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Rethinking Kant on Duty

According to a common caricature of Kant's ethics, it is synonymous with the Categorical Imperative (CI) and with the sublime and clarion call of duty. But for reasons frequently overlooked in modern scholarship, the conjunction of Kant's concept of duty and his idea of morality as a system of imperatives is unsustainable, and this has implications for various central aspects of his thought including "ought implies can" (OIC), "ought implies able not to" (OIAN), his system of duties, and the nature of respect.

This paper is divided into five sections. In the first, I explain Kant's concept of duty and his distinction between the Supreme Law of Morality and the CI. I argue that Kant is committed to the following conjunctive claim:

(I) If an agent has a duty to D, then s/he must be constrained to D, and (II) the Supreme Law of Morality always manifests in the form of duty for humans (and other imperfectly rational beings).

In the second, third, and fourth sections, I examine various ways in which this claim might be defended. I argue that these defenses are all flawed.

By way of preview, in section 2 I examine the following defense:

There is an end M such that for all duties D, M and D are opposed.

I argue that there are textual grounds for ascribing this defense to Kant (with happiness as M) but that, ultimately, this defense is both exegetically and philosophically unsustainable.

In section 3 I then turn to this defense:

For all duties D there is an inclination M such that M and D are opposed.

I examine a strong version and a weak version of this defense. On the strong version, M is an inclination to perform some action other than D. On the weak version, M might be an inclination to perform D, but constraint is nonetheless necessary for an agent to perform D *from duty*. I argue that the strong version is too strong (it is philosophically unsustainable) and that the weak version is too weak (it undermines the original conjunctive claim it was supposed to defend).

In section 4 I turn to Kant's doctrine of radical evil and argue that it, too, cannot be used to defend this conjunction. In the fifth and final section, I explore some of the implications of the preceding. In particular, I maintain that (a) either the Kantian version of OIC does not have universal scope, or ought does not imply constraint; (b) OIAN does not have universal scope; (c) our conception of the kinds of duties we get on Kant's account needs to be reconceived; and (d) the nature of respect as a moral feeling needs to be reconceived.

Section 1. Duty and the Categorical Imperative

Kant introduces the concept of duty in part I of the *Groundwork to a metaphysics of morals*: “the concept of **duty**...contains that of a good will, although under certain subjective limitations and hindrances.”¹ This is echoed about 40 pages later in part II of the text:

The dependence of a not absolutely good will on the principle of autonomy (the moral necessity) is obligation. This can thus not be extended to a holy being. The objective necessity of an action from obligation is called duty.²

Notwithstanding their brevity, these two passages tell us a lot about Kant’s commitment to OIC (“ought implies can”) and OIAN (“ought implies able not to”). Kant’s commitment to OIC follows from the claim that the concept of a good will is contained in that of duty. In particular, this claim entails that an agent has a duty to A only if s/he actually would A if s/he had a good will in that instance, whence it is supposed to follow that an imperfectly rational agent, one who is able to act in accordance with reason although s/he might not always do so, is able to A.

Moreover, because this is a claim about concept containment, it follows that, according to Kant, OIC is an analytic truth: the “implies” in OIC is strict logical entailment (rather than, say, metaphysical entailment or conversational implicature).

Kant’s commitment to OIAN is evinced in the limitations and hindrances to which the good will subsumed under the concept of duty is subject. These limitations and hindrances are what pull an agent away from the commands of the moral law. It is because of these limitations and hindrances that an agent might have a will that is not absolutely good, and they are also why Kant frequently analyzes the concept of duty in terms of the concept of constraint.

It is well-recognized in the secondary literature that, on Kant’s account, constraint is a mark of duty and that the Supreme Law of Morality always manifests as duty for humans (the conjunctive claim from the introduction above). For example, Stratton-Lake notes that “[t]he moral law appears...as a constraint for a finite rational will.”³ Johnson claims that, for Kant, “the thought of what it is good to do can only represent a constraint on what we will do.”⁴ And Wood

¹ GMS, AA 4: 397.6-8. Unless otherwise noted, all translations are my own (although I have consulted the Cambridge Edition of the Works of Immanuel Kant). All citations are to the standard “Akademie Ausgabe” (AA) pagination using the following format: abbreviated title, AA volume: pagenumbers.linenumbers. I use the following title abbreviations: GMS=*Groundwork to the metaphysics of morals*; RGV=*Religion within the boundaries of mere reason*; ZEF=*Toward perpetual peace*; MS=*Metaphysics of morals*; KpV=*Critique of practical reason*; VARGV=*Draft of the religion within the boundaries of mere reason*; Refl=*Unpublished reflections*; Br=*Correspondence*; VNAEF=*Announcement of the near conclusion of a treaty toward perpetual peace in philosophy*; VAMS=*Draft of the metaphysics of morals*; TP=*On the common saying*; KU=*Critique of the power of judgment*.

