld downplays the passage, claiming that 'Kant refuses to commit to the distinction' (between perfect and imperfect duties, we assume), asserting (4: 421, n) that he is just trying to organise his examples, postponing his treatment of the division of duties 'entirely' to the *Metaphysics of Morals* (Kleingeld 2019: 73, note 12). However, he *does* explicitly 'recognize among the perfect duties not only outer ones, but inner ones'. It is on that point that he distances himself from 'the schools'. So he does seem committed to perfect duties, and it is the division of duties *in their entirety* that he leaves to the *Metaphysics of Morals*. Consequently, there is no evidence of hesitancy to endorse the distinction *per se*.

Still, numerous questions remain. Kant's example involves an individual who is considering adopting the maxim of nonbeneficence, which means adopting the general policy never to act beneficently. It would be more accurately referred to as adopting the maxim of 'universal' or 'rigorous' nonbeneficence. Since the maxim of universal nonbeneficence cannot be consistently rationally willed as a universal law, that argument – if it goes through – would establish that we have an imperfect duty *not* to adopt the maxim of nonbeneficence. But Kant fails to identify which maxim we

should adopt regarding rendering aid to others, or even which maxim(s) we are permitted to adopt, instead. Specifically, to whom do I have a duty of beneficence, and how much do I need to do? This is important given that an agent who fails to act beneficently on some occasion when presented with the opportunity to do so need not have adopted the maxim of universal nonbeneficence and hence might not have violated the imperfect duty not to adopt the maxim of universal or principled nonbeneficence. Indeed, few, if any, agents who fail to act beneficently given the opportunity to do so have adopted the maxim of principled nonbeneficence.<sup>4</sup>

Admittedly, Kant does insist later in the *Grundlegung* that we 'ought to promote the happiness of others', because 'a maxim that excludes this (i.e., adopting the maxim of principled nonbeneficence) cannot be included as a universal law in one and the same act of will' (4: 441). But the claim that one 'ought to promote the happiness of others' (or that one ought not to adopt the maxim of principled nonbeneficence) is ambiguous. Although it clearly rules out principled nonbeneficence, does it require maximal beneficence, or some suboptimal level? Does the duty to promote the happiness of others preclude, permit or even require being partial towards some individuals? Does it require that one act beneficently on all occasions when the opportunity presents itself, or does it permit failing to act beneficently on at least some occasions? And what would justify my choice not to act beneficently on those occasions when I could act beneficently but I am not required to do so? Save for requiring universal, maximal beneficence, each of these options involves adopting a policy, and a corresponding maxim, that would permit an agent's acting less than fully beneficently on some occasions *without having adopted the maxim of principled nonbeneficence*. Such agents could not be described as having adopted either the maxim of universal, maximal beneficence or the maxim of (universal or principled) nonbeneficence. So even if the fourth example correctly forbids adopting the maxim of principled nonbeneficence, it by itself does not tell us which maxim to adopt instead – there is an array of available relevant alternatives.

## 2. The rigorist interpretation

Proponents of the 'rigorist' position insist that we are required to fulfil imperfect duties whenever the opportunity arises, except when the imperfect duty in question is 'limited' by some other maxim of duty; only a duty to the contrary justifies failing to render aid to another when the opportunity arises.

Jens Timmermann lays out the rigorist interpretation of imperfect duties by engaging with some familiar as well as some often-overlooked passages in Kant's texts in order to justify attributing that view to Kant, addressing the issue of whether Kant's view includes the category of supererogatory acts, and defends the rigorist view against charges of overdemandingness (Timmermann 2005, 2018). Kleingeld's main aim is to defend Kant's account of imperfect duties against Barbara Herman's claim (Herman 1989) that since the maxim of convenience killing can be conceived but (at best) not consistently willed as a universal law, there must be an imperfect duty not to engage in convenience killing. But since imperfect duties allow for the 'latitude' to do more or less, the duty not to engage in convenience killing is not an absolute prohibition – it has latitude for doing more or less, which is an obvious embarrassment for Kant's view. While there is much to be said regarding

Timmermann's discussion of supererogation and overdemandingness, and Kleingeld's response to Herman's convenience killing example, my present concern is on *how* Timmermann and Kleingeld justify attributing the rigorist view to Kant. My examination of Kleingeld's and Timmermann's arguments will make it clear that they endorse nearly indistinguishable versions of the rigorist account of imperfect duties. Specifically, I will examine that rigorist interpretation of imperfect duties and consider whether it most plausibly captures Kant's view.

I turn first to their arguments for attributing the rigorist position to Kant. Kleingeld's argument is less concerned with detailed textual analysis than Timmermann's but, as I shall argue below, each of their arguments for attributing this view to Kant ultimately depends in large part on one specific bit of text in the *Tugendlehre*, and their analyses of that text are similar. I will begin by examining the portions of their arguments that do not involve that passage and argue that contrary to what Kleingeld and Timmermann suggest, those passages do not clearly and unambiguously support the rigorist position. Some do not support it at all, while others can plausibly be interpreted as being consistent with the latitudinal position. I will then turn to the passage from the *Tugendlehre* upon which each of the arguments crucially depends and provide an alternative interpretation of that passage that favours the latitudinal as opposed to the rigorist view and better coheres with other important tenets within Kant's view.