² GMS, AA 4: 439.30-34.

³ Philip Stratton-Lake, *Kant, Duty and Moral Worth* (London: Routledge, 2005), 37-38.

⁴ Robert Johnson, “Good Will and the Moral Worth of Acting from Duty,” in *The Blackwell Guide to Kant’s Ethics*, ed. Thomas Hill, Jr. (West Sussex: Blackwell, 2009), 19-51, 36.

asserts that "actions done from duty are actions to which we must constrain ourselves" and that "Kant's basic conception of ethical duty is inner or self-constraint."⁵

Below, I shall confront the arguments that these and other commentators advance in favor of this conjunctive claim. I shall try to show that these arguments do not withstand critical scrutiny. But before I do that, I want to explicate the concepts involved in more detail.

OIAN is not entailed by OIC: if an agent is unable to do otherwise than fulfill a duty to D, that is consistent with OIC but the negation of OIAN.⁶ But in Kant's case, the two come as a joint package: OIC follows from the claim that a good will is contained in the concept of duty, and OIAN comes from the claim that, in addition to the concept of a good will, the concept of duty contains the concept of various subjective limitations and hindrances. Thus, in an important footnote in the *Religion within the boundaries of mere reason*, Kant deduces both OIC and OIAN. But he does not infer one from the other. Rather, both are inferred from the way that the moral law manifests to us, as duty:

...duty charges an agent unconditionally: he *ought* to remain true to himself; and from this he rightfully *infers*: he must also *be able* to do so, and his will is thus free...freedom, according to which the action as well as its opposite must be, in the instant of occurrence, within the power of the subject.⁷

A holy will, one that would conform to the Supreme Principle of Morality completely, is not subject to the limitations and hindrances that are attendant on the will of an imperfectly rational being. Thus, a holy will is not subject to obligation or duty on Kant's account.

This does not mean that a holy will has permission to infringe on the moral law, nor does it mean that whatever a holy will does is *eo ipso* (by definition) moral. The holy will cannot go wrong, but it goes right not because it is the holy will but because it follows the moral law without exception (i.e., the moral law is the standard, not the holy will).

To say that a holy will is not subject to the limitations and hindrances that are attendant on the will of an imperfectly rational being entails, for Kant, that a holy will is not constrained to

⁵ Allen Wood, *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999), 37 and Allen Wood, *Kantian Ethics* (Cambridge: Cambridge University Press, 2008), 159.

⁶ This, I think, is what misled Frankfurt into arguing that OIC is consistent with the denial of the principle of alternate possibilities (PAP), the principle that, if an agent is responsible for performing some action A, then s/he must have been able to do otherwise (Harry Frankfurt, *The Importance of What We Care About* (Cambridge: Cambridge University Press, 1988), 95-96). OIC entails that, if an agent is responsible for failing to perform some duty D, then s/he must have been able to do otherwise than s/he did (in particular: s/he must have been able to D). So OIC does imply PAP with regard to duty omission. OIAN then implies PAP with regard to duty fulfillment.

⁷ RGV, AA 6: 49.30-50.27. Some interpreters maintain that, according to Kant, "a valid prescription that an agent should aim at a certain effect implies that the addressee has the general capacities to produce this effect, but it does not imply that the agent can exercise these capacities in a way that suffices for the actual production of this effect" (Markus Kohl, "Kant and 'Ought Implies Can'," *The Philosophical Quarterly* 65, no. 261 (2015): 690-710, 693). However, the clause "in the instant of occurrence" (in the German: *in dem Augenblicke des Geschehens*) in the quotation to which this note is appended suggests otherwise: on the version of OIC to which Kant is committed in this passage, an agent must be able to fulfill, or fail to fulfill, his/her particular obligations at the moment they are due.

This clause also has implications for cases of culpable inability. To see what I mean, suppose an agent deliberately gambles away his/her money one day before a debt is due. The agent is unable to fulfill his/her obligation, whence some object that, on the strong version of OIC to which Kant is committed, the obligation to repay is nullified.

Some proponents of OIC weaken it in order to avoid this counterintuitive result. For example, according to Howard-Snyder's preferred version of OIC, if an agent ought to O (e.g., pay a debt), s/he must be able to O at some time (e.g., prior to gambling), not necessarily at the time O is due (Frances Howard-Snyder, "'Cannot' Implies 'Not Ought'," *Philosophical Studies* 130, no. 2 (2006): 233-246).

Kant evidently would not go along with this revision. In my view, however, he does not need to. In my view, this revision concedes too much: rendering oneself unable to fulfill an obligation is another way of infringing on it, not a way of "nullifying" it (Samuel Kahn, *Kant, Ought Implies Can, the Principle of Alternate Possibilities, and Happiness* (Lanham: Lexington Press, 2019), chapter 3, section 4).

follow the moral law. God, according to Kant, has no duties.⁸ But this is only because God, as a being with an absolutely good will, is not subject to constraint. The Supreme Law of Morality manifests in the form of duties only for beings that are unholy, not absolutely good, because, again, duty involves constraint. On Kant's account, ought implies can, but ought also implies constraint, and constraint presupposes the ability to do otherwise.⁹

These ideas about constraint are made manifest in Kant's discussion of the concept of an imperative:

All imperatives are expressed by an *ought* and thereby point to the relation of an objective law of reason to a will which, according to its subjective character, is not necessarily determined thereby (a necessitation). They say that something would be good to do or to omit, only they say it to a will which does not always do something on the grounds that it is represented to it that it is good to do.¹⁰

This excerpt helps fill in Kant's understanding of OIC and OIAN. For one thing, it incorporates the Kantian bridge principle spanning the divide between morality and rationality: according to Kant, morality is a form of rationality, and moral reasons are reasons *überhaupt*. For another, just as Kant never waivers in his assertion that holy wills are not subject to duty (for they are not subject to constraint), he is equally firm in his assertion that all moral laws manifest to humans, imperfectly rational beings that we are, as imperatives. For holy beings there is *no* "ought"; for us, there is *only* "ought."

I would like to make four clarificatory remarks about this.

First, similar passages can be found throughout Kant's corpus, not only the *Groundwork for a metaphysics of morals* or the *Religion within the boundaries of mere reason*. For example, consider the following excerpt from the *Metaphysics of morals*:

The duty-concept is in itself already the concept of a necessitation (constraint) of free choice through law...The moral imperative is promulgated through its categorical expression (the unconditioned ought) of this constraint, which thus does not extend to rational being in general (in which there also could be holy [ones]), but rather to humans as rational natural beings...¹¹

In the remainder of the paragraph from which this quotation is excerpted Kant explains that moral imperatives apply to us humans (rational but natural and, thus, sensibly affected beings) because we are "unholy enough" that we can be induced by our desires to overstep the moral law.

Along the same lines, consider the following passage from the *Critique of practical reason*:

⁸ ZeF, AA 8: 350n.

⁹ GMS, AA 4: 414.5-8.

¹⁰ GMS, AA 4: 413.12-18.

¹¹ MS, AA 6: 379.15-21.

It [the moral law] is thus not limited merely to humans, but rather extends to all finite being which has reason and will, indeed includes within [its bounds] even the infinite being as supreme intelligence. In the first case however the law has the form of an imperative, because one can presuppose in the former indeed as rational being a pure will, but as being affected by needs and sensible motives no holy will, i.e. one such that it would be capable of no maxims that are contrary to the moral law.¹²

In this passage Kant notes that the moral law applies to all rational beings, finite and infinite alike. But he claims that the moral law manifests as an imperative for humans because we are capable of acting contrary to the moral law. As above, the sensibly affected human will is contrasted with a holy one. From this it may be seen that Kant's commitment to OIAN and, in particular, to the idea that we experience the moral law as a *constraint* is longstanding, not limited to one or two works. Even clearer passages can be found in Kant's unpublished notes. For example, in a draft of the *Religion within the boundaries of mere reason* he says that "duty...is moral necessitation to actions insofar as they happen with reluctance, which thus an inner propensity to the overstepping of the law works against."¹³

The second clarificatory remark I would like to make is that both the ability to fulfill the demands of the moral law and the ability to do otherwise are quite robust abilities on Kant's account. That is, Kant is not committed to the merely logical possibility of an agent's fulfilling or infringing upon her/his duties.

In the case of OIAN, an agent must have an actual countervailing motive such that s/he might adopt an immoral maxim, as may be inferred from the quotation reproduced just above from the draft of the *Religion within the boundaries of mere reason*. Similarly, in the case of OIC, to be bound by a duty, an agent must have the corresponding feeling of respect.¹⁴ But that is not all.

The strength of the ability at play here can be inferred from Kant's scattered remarks about imputation. For instance, consider Kant's claim about degrees of responsibility in the *Metaphysics of morals*: "*Subjectively* the degree of *imputability* (imputabilitas) of an action is to be measured according to the magnitude of the hindrances which thereby have had to be overcome."¹⁵ Perhaps even more revealing, consider the following unpublished reflection (dated to around 1776-1778):

The subjective grounds and calculations of imputation are: the intention. The knowledge. The capacity. The readiness. The opportunity.¹⁶

¹² KpV, AA 5: 32.15-21.

¹³ VARGV, AA 23: 119.31-120.2.

¹⁴ MS, AA 6: 402.29-403.6.

¹⁵ MS, AA 6: 228.11-13. For other passages on degrees of imputability, see Refl, AA 17: 466.10-31; and 19: 75.2, 168.17-19, 168.31-32, and 169.14-19.