Kleingeld's statement of Kant's position on imperfect duties is clear and straightforward: she states that 'nonbeneficence is permissible only if one has adopted the maxim of beneficence and "limits" this maxim by another maxim of duty' (2019: 73). Timmermann characterises the position as follows: moral value 'completely annihilates' any other value (2005: 14). And further, imperfect duties require us to adopt certain ends and to 'realize them when the occasion arises and it is otherwise permissible to do so' (Timmermann 2018: 383). They give us an 'obligating reason' that 'turns into an actual obligation if and only if it is not defeated by other, weightier moral reasons or by sheer physical impossibility' (ibid.). But why think that is Kant's view?

Citing G, 4: 424 and MS DV, 6: 393, Kleingeld claims that Kant 'argues that we have a duty to adopt the maxim of beneficence instead' of the maxim of nonbeneficence, and the duty of beneficence 'is "imperfect" or "wide", in the sense that we have *latitude* as to its implementation'. This latitude concerns 'acting on the maxim of beneficence' (2019: 72–3). And further: 'Nothing in these [passages in G, 4: 424] suggests that it is sometimes permissible to act on maxims that yield a contradiction in the will. Far from allowing the occasional action on a maxim that fails the test in the second stage, they underscore that if a maxim yields a contradiction in the will, it is strictly impermissible to act on it' (p. 72). While the general point seems relatively unobjectionable, she argues further that while the 'latitude' associated with imperfect duties 'implies that it is sometimes permissible to refrain from acting beneficently' Kant 'adds an important proviso. He explains that nonbeneficence is permissible only if one has adopted the maxim of beneficence and "limits" the maxim by another maxim of duty' (p. 73). And exactly what does it mean for one maxim of duty to 'limit' another? She says that Kant provides examples of how narrow duties can limit wide ones, and one wide duty can limit another wide one: 'In all of this there is latitude *only* with regard to *maxims of duty*. Nonbeneficence is *permissible* only in cases where the

agent has adopted the maxim of beneficence but limits this maxim of duty by another maxim of duty. Nonbeneficence is *impermissible*, however, when the agent fails to adopt the maxim of beneficence (lack of virtue) or acts on the maxim of nonbeneficence (vice), that is, on the principle of never helping others' (p. 74).

Kleingeld argues that there are three different 'types' of nonbeneficence. Briefly, an agent who fails to act beneficently might have 1) adopted the maxim of beneficence, but 'limited her adopted maxim of beneficence by another maxim of duty', 2) adopted neither the maxim of beneficence nor the maxim of nonbeneficence or 3) adopted the maxim of nonbeneficence (referred to as 'principled non-beneficence') (2019: 73). She maintains that on Kant's view, failing to act beneficently is permissible only in case 1 – where the agent's adopted maxim of beneficence is 'limited' by some other maxim of duty.

Although Kleingeld is correct in insisting that 'there are different types of nonbeneficence', she has not addressed all of them: there are even more maxims/policies that an agent who acts nonbeneficently might have adopted. Moreover, the universalised counterpart of at least some of these maxims would arguably not generate a contradiction in the will in the straightforward way that the universalised counterpart of principled nonbeneficence does.<sup>5</sup> After all, imperfect duties require that one adopt a maxim of ends, in the case of beneficence, specifically to adopt the maxim of taking the permitted ends of others (their happiness) as one of our ends (6: 388). But as Kleingeld has admitted, one who has adopted the maxim of beneficence can fail to act beneficently – specifically in the case where the maxim of beneficence is limited by some other maxim of duty. And given that Kant's explicit position is that the duty to adopt the maxim of promoting others' happiness is only a wide one, such a person 'has a latitude for doing more or less and no specific limits can be assigned to what should be done. Since the law holds only for maxims, not for specific actions' (6: 393), it must be possible (even if, as Kleingeld asserts, it may be impermissible, but that requires an additional argument) for an agent who has adopted the maxim of beneficence to fail to act beneficently on some occasion *without having adopted the maxim of nonbeneficence*. So the landscape in terms of what maxim an agent who fails to act beneficently might have adopted is more complex than Kleingeld's 'three types' analysis would allow. The issue, then, is when it is permissible for an agent who has adopted the maxim of beneficence to fail to act beneficently.

This additional complexity has important implications for Kleingeld's version of the rigorist view. Briefly, agents who have adopted the maxim of beneficence need not 'limit' that maxim only by another maxim of duty. Indeed it seems possible for an agent to adopt the following maxim: 'Act beneficently, but not when acting beneficently is limited by another maxim of duty, and not on all occasions, and not always maximally so, especially when doing so would be overly burdensome'. Admittedly, in a world in which this maxim held as a universal law, I *might* find myself in need of assistance from others and not receive the help, for example, if it would be seriously inconvenient for an agent to provide assistance. And I *might not* receive the maximum level of assistance that the agent could provide.<sup>6</sup> But I will not have willed that I *not* receive the assistance – only that it is *not certain* that I will receive it – and I might not receive the level of assistance required to address my distress fully. But an uncertain (or even suboptimal) willing is one thing, a contradictory willing quite another,<sup>7</sup> and each such maxim represents an alternative to 'principled

beneficence limited by maxims of duty' that also passes the contradiction in the will test. This matters since Kant's argument in addressing the fourth example shows only that adopting the maxim of principled nonbeneficence generates a contradiction and hence is impermissible, and such agents have not done so. Kleingeld's understanding of the latitude associated with imperfect duties requires an argument for why the *only* permissible limit on the maxim of beneficence is some other maxim of duty. She finds such an argument in her analysis of the text at *MS DV*, 6: 390, to which I shall turn after taking a brief look at Timmermann's argument for rigorism, and arguments in favour of the latitudinal interpretation.

The central focus of Timmermann's argument for the rigorist view is the claim that for Kant, moral value 'silences' – indeed 'annihilates' – any other type of value (2005: 12, 14). Since fulfilling imperfect duties is one source of moral value, the only justification for failing to fulfil an imperfect duty is when some 'weightier' duty conflicts with it. Imperfect duties require us to adopt certain ends and to 'realize them when the occasion arises and it is otherwise permissible to do so' (Timmermann 2018: 383); they give us 'obligating reasons' that 'turns into an actual obligation if and only if it is not defeated by other, weightier moral reasons or by sheer physical impossibility' (ibid.). The imperfect duty of beneficence tells us to adopt a straightforward maxim of beneficence, which is curtailed by other ethical considerations, for example, the laws of strict duty, the duty of self-perfection and the requirement not to risk one's independence. Adopting such a maxim is compatible with not acting on it when it is impossible to do so, morally or otherwise (p. 384).

But is this Kant's view? Timmermann cites a passage from Kant's *Common Saying* in support of attributing the view to Kant: when I am aware that my ends collide 'with the moral law of duty, [that] I prefer the latter is not merely a better state but the only state that is good in itself; it is good from another sphere altogether, where ends that may present themselves to me (and so too their sum, happiness) are not taken into consideration at all' (8: 283). He concludes that 'in a given situation nothing conflicting with moral value can have any value at all' (Timmermann 2005: 12) and hence 'there cannot be exceptions in favour of inclination, i.e. suspensions of duty in favour of an inclination' (p. 16). But the problem is that this argument actually presupposes the rigorist view of imperfect duties – if such duties include the latitude to fail (e.g.) to render aid or develop one's talents on some occasion even in the absence of some weightier moral consideration, then doing so on some occasion does not constitute a 'suspension' of that duty or a 'collision with the moral law of duty', but rather exercising latitude associated with that duty. Timmermann (2018: 384) notes Kant's claim (at *G*, 4: 398) that we have a duty to be beneficent 'where one can' and claims that it supports the rigorist position. But there Kant does not say that we must be beneficent 'whenever one can' (*wann auch immer*), which would unambiguously support the rigorist position. If the duty to help where one can is imperfect and includes the latitude to do more or less, then it would not require us to be beneficent on each occasion that we can.

Citing *Mrongovius* at *Eth-V*, 29: 633, Timmermann (2018: 385) then claims that Kant 'demoted laws of wide obligation' stating that 'they are not, strictly speaking, laws in the honorific sense because they do not determine *a priori* what is to be done'. Specifically, they cannot determine 'how much I could do without and what part of my means I might therefore expend on acts of beneficence' (Heath translation:



'employ in charities'). But he fails to note the important sentence which precedes the passages he quotes: '*Leges* are either *stricte obligantes*, where there are no exceptions, or *late obligantes*, where exceptions are possible; the latter, indeed, are really no *leges*, for they do not determine *a priori* what, and how much, needs to be done'. Timmermann concludes that the 'decisive point is that the *abstract rule or law* derived from the categorical imperative does not determine these details. That is not to say that they are wholly undetermined or undetermined once the agent has taken all relevant circumstances into account, let alone that helping others is optional'. But no such thing follows from these passages. All that can be gleaned from this *Mrongovius* passage is that imperfect duties are not 'strict' (one might say instead 'narrow') duties, but rather 'widely' or 'broadly binding', which is hardly front-page news. Moreover, *they do allow exceptions*. A similar point is made in *Vigilantius*: '*Leges late determinantes*, on the other hand, determine only the nature, not the degree, of obligation to the action, so that in the fulfilment itself a certain latitude is left open, in which the owner of the duty is allowed a freedom to do or omit . . . All ethical duties, insofar as they are purely ethical, are of this type. Here the degree of obligation is wholly underdetermined' (*Eth-V*, 27: 536). So this passage does not support the rigorist position either and indeed seems to favour the latitudinal view.

Timmermann also cites a passage from *Vigilantius* stating that 'departures from the rule, or so called exceptions, occur when the law does not have true universality or absolute necessity, (which is unlikely to be found in any ethical law), e.g., beneficence lapses when one's own poverty or family needs have to be met' (27: 537). He glosses the passage as establishing that exceptions to imperfect duties occur *only* when another moral concern limits that duty. But the context for that remark must be noted: 'Here is the case where departures from the rule, or so-called *exceptiones*, occur, whenever the law does not have true generality or absolute necessity (and this would surely not be so in any ethical law); well-doing, for example, lapses if my own poverty or family needs have to be dealt with' (Heath translation). So here Kant is best understood as *giving an example of* – as opposed to specifying a necessary condition for – how exceptions to the duty of beneficence can occur: the duty can be limited by such factors.<sup>8</sup> So too with the illustration that follows: that one cannot show gratitude to a friend by using funds that are necessary for repaying a debt. In each case, Kant's main point is that exceptions to wide duties do occur. Agreed, perfect beats imperfect, but none of this establishes that such exceptions are limited *only* to such cases. It does not establish that (e.g.) one is required to be beneficent *unless* doing so would interfere with some stronger duty – any such support must be found elsewhere.

Timmermann also appeals to the same passage at (*MS DV*, 6: 390) that Kleingeld cites in support of rigorism. I will turn to that passage after briefly examining the case for the latitudinal interpretation.