¹⁶ Refl, AA 19: 254.15-16.

Indeed, in another unpublished reflection dated to a few years after this one (1780-1783) Kant goes so far as to say that imputation requires that an action be “morally free,” indicating that fulfilling one’s duty (owed action) cannot be imputed.¹⁷

Further evidence for the robustness of the ability Kant takes to be implied by duty can be found in Kant’s contrapositive use of OIC. For example, consider his claim that agents do not have a duty to feel love towards others because feelings are not under voluntary control:

Love is a thing of sensibility, not of the will, and I cannot love because I will, much less however because I should (to be necessitated to love); hence a duty to love is an absurdity.¹⁸

Along the same lines, consider Kant’s remarks about the highest good, a world in which agents are supremely virtuous and happiness is distributed in accordance with virtue:

...this [the highest good], insofar as it is attainable, is also duty and conversely, if it is duty, also must be attainable...¹⁹

From these passages it may be seen that Kant readily moves back and forth between a robust ability (logical, psychological, physical, knowledge-based) to D and the duty to D.²⁰

The third clarificatory point I would like to make has to do with the many different kinds of duty Kant discusses. At the broadest level, duty can be divided into right and virtue. There are then subdivisions. For example, duties of virtue can be subdivided into duties to oneself and duties to others; duties to oneself can be subdivided further into duties to oneself as an animal being and duties to oneself as a moral being; etc. In addition, there are divisions that are orthogonal to each other. For example, duties of virtue can be divided into perfect and imperfect duties. This latter distinction is not in competition with the self/other distinction, so combining these two distinctions gives a fourfold division (perfect duties to oneself, perfect duties to others, etc.).

These distinctions give rise to complicated exegetical and philosophical questions, most of which are beyond the scope of the present investigation. But I would like to make some brief remarks about two of the three distinctions mentioned in the previous paragraph: right/virtue and im/perfect.

Kant did not get around to a systematic treatment of right until his 1797 *Metaphysics of morals*. Moreover, duties of right seem to be very different from duties of virtue. A duty incurred through a contract is a paradigmatic duty of right. If I sign a contract to pay monthly rent in

¹⁷ Refl, AA 19: 304.21-305.4. Schulz also makes some helpful remarks in the course of a letter to Kant dated from 1788 (Br, AA 10: 542.17-32).

¹⁸ MS, AA 6: 401.24-26.

¹⁹ VNAEF, AA 8: 418.2-3.

²⁰ From these passages it also may be seen that Korsgaard, Stern, and Timmermann are mistaken in ascribing to Kant versions of OIC that, in one way or another, weaken its duty restricting application in favor of its capacity expanding application (see Christine Korsgaard, “Fellow Creatures,” *Tanner Lectures on Human Values* 24 (2004): 77-110; Robert Stern, “Does ‘ought’ imply ‘can’? And did Kant think it does?” *Utilitas* 16, no. 1 (2004): 42-61; Jens Timmermann, “Sollen und können,” *Philosophiegeschichte und logische Analyse* 6 (2003): 113-122. I borrow the “duty constraining” and “capacity expanding” terminology from Wayne Martin, “Ought but cannot,” *Proceedings of the Aristotelian Society New Series* 109 (2009): 103-128, 2009).

exchange for the use of an apartment, then I have a duty of right to pay that rent. This is very different from a duty of virtue, like the duty to promote my own natural talents. I can be brought to court if I fail to pay my bills but not if I fail to practice the piano.

Nonetheless, Kant does think that the concept of constraint can be analyzed out of the concept of a duty of right. For example, he says that "there is bound up with right, according to the principle of contradiction, an authorization to coerce someone who abrogates it," adding on the next page that "right and authorization to coerce thus signify the same thing."²¹ However, as these two quotations indicate, the constraint associated with duties of right is different in kind from the constraint associated with duties of virtue.²² Duties of right involve external constraint whereas duties of virtue involve inner, self-constraint. For that reason, what I have to say in the following does not have to do with duties of right except insofar as there is a corresponding duty of virtue (as, for example, with the general prohibition on murder).

Kant's im/perfect duty distinction is the subject of much scholarly dispute. One reason for this is that there is some evidence that Kant changed his mind about the nature of imperfect duties. In the *Groundwork to the metaphysics of morals*, Kant suggests that acts of beneficence, a paradigmatic imperfect duty, can have moral worth, whereas in the *Metaphysics of morals* Kant says that this kind of duty leaves open "a playroom (latitudo) for free will" in determining how and how much to promote the end of others' happiness.²³ Because (i) an action can have moral worth only if it is performed from duty; (ii) duty cannot suffice to motivate an action if that action is not required; and (iii) if there is playroom for free will in regard to whether to perform a given action, it cannot be required; some commentators maintain that these two positions are incompatible.²⁴

Strictly speaking, there is no inconsistency here. For one thing, Kant might think that some acts of beneficence are required whereas others allow latitude. For another, there are important questions about how to understand the kind of latitude Kant is referring to: on at least some interpretations, (iii) is not true.

But I am not going to try to settle these issues here. For current purposes, it suffices to note that what I have to say applies to imperfect duties insofar but only insofar as they are understood as requiring constraint. On some readings, this will include all but only actions that fulfill imperfect duties like beneficence. On other readings, it will include the adoption of ends associated with imperfect duties, like the end of others' happiness, but it will not include the

²¹ MS, AA 6: 231.32-34, 232.29.

²² There is an added complication: after explaining the concept of right in terms of external constraint, Kant argues that there are some duties of right, duties of "ambiguous right," that do not admit of coercion, like duties of equity (MS, AA 6: 233.30-235.11).

²³ MS, AA 6: 390.6-7.

²⁴ Consider the following passage from Stratton-Lake:

The view that beneficent actions cannot have moral worth is not the view Kant held in the *Groundwork*. There he is quite clear that beneficent actions can be morally required and can thus be done from duty; and this seems the more plausible view to hold. Beneficent actions seem to be paradigm cases of morally good acts when they are done from morally good motives, and it seems that Kant can only accommodate this if he maintains that particular beneficent acts are morally required, which is just what he denies in the *Doctrine of Virtue*. (Stratton-Lake, *Kant, Duty and Moral Worth*, 108)

Baron also views Kant's position in the *Doctrine of Virtue* as incompatible with his position in the *Groundwork to the metaphysics of morals*. But, by way of contrast with Stratton-Lake, Baron favors the idea of latitude for duties like beneficence found in the *Doctrine of Virtue*, and she accordingly concludes that "Kant should have said something other than what he said," referring here to Kant's remarks about the moral worth of acts of beneficence in the *Groundwork to the metaphysics of morals* (Marcia Baron, "Overdetermined Actions and Imperfect Duties," in *Moralische Motivation*, ed. Heiner Klemme, Manfred Kühn, and Dieter Schönecker (Hamburg: Felix Meiner, 2006), 23-37, 34).

actions that are performed in fulfillment of these ends. On yet other readings, it will include the ends and at least some actions performed in fulfillment of these ends. However, I shall remain neutral here regarding which reading is more philosophically plausible, as well as regarding which reading best captures Kant's considered view of the matter.

I turn now to my fourth and final clarificatory point: Kant's commitment to OIAN does not entail that, on his account, fulfilling one's duty always will be unpleasant.

Kant's critics have used this idea (*viz.*, that fulfilling one's duty always will be unpleasant) as leverage against his ethical thought ever since he penned his famous indifferent man example in part I of the *Groundwork to a metaphysics of morals*, an example in which Kant claims that only helping others from duty, not doing so from sympathy, has true moral worth.²⁵ Moreover, Kant seems almost deliberately to play into this objection in some later passages. For example, consider the following excerpt from the *Critique of practical reason*:

...a command that one should do something gladly is contradictory in itself, for, if we already know of itself what we are obliged to do, if we were also conscious ourselves about it, it is pleasurable to do, [then] a command about it would be entirely unnecessary; and if we indeed do it, but not exactly gladly, but rather only from respect for the law, [then] a command which made this respect even into an incentive of the maxim would effect exactly the opposite of the commanded disposition.²⁶

Similarly, in a draft of the *Religion within the boundaries of mere reason* Kant writes that "duty to do something gladly and from inclination is contradiction."²⁷

Nonetheless, this criticism is misguided. One way to see this is to focus on Kant's remarks about the (rational) pleasure that agents might derive from fulfilling their duties.²⁸ Another way to see it is to note that Kant readily admits (in the same passage from which the indifferent man example is taken) that agents frequently are inclined to do their duty, and in such cases (Kant says) it is difficult if not impossible to determine whether the agent acts from duty or merely in conformity with duty.²⁹ The reason this is relevant is that, if fulfilling one's duty were always unpleasant, this difficulty would not be so serious. If my analysis of Kant's concept of duty is correct, then an agent who acts from duty is constraining him/herself to resist a

²⁵ GMS, AA 4: 398.8-399.2. Probably the most famous critic in this vein is Schiller. For a reconstruction of Schiller's complaint and a reply, see (Wood, *Kant's Ethical Thought*, chapter 1, section 3.1).

²⁶ KpV, AA 5: 83.16-22.

²⁷ VARGV, AA 23: 100.19-20.

²⁸ VAMS, AA 23: 373.6-23. This is in the context of distinguishing his moral principle from a eudaemonistic one: whereas moral pleasure is the *effect* of following the Kantian moral law, it is the *ground* for following the eudaemonistic law. On the basis of this, Kant asserts that a "doctrine of duty" according to the principle of eudaemonia would be self-contradictory. Another helpful text for Kant's discussion of the pleasure that agents might derive from duty fulfillment can be found here: KpV, AA 5: 116.21-117.24.