### 3. The latitudinal interpretation

Kant never directly addresses the latitude associated with wide, imperfect duties in the *Grundlegung* – there is only the aforementioned note at 4: 421 and the preliminary remark at 4: 398 ('it is a duty to help others where one can'),<sup>9</sup> nor is there any focused discussion of it in the second *Kritik*. The most extensive discussion occurs in the *Tugendlehre*, and, as we will see, in each relevant passage Kant points to two ways in

which there is latitude associated with imperfect duties. The first is that the duty does not specify some specific act-token that one must perform in order to comply with the duty (e.g., volunteering at a hospital vs. volunteering at a food bank). But there is also a second type of latitude, viz. that it does not specify 'how much one is obligated to do', for example, to comply with the duty of beneficence. At 6: 392, regarding the 'cultivation of morality' in us, he states 'the law, here again, prescribes only the *maxim of the action* ... and hence not the *action itself*', that is, not prescribing some specific act-token. And in discussing the (imperfect) duty to develop the capacity to set and realise all possible ends, he claims that 'this duty is a merely ethical one, that is, a duty of wide obligation. No rational principle prescribes specifically *how far* one should go in cultivating one's capacities', and 'the different situations in which men find themselves make what a man chooses as the occupation for which he should cultivate his talents very optional', thus affirming the second kind of latitude. At 6: 393, addressing the duty of sacrificing one's own welfare to promote the happiness of others, Kant makes similar points: 'this duty is only a *wide* one; the duty has in it a latitude for doing more or less, and no specific limits can be assigned to what should be done. The law holds only for maxims, not for specific actions'. To be clear, Kant's view is that it is a duty to adopt the end of the happiness of others, but this maxim of ends does not establish what any agent is duty-bound to do in a specific circumstance. Again, Kant endorses each of the two types of latitude discussed above.<sup>10</sup> Thus, it appears that the duty of beneficence does not require one to be beneficent whenever an opportunity presents itself, nor does it require one to be as beneficent as possible when acting beneficently. In short, it does not require either universal or maximal beneficence. And importantly, there is no suggestion that exercising either type of latitude is limited to cases in which one's maxim of duty is 'limited' by another maxim of duty; the latitude is 'baked into' the maxim of duty itself.

There is support for the latitudinal interpretation to be found in the *Lectures on Ethics* as well. Kant speaks of parents' 'rearing of children up to the point of self-sufficiency', as in providing for an education for their children (e.g.), as an '*opus supererogationis* ... , a thing superadded ... a kindness which involves something meritorious' (*Vigilantius* at *Eth-V*, 27: 670). He states that beneficent actions 'contain in themselves more moral goodness than is determined as necessary by the law' and claims that 'meritorious duties' 'always go beyond what is merely due from us, i.e., precisely because they are supposed to be merits, they contain in themselves more moral goodness than is determined necessary by law'. And further, 'This alone is meritorious, that he follow what was merely made available to his choice'. And regarding imperfect duties, 'the degrees thereof are still underdetermined' (27: 600). In addition, the omission of an ethical duty 'is no *demeritum*'. The agent is not bound to the action *absolute*, since the fulfilment of this duty involved only *latitude* and not *ius strictum*. Fulfilment of the duty itself therefore countenances permitted exceptions, where it does not have to be followed (27: 560–1).<sup>11</sup>

There is thus ample textual evidence that clearly favours the latitudinal interpretation. However, as noted above, both Kleingeld's and Timmermann's arguments for rigorism rely heavily on one passage at 6: 390. But does that passage provide conclusive support for rigorism?



#### 4. Latitude and *MM DV*, 6: 390

According to Kleingeld, agents who fail to act beneficently but do so permissibly are nonetheless acting on the maxim of beneficence, which passes the contradiction in the will test. Their failing to act beneficently is permissible only when, having adopted the maxim of beneficence, that maxim is limited by some other duty. A clear example of how one duty can ‘limit’ another is when beneficence would require telling a lie. In such a case, it would be morally impermissible to benefit some by telling lies to others (2019: 74); here the maxim of the strict duty not to lie ‘limits’ the maxim of the wide duty to act beneficently. In refusing to lie one permissibly fails to act beneficently, and on Kleingeld’s understanding of Kant, failing to act beneficently is permissible *only* when some other maxim of duty ‘limits’ the maxim of beneficence.

If nonbeneficence is permissible only when the maxim of beneficence is limited by another maxim of duty, what are the implications for the ‘latitude’ that Kant claims to be associated with imperfect duties? Kleingeld’s position is that the duty of beneficence is ‘the duty to adopt the maxim of beneficence’ which ‘is “imperfect” or “wide”, in the sense that we have *latitude* as to its implementation’. This latitude concerns ‘acting on the maxim of beneficence’ (2019: 72–3). ‘The duty of beneficence is the duty to adopt the maxim of beneficence; the agent has latitude concerning the particular beneficent actions he performs on the basis of this maxim’ (p. 79).<sup>12</sup> Regarding beneficence, ‘Kant argues that a wide duty means “not the permission to make exceptions to the maxim of the actions, but only the permission to limit one maxim of duty by the other”’ (p. 73, citing 6: 390). So one is permitted to refrain from acting beneficently (presumably when such an opportunity presents itself) only when some other maxim of duty (e.g., to develop one’s talents) ‘limits’ that maxim of duty, and one is permitted to fail to engage in developing one’s talents (again, when one can) only when another maxim of duty ‘limits’ that maxim of duty. Kleingeld’s example is that Immanuela can fail to be beneficent when that maxim of duty is ‘limited’ by the maxim of duty to develop one’s talents by studying for upcoming exams, but that studying for exams can be limited by the maxim of duty (presumably that of beneficence) that requires assisting an injured hiker in the woods (p. 75). But as I shall argue below, this seems not to capture the kind of latitude that Kant has in mind.

Timmermann asserts that regarding wide duties, ‘we must familiarize ourselves with rules of skill, the “technical” kind of hypothetical imperative, telling us how best to put the ends we pursue into action, and quite often there is more than one way to pursue one’s ends skillfully. At this point choice and latitude may enter deliberation’ (2005: 20). What Timmermann refers to here is the need to get the relevant hypothetical imperative right to ensure that for whatever end is in play, we adopt some appropriate means for attaining it. And surely he is correct – Kant does insist that this kind of skill is important for agents to acquire. But is this what Kant has in mind by ‘latitude’? Timmermann also offers the example of being beneficent by donating to either Oxfam or *Brot fur die Welt* and concludes that having determined that one ‘ought to help’, given that they are both effective, ‘you can give your money to one or the other, but part with your money you must’ (p. 21).

This is claimed to be the latitude associated with imperfect duties – ‘the room for exercising our free choice depends on the equivalence of *means* to a morally necessary

end'. But once again, is this – essentially getting the relevant hypothetical imperative right – the kind of latitude Kant describes?

How, then, do Kleingeld and Timmermann justify attributing to Kant the view that the latitude associated with wide duties is limited to cases of one maxim of duty being limited by another maxim of duty, or of getting the relevant hypothetical imperative right in service of a 'morally necessary end', especially given that the overwhelming majority of Kant's characterisations of latitude contain no such restriction? At 6: 390, addressing the nature of wide duties, Kant writes 'if the law [of ethics, as opposed to *Recht*] can prescribe only the maxims of actions, not actions themselves, this is a sign that it leaves a latitude [*Spielraum*] (*latitudo*) for free choice 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'. This is arguably Kant's clearest statement of his position on latitude, matching what he says elsewhere in the *Tugendlehre*, covering both the choice of specific act-tokens and the choice of doing more or less.<sup>13</sup> However, the following sentence immediately follows: 'But a wide duty is not to be taken as permission to make exceptions to the maxim of actions, but only as a maxim to limit one maxim of duty by another (e.g., love of one's neighbour in general by love of one's parents)'.<sup>14</sup> Both Timmermann's and Kleingeld's arguments rely almost exclusively on this sentence to support the attribution to Kant of the view that this latitude is limited to cases of a limiting maxim of duty. But does it?

As noted above, Kleingeld's position (Timmermann's is similar) on how a maxim of duty may 'limit' another is in terms of 'putting one aside', as in 'putting beneficent activities on hold while you are studying for exams' (2019: 74). Indeed in such a case the agent is not renouncing the duty of (general) beneficence, but simply putting it aside in order to comply with the maxim that limits it in this case. However, citing the above passage, she also claims that other than the choice of specific act-tokens, this is the *only* latitude associated with wide duties. But that passage does not actually support her position. There, Kant is most plausibly understood as maintaining that the latitude referred to in the prior sentence should not be understood as entitling an agent 'to make exceptions to' or to 'make excuses for' *the maxim of beneficence*. The case of one maxim of duty limiting another should be understood as *providing an example* that supports Kant's general point – that such an agent has not abandoned or rejected the duty that was limited in this case. Similarly, an agent's exercising latitude with respect to an imperfect duty, whether in choosing exactly what or exactly how much one does in service of the duty, including failing to act beneficently on some occasion, does not entail a rejection or abandonment of that duty. Just as one can remain committed to a maxim of duty that has been limited by another maxim of duty, one can (and ought to) remain committed to the maxim of an imperfect duty when exercising latitude by doing less rather than more, even to the point of failing to act beneficently on some occasion when acting beneficently is an option. This is especially important if, as I have argued, some maxims involving less than universal maximal beneficence pass the contradiction in the will test. If so, this would support the claim that adopting that maxim would not be in conflict with the duty of beneficence. Rather, it would lie within the range of latitude associated with the duty of beneficence and adopting that maxim would be consistent with the maxim of duty associated with the duty of beneficence. Most importantly, this interpretation better

coheres with what Kant says elsewhere (e.g., 6: 390, 392, 446) about imperfect duties than does the rigorist interpretation.<sup>15</sup>

Yet even though there may be no ‘rational principle’ that is capable of determining either the specific act-token or how much one must do in order to comply with the duty of beneficence in each and every case, in stating that ‘it must be left to each to decide for himself’, Kant does not mean that one’s decision in that matter is infallible. Presumably there is a range of sacrifice associated with various levels of beneficence that would count as acting beneficently and hence complying with the duty of beneficence, and that an agent can get that wrong in specific cases. Even if ‘it must be left for each to decide for himself’ to determine ‘the extent of sacrifice’ required in light of the situation and ‘one’s true needs’ (6: 393), Elon Musk’s writing a check for \$5 to Oxfam seems hardly sufficient even to count as acting beneficently.<sup>16</sup>

One further textual issue that merits examination also concerns the parenthetical at 6: 390 in which Kant offers an illustration of how one maxim of duty can ‘limit’ another. Kleingeld’s understanding of the example is as follows: ‘Kant illustrates this point by saying that one’s parental duties may limit one’s general beneficence’. But that is not Kant’s point; there is no reference to anything about ‘parental duties’ in this passage.<sup>17</sup> The parenthetical is not about how one’s *parental duty* (a perfect duty) can limit the *duty of beneficence*. Rather, it is a limitation of the general duty of beneficence by a stronger duty to be beneficent towards some specific individuals, such as one’s parents – a limitation *within* the duty of beneficence, not the limitation of beneficence by some other maxim of duty.<sup>18</sup> Kant’s point is that we have stronger obligations to be beneficent towards some than towards others, and when one is more beneficent towards one’s parents than to total strangers, that does not entail or even suggest that by doing so one has thereby *renounced* the duty of general beneficence. Of course an agent can get this wrong as well – one who is beneficent *only* to those whom he cares about *has* renounced the general duty.