²⁹ GMS, AA 4: 397.19-398.20. The duties Kant mentions as ones to which agents might have an inclination are: (1) the duty to give customers correct change; (2) the duty to preserve one's life; and (3) the duty of beneficence. In the first case, Kant suggests that, although a merchant might not have an immediate inclination to give correct change, prudence militates in favor of doing so. In the second and third cases, Kant claims that there is often an immediate inclination to conform to duty. He also suggests that the inclination for honor sometimes alights on dutiful actions. Moreover, the *Groundwork to a metaphysics of morals* is not the only place where Kant discusses this sort of thing. For example, Kant also discusses the inclination to beneficence in the *Critique of practical reason* (KpV, AA 5: 118.9-23).

countervailing inclination. But this is consistent with an agent also having a cooperating inclination and deriving pleasure from his/her action.³⁰

Complicated and contentious exegetical and philosophical issues arise at this point. For example, some question whether a motive force can be causally inefficacious.³¹ Others question whether an action can be overdetermined from duty and from inclination.³² Yet others question whether an overdetermined action from duty and from inclination, if such there be, can have moral worth.³³

³⁰ Here I am disagreeing with Wood, who maintains that an action cannot be performed from duty if there is a cooperating inclination present: "An action can be done from duty...only where there is no such empirical inclination" (Wood, *Kantian Ethics*, 26).

³¹ Latham tries to show that nonmotivating reasons are incoherent. His general strategy is "to consider a number of seemingly plausible criteria of nonmotivating reasons and to argue that none would be ultimately acceptable to those who believe in such reasons" (Noa Latham, "Are there any Nonmotivating Reasons for Action?" in *Physicalism and Mental Causation*, ed. Sven Walter and Heinz-Dieter Heckmann (Charlottesville: Imprint Academic, 2003), 273-294, 274). In my view, Latham's argument faces at least two distinct challenges.

First, Latham's criticisms of the successive criteria he advances are unlikely to be found probative by those who believe in nonmotivating reasons. I shall give two examples to illustrate this. One criterion Latham considers is the following: "R is nonmotivating if it is neither necessary nor sufficient and another single reason of X's is sufficient" (Latham, "Are there any Nonmotivating Reasons for Action?", 287, emphasis omitted). Against this, Latham urges that "in some cases, the question whether we have a single reason or a number of separate reasons seems purely a matter of convention, as for example when we consider the reason of not wanting to upset one's parents. Is this one reason or two?" But this criticism fails on its own terms: even if it is true that in some cases it is a matter of convention whether we have a single reason or a number of separate reasons, the criterion is advanced as a sufficient condition, not a necessary one. Moreover, the criticism suggests an obvious and easy patch: delete the word 'single' (which should not have been there to begin with, for proponents of nonmotivating reasons do not generally deny the possibility of overdetermination).

Another criterion Latham considers is the following: "R is nonmotivating if R is neither necessary nor sufficient and is a B-reason, and X has overall A-reason to K and has adopted a principle of giving priority to A-reasons" (Latham, "Are there any Nonmotivating Reasons for Action?" 291, emphasis omitted). Against this, Latham argues:

[I]t is clear that X will suffer lapses from her principle when reasons to depart from it get sufficiently strong, and in these cases, in which X may be said to act with weak will, she finds herself intentionally going against her principle. On these occasions she will clearly be motivated by B-reasons. If B-reasons are motivating on such occasions it seems plausible that when X manages to act continently by following her A-reasons we should say that she acts despite the calling of her B-reasons. The B-reasons are negatively causally relevant to, or inhibit, her action. Why then can't B-reasons be positively causally relevant, or motivating, when they agree with her A-reasons? (Latham, "Are there any Nonmotivating Reasons for Action?", 291)

Again, Latham's criticism fails on its own terms. His move from the claim that X acts "despite the calling of her B-reasons" to the claim that the B-reasons are "negatively causally relevant" is question-begging; the rhetorical question at the end of the block quotation is a red herring (B-reasons *can* be positively causally-relevant when they agree with an agent's A-reasons; the point is that, if the agent is acting on a principle that does not include reference to B-reasons, they are not *actually* causally relevant); and there is an obvious and easy patch: replace the phrase 'giving priority to' with 'acting on'.

However, even if Latham's criticisms were successful, there is a deeper challenge. To be clear: I do not think that Latham's criticisms are successful. But even if they were, as Weber points out, "There are few philosophically interesting concepts for which we have managed to identify sufficient conditions. For instance, no one has managed to offer sufficient conditions for being a cause. But we do not doubt that there are causes" (Michael Weber, "More on the Motive of Duty," *The Journal of Ethics* 11, no. 1 (2007): 65-86, 78). I conclude that Latham's argument is flawed in at least two distinct ways: the overall strategy cannot get him to the conclusion he wants, and the arguments advanced in the implementation of the strategy do not work.