Kleingeld also appeals to Kant’s ‘moral merit’ argument (at 6: 390) in support of her interpretation. But I will argue that Kleingeld’s analysis is clearly at odds with Kant’s position in his discussion of the relationship between imperfect duties and virtue and moral worth. To begin, Kant asserts that imperfect duties are ‘duties of virtue’, that fulfilling them is associated with ‘merit’, and that ‘failure to fulfill them is not in itself culpability, but rather *mere deficiency in moral worth*’ that is ‘not so much vice as mere *want of virtue*’ (emphasis in original). Culpability is limited to when the agent ‘makes it his principle not to comply with such duties’, and it is only ‘when an intentional transgression has become a principle that it is properly called a *vice*’. Failure to fulfil imperfect duties ‘is not so much *vice* as rather *want of virtue*, lack of moral strength’. Kant does *not* claim or even suggest that it is *impermissible* to have adopted (e.g.) the maxim of beneficence and to fail to act maximally beneficently on some occasion when the opportunity presents itself. At best that would merely indicate a lack of virtue. Kleingeld also states that Kant ‘labels a lack of moral worth’ a ‘violation of duty’. But that is not correct. Kant explicitly states that what is properly called a vice is limited to when an agent has made it a principle not to fulfil some imperfect duty. An agent who, having adopted the maxim of beneficence, fails to act beneficently on some occasion, has not ‘made nonbeneficence a principle’, and doing so would be a *violation of duty only if the rigorist interpretation is presupposed*. According to Kant, it is not meritorious when one who has generally adopted the end of furthering the

happiness of others fails to do so on some occasion. But it is not impermissible to fail to do something meritorious on some occasion, and it is not contrary to duty (even if it fails to have moral merit) if the latitude associated with imperfect duties includes the option to fail to do something meritorious on some occasion. Saying it is not 'culpable' implies that it is not a vice, hence not impermissible. Consequently, the moral merit argument does not support Kleingeld's rigorist position after all.

As the textual evidence cited above demonstrates, Kant endorses a version of latitude according to which an agent need not comply with an imperfect duty on each occasion that an opportunity presents itself, nor need an agent do as much as is possible in service of an imperfect duty. In short, imperfect duties as described by Kant require neither universal nor optimal compliance. On at least some occasions we are permitted to decline an opportunity to promote the happiness of others in order to pursue our own happiness, and likewise for other imperfect duties.

## 5. Conclusion

There are additional reasons to resist limiting latitude to only the narrow (rigorist) version that Kleingeld and Timmermann favour. Perhaps most importantly, when one maxim of duty limits another, complying with the limiting maxim of duty is presumably not simply permissible – one is *obligated* to comply with the weightier maxim of duty, which is not a 'permission' at all. The only latitude in play is the choice regarding exactly which specific act-token to perform in order to comply with the limiting maxim of duty. But perfect duties admit of this sort of latitude as well<sup>19</sup> – which would undermine Kant's claim that imperfect duties, *unlike perfect duties*, admit of 'latitude'.

In addition, what is alleged by Kant to be different about imperfect duties is that unlike perfect duties, the agent has latitude not just regarding how one acts, but also 'how much one is to do by that action' (6: 390). For instance, if I owe Prof. Kleingeld \$5, I can pay her using paper currency, a check, or Venmo (if I knew how to use it), etc., but I cannot fulfil my duty to pay back the \$5 by giving her a single dollar bill. Regarding the duty of beneficence I have towards her, I can act beneficently in any number of ways (offer to carry her luggage, buy her a shot of schnapps or give her a ride to the airport), but in addition there is also latitude in terms of *how much* I do for her, that is, I can also be more or less beneficent, perhaps including failing to act towards her beneficently on some occasion. Certainly, I would not have renounced my maxim of beneficence were I to do so. Nor am I obligated to act as beneficently as is possible for me in those circumstances in order to be acting beneficently, or to fulfil the duty of beneficence. But consider Timmermann's argument for rigorism, and specifically his claim that moral value silences all other sources of value. If there is more moral value in doing more rather than less in service of another's happiness, then only some weightier moral concern can justify not acting *as beneficently as possible* up to the point when doing so would sacrifice 'one's true needs' (6: 393) and lead to a level of discontent that would make it more likely that one would transgress one's duties (4: 399). Hence, Kleingeld's and Timmermann's accounts of latitude fall short of the latitude Kant associates with imperfect duties and neither endorses an account of latitude that would distinguish perfect from imperfect duties.

One additional difficulty facing the rigorist interpretation is that if only some weightier moral concern or physical impossibility can justify (e.g.) failing to act beneficently on some occasion, then imperfect duties become hegemonous and intrusive, looming over us in every waking moment. Consider the following from Timmermann: the duty of beneficence ‘tells us to adopt a straightforward maxim of beneficence which is curtailed by other ethical considerations, e.g., the laws of strict duty, the duty of self-perfection and the requirement not to risk one’s independence’ (2005: 383). However imperfect the duties of beneficence and self-improvement might be, we would be required to pursue them whenever the opportunity presents itself, except when doing so would violate some weightier duty.

Defenders of the rigorist interpretation might offer two lines of response. For one thing, Kant himself insists that alongside our duty to promote the happiness of others, we have a duty to promote our own happiness: ‘the [universal] law making benevolence a duty will include myself, as an object of benevolence, in the command of practical reason’. Further, this universal law ‘permits you to be benevolent to yourself on the condition of your being benevolent to every other as well’ (6: 451). But benevolence towards myself will do little or nothing to mitigate the hegemonous nature of duty that accompanies the rigorist interpretation; after all, the condition that Kant identifies for the permission is that of being ‘benevolent toward *every other* as well’. That would be difficult to put into practice if ‘being benevolent towards others’ required universal maximal beneficence.

Timmermann offers a second line of response, arguing that ‘there are probably many situations still in which there is nothing I could do that would count as acting on a maxim of some imperfect duty. Agents can then, of course, act as they wish within the limits of the morally permissible’ (2005: 26). But the suggestion that there are *many* such situations is wildly implausible. On the rigorist interpretation, the duty of beneficence seems such that on any occasion (save for when one is incapacitated) it is open to us to do *something* that will provide *some* benefit to *some* other individual. While other imperfect duties (e.g., promoting one’s natural and moral perfection, developing one’s talents) might be argued not to be as intrusive as beneficence, the conjunction of the three would likely squeeze out any room for the kinds of action that Timmermann suggests would be available to us. In discussing the humanity formula, Timmermann asserts that ‘everyone [should] further the ends of others “so far as he can”’ but ‘it does not follow that we need to devote all our spare time and resources to further other people’s ends, but all restrictions of our efforts must be on moral grounds’ (p. 19, n. 26). But especially for those of us in relatively affluent Western countries, it is nearly always possible to act beneficently, and there is lots of room for most of us to engage in self-improvement as well. If the only restrictions on imperfect duties are those ‘on moral grounds’, there will be few situations in which we can ‘act as we wish’. Rare indeed that there are situations in which there is nothing I could do that would count as acting on a maxim of some imperfect duty, and self-improvement can be just as hegemonous as beneficence.<sup>20</sup>

The important implication of the hegemonous nature of imperfect duties for my argument is that it fails to reflect Kant’s characterisations of his own view. For example, ‘it would be a cruel restriction, if every action were to be founded on a command or prohibition which determined to me what I ought to do; for example, it is morally indifferent, surely, what I eat, so long as it agrees with me. . . . Here, then,

there is no moral law in operation, to which the action is subordinated' (*Vigilantius* at *Eth-V*, 27: 512). Kant clearly wants to leave room for one to be permitted to choose what to eat, but the question is whether the imperfect duties are so expansive as to intrude on even that kind of issue (granting that in Kant's time there were no factory farms or concerns about global warming). Perhaps even more telling is the following: 'For example, I pay no heed to a case of distress that I had no obligation to relieve' (27: 561). Here Kant comes close to endorsing the latitudinal position explicitly: the rigorist position must claim that there is no case of distress that I have no obligation to relieve, unless doing so is impossible or would run afoul of some weightier moral concern. Another example can be found in the second *Kritik*, which finds Kant claiming that a life lived according to his precepts would include 'so many charms and pleasures' that 'a reasonable Epicurean' 'would declare himself' for the 'merry enjoyment of life' that it offers. He continues: 'The majesty of duty has nothing to do with the enjoyment of life; it has its own law, even its own tribunal' (5: 88–9). On the rigorist view, the tribunal associated with the enjoyment of life would have no jurisdiction and no docket. So mine is not an appeal to a moral argument about overdemandingness or the need to accommodate supererogation; it is a straightforward argument based on textual analysis of Kant's view.

There is, however, a passage from 'one of the drafts' of the *Tugendlehre* that Timmermann quotes (2018: 386) that is very difficult, but not impossible, to reconcile with the latitudinal position: 'if the law just does not command the action immediately, but merely the *maxim* of the action, if it leaves the subject's judgment free with regard to the kind and measure to which degree what is commanded to be performed, *commanding only that as much as under the given conditions is possible to do is necessary*, then the obligation is imperfect and the law is not of narrow but only of wide obligation' (23: 394 – 'emphasis J.T.'). But the general discussion is about how the law commands 'the maxim of action' and how that requires judgement on the part of the agent. Moreover, in the case of imperfect duties we are commanded to adopt a maxim of ends, not a maxim of action at all, and under the latitudinal interpretation it is not necessary to respond either universally or maximally. And even if the tension between this passage and the latitudinal position cannot be resolved, the fact that the quote is from a draft and did not make the final cut provides a legitimate reason at least to downplay it.

While it is unlikely that either interpretation can be conclusively be attributed to Kant, the preponderance of evidence clearly favours the latitudinal interpretation.<sup>21</sup>

## Notes

1 Kleingeld 2019; Timmermann 2005, 2018. Earlier defences of the rigorist position include Cummiskey 1996 and Baron 1995. Baron appears to have softened her position (e.g.) in Baron 1998. Their views have been extensively discussed in the literature (e.g., in Hill 2002). The iconic statement of the latitudinal view is Hill 1971.