³² Baker and, following her, Baron argue that an action cannot be both from duty and from inclination (Judith Baker, "Do one's Motives have to be Pure?" in *Philosophical Grounds of Rationality*, ed. Richard Grandy and Richard Warner (Oxford: Oxford University Press, 2004 [originally 1986]), 457-474; Marcia Baron, *Kantian Ethics Almost without Apology* (Ithaca: Cornell University Press, 1995), 158-161; and Baron, "Overdetermined Actions and Imperfect Duties"). Their basic argument, as I understand it, is that (i) if an agent judges that D is a duty (as Kant uses the term), then s/he will judge the Supreme Law of Morality to provide a sufficient reason to D and to provide a sufficient reason not to do otherwise than D; (ii) if an agent judges the Supreme Law of Morality to provide a sufficient reason to D and to provide a sufficient reason not to do otherwise than D, then there is no room for other reasons to have motive force; (iii) if there is no room for any reason other than moral reasons to have motive force, then an agent cannot act from duty and from some other reason; therefore (iv) if an agent judges that D is a duty (as Kant uses the term), then s/he cannot act from duty and from some other reason.

However, I do not think this argument works. Premise (ii) makes an illicit move from judgment to action. That is, premise (ii) presupposes that an agent's maxims always will reflect his/her best judgment. But Kant does not think that this is so. In setting out his theory of conscience, Kant says repeatedly that agents might act contrary to their conscientious judgments about what their duties are (see, e.g., RGV, AA 6: 186.27-28 and MS, AA 6: 401.10-11). Moreover, this seems, at least to me, to reflect common sense morality. So the argument that Baker and Baron advance does not withstand critical scrutiny.

Kerstein also argues that an action cannot be both from duty and from inclination. But he argues that the problem comes from inclination rather than from duty. According to Kerstein, "if an agent acts from inclination, his performing the action is conditional on his expectation that realizing its object will give him pleasure," and therefore to act from inclination is to take there to be a sufficient reason not to do otherwise, which means that one cannot act from inclination and take duty to provide a sufficient reason for action (Samuel Kerstein, *Kant's Search for the Supreme Principle of Morality* (Cambridge: Cambridge University Press, 2002), 102).

But I do not think that Kerstein's argument works either. Kerstein's conditional claim might be true if an agent acts *solely* from inclination. However, that does not guarantee that it is true if an agent acts from inclination *and* from duty, and merely to assume otherwise is to beg the question at hand. This leads back to Baker's and Baron's argument, for they might respond to my objection by claiming that to act from duty just is to take moral reasons to be sufficient for performing an action and for not doing otherwise. But this response, like Kerstein's conditional claim, is question-begging in this context: this response might be true if an agent acts *solely* from duty, but that does not guarantee that it is true if an agent acts from duty *and* from inclination.

All of this to the side, I should note that Baker's, Baron's, and Kerstein's arguments all come in the context of discussions of Kantian moral worth. This is relevant because it might engender confusion: I am not arguing that actions from duty and from inclination have moral worth; I am arguing merely that they are possible.

³³ As Baron points out, these discussions, building on Kant's indifferent man example, generally focus on the inclination to benevolence and natural sympathy, but there are other, less attractive inclinations that might be plugged into an agent's maxim (Baron, *Kantian Ethics Almost without Apology*, 174-176).

However, these questions would take us far afield. For now, the main takeaway from this section is the conjunction of two theses: (I) Kantian duty is a form of *constraint* which presupposes *an opposing motive force*, and (II) according to Kant *all* commands of the moral law manifest to us as duties.³⁴

Section 2. Duty and happiness: there exists some M for all D such that M and D conflict

Here is an argument that might be given for the conjunctive thesis from section 1:

1. Human agents always have their own happiness as an end.
2. Whenever the moral law commands that a human D, his/her happiness conflicts with D.
3. Therefore, there is some end M, the end of happiness, that conflicts with every human duty.

This kind of argument is sometimes made in discussions of psychological egoism and ethical altruism, a point I shall return to momentarily. But for present purposes, the idea is that the conclusion of this argument entails that there always is a countervailing motive to the Supreme Law of Morality and so the commands of the Supreme Law of Morality always must manifest as a constraint. This is the first defense noted in the introduction: there is an end M (namely: happiness) such that for all duties D, M and D are opposed.

I am going to begin by looking at some textual grounds for ascribing this argument to Kant before showing why it is unsustainable.