2 References to Kant's work are to the volume and page numbers in the German (earlier, Prussian) Academy edition. Quotations from the *Grundlegung* (G) are from the translation by Thomas E. Hill, Jr. and Arnulf Zweig (Oxford University Press, 2002). Quotations from the *Rechtslehre* (MS DR) and *Tugendlehre* (MS DV) are from Mary Gregor's translation of *The Metaphysics of Morals* (Cambridge University Press, 1991). Quotations from 'On the Common Saying: That May Be True in Theory But Not In Practice' (TP) are from Mary Gregor's translation in *Immanuel Kant: Practical Philosophy*, ed. Mary Gregor (Cambridge University Press, 1996). Quotations from the *Lectures on Ethics* (*Eth-V*) are from Peter Heath's translation,



ed. Jerome Schneewind and Peter Heath (Cambridge University Press, 1997). Quotations from the second *Kritik* (CPrV) are from Lewis White Beck's translation (Macmillan, 1993).

3 Timmermann claims that 'Kant does not say that imperfect duties may sometimes be set aside in the interest of inclination. Rather, he *denies* that *perfect* duties allow of any such exceptions'. He also suggests that instead of referring to 'inclination' (*Neigung*), Kant should have used the term 'incentive' (*Triebfeder*) and addresses the question I posed as follows: Kant 'does not say that imperfect duties may sometimes be set aside in the interest of inclination' although his words 'could admittedly be taken to imply' as much, although that conclusion 'is by no means necessary'. Not necessary perhaps, but a reasonable implication, nonetheless (Timmermann 2005: 15–16). An anonymous reviewer has suggested an alternative reading of the note – given that beneficence serves the end of promoting the happiness of others, it is 'limited by inclination': the inclination of the recipient. To promote the end of your happiness, I need to know what makes you happy, and that depends on your inclinations. Of course I agree that I need to know what you want in order to promote your happiness, but that is hardly a 'limitation' on the duty of beneficence – it is more a question of getting the relevant hypothetical imperative right.

4 On this point the third example provides little guidance. It shows only that one cannot rationally will the maxim of developing none of one's talents as a universal law, but it leaves open questions about which talents to develop, and how much effort to devote toward that end.

5 The term 'universalized [typified] counterpart' was introduced by Onora O'Neill (1975).

6 As Rawls has argued, a world requiring universal – let alone maximal – beneficence is likely to require us to act beneficently when it is very inconvenient to do so and would also result in my frequently failing to receive many things that I would very much want to have. See Rawls 1989.

7 See Galvin 2013.

8 The same point applies to the quote from the *Tugendlehre* at 6: 390. If Kant were specifying a necessary condition one would expect to see the word *nur*, but it is conspicuously absent in each passage.

9 As noted above, Kant does not claim that it is our duty to help 'whenever one can' (*wann auch immer*), which would more straightforwardly support the rigorist view.

10 See also *MS DV*, 6: 446: the duty to develop one's talents 'is only a *wide* and imperfect duty; for while it does contain a law for the maxims of actions, it determines nothing about the kind and extent of actions themselves but allows a latitude for free choice'; and *MS DV*, 6: 411: 'Ethics, because of the latitude it allows in its imperfect duties, inevitably leads to questions that call upon judgment to decide how a maxim is to be applied in particular cases'. And further: 'duties of virtue have a latitude in their application (*latitudinem*). . . . 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*)' (*MS DV*, 6: 433, n.).

11 Thanks to an anonymous reviewer for alerting me to these helpful passages.

12 Kant does not specifically say that 'we have a duty to adopt the maxim of beneficence' – but rather that 'it is a duty to be beneficent' (*MS DV*, 6: 393), but that is a minor quibble.

13 Melissa Seymour Fahmy makes a similar point (2019: 424–5).

14 It also seems plausible to translate '*sondern nur die der Einschränkung einer Pflichtmaxime durch die andere*' as 'rather only the narrowing [or restricting] of one maxim of duty by another'. There is no suggestion in the text that one is permitted to act nonbeneficently *only* when the duty of beneficence is *limited* by another maxim of duty. Thanks to Jale Gosch for her assistance in parsing the original text.

15 In addition to the passages previously cited, see (e.g.) *MS DV*, 6: 452, regarding beneficence: 'in acting I can, without violating the universality of the maxim, vary the degree in accordance with the different objects of my love (one of whom concerns me more closely than another)'.

16 As Kant himself noted: 'The virtue [associated with beneficence] is greater when the benefactor's means are limited' and 'Having the means to practice such beneficence as depends on the goods of fortune is, for the most part, the result of certain men being favored through the injustice of government, which introduces an inequality of wealth that makes others need their beneficence. Under such circumstances, does a rich man's help to the needy, on which he so readily prides himself as something meritorious, really deserve to be called beneficence at all?' (*MS DV*, 6: 453, 454)

17 Kant does discuss parental duties, but that occurs in the *Rechtslehre* (MM DR, 6: 281). It is a duty of right, not an imperfect duty.

18 In my judgement, the parenthetical might be better translated as ‘e.g., general beneficence through the love and reverence for one’s parents’. Thanks again to Jale Gosch for her assistance.

19 A similar point is made by Hill (1971: 61).

20 See also Sticker and van Ackeren (2018).

21 My sincerest thanks to two anonymous reviewers for their extensive, generous, and helpful comments and suggestions on a previous draft.

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