Evidence of Kant's commitment to 1 is easy to find and well-known in the secondary literature. In the *Metaphysics of morals*, Kant says that "to wish and to seek happiness for oneself is, to human nature, unavoidable."³⁵ Accordingly, Denis says that, on Kant's account, "we invariably have our happiness as an end through inclination."³⁶

In fact, and to the consternation of some commentators, Kant frequently makes a stronger claim, that agents have their own happiness as an end by natural necessity.³⁷ For example, in *On the common saying* Kant remarks that happiness is an end "subordinated to us by Nature itself," a claim repeated in one way or another in the *Groundwork to a metaphysics of morals*, the *Critique of practical reason*, and the *Metaphysics of morals* (as well as numerous unpublished

³⁴ In arguing for the first conjunct, I am disagreeing with Stratton-Lake. On Stratton-Lake's reading of Kant, the moral constraint that is associated with duty "need not be interpreted as overpowering the opposing force of sensibility. Moral constraint may be interpreted as a *rational limitation* of the possibilities open to one in certain situations...the concept of limitation here only implies that one *may* be inclined to do some other act, not that one is so inclined" (Philip Stratton-Lake, "In Defence of the Abstract," *Hegel Bulletin* 17, no. 1 (1996): 42-53, 50; see also his Stratton-Lake, *Kant, Duty and Moral Worth*, 37-38).

I think there are two problems with Stratton-Lake's reading. On the one side, his reading makes it difficult to understand the difference Kant introduces between a holy will (which is subject to the Supreme Law of Morality but not duty) and the will of an imperfectly rational being like a human (which is subject to duty). On the other side, his reading is difficult to reconcile with the many passages (some of which are reproduced above) in which Kant says explicitly that duty presupposes a motive to do otherwise.

³⁵ MS, AA 6: 387.26-28.

³⁶ Lara Denis, *Moral Self-Regard* (New York: Garland Publishing, 2001), 154.

³⁷ One such commentator is Korsgaard, who points out that this claim is inconsistent with Kant's doctrine of transcendental freedom, the doctrine that all ends are freely adopted (Christine Korsgaard, "Motivation, metaphysics, and the value of the self," *Ethics* 109, no. 1 (1998): 49-66, 58).

notes).³⁸ Thus, O'Neill claims that, for Kant, happiness "is a necessary end of creatures with ends."³⁹

Reasons for ascribing 2 to Kant are also easy to find. For example, in the *Groundwork to a metaphysics of morals* Kant remarks that "the human being feels in him/herself a powerful counterweight against all commands of duty...in his needs and inclinations, whose entire satisfaction he sums up under the name of happiness."⁴⁰ Or consider Theorem II from the *Analytic of the Critique of practical reason*, where Kant says that all material principles, the principles he opposes to the (purely formal) moral law, "belong under the general principle of self-love or own happiness."⁴¹ And this is how some commentators understand Kant's doctrine of radical evil in the *Religion within the boundaries of mere reason*: "Kant explains...radical evil as a tendency of the human agent to place her incentive toward happiness and self-love above her incentive toward morality."⁴²

Nonetheless, there are doctrinal reasons for not ascribing 2 to Kant. There are four aspects of Kant's practical philosophy that are hard to reconcile with the idea that happiness always conflicts with morality. One is that Kant asserts that there is a duty to promote the highest good, a world in which everyone is supremely virtuous and happiness is distributed in accordance with virtue. Another is that Kant thinks that there is a duty to promote others' happiness.⁴³ The third is that in at least one place Kant asserts that agents have an indirect duty to promote their own happiness (for unhappiness can be a great temptation to infringe on duty).⁴⁴ This suggests that happiness has a positive role to play in Kant's (and any plausibly Kantian) value scheme. And if this is not enough, there is Kant's explicit claim, made in passing (but perhaps all the more telling for that reason), that giving correct change is both prudent *and* obligatory for merchants.⁴⁵

Some might contend that the aspects of Kant's philosophy I listed in the previous paragraph do not support the point I am trying to make (namely: that premise 2 in the enumerated argument at the opening of this section should not be ascribed to Kant because happiness is not always in conflict with morality on a Kantian account). For one thing, the highest good is about *deserved* happiness, and perhaps deserved happiness is the kind that never

³⁸ TP, AA 8: 282.12-13; GMS, AA 4: 415.28-33; KpV, AA 5: 34.2-35.5; MS, AA 6: 391.17-18. Kant's doctrine of happiness is complicated, in part because he has different definitions of happiness in different places (Kahn, *Kant, Ought Implies Can, the Principle of Alternate Possibilities, and Happiness*, chapter 7). But one thing that seems to be common to the different definitions is that happiness is a higher order end. Indeed, in one of the few places where Kant gives a rationale for the claim that happiness is a necessary end, the rationale is based on exactly this: "the end that is universally necessary is: that all their ends be Achieved, i.e. happiness" (Refl, AA 19: 188.14-15). This rationale might not withstand critical scrutiny if agents can have ends that they do not endorse reflectively, as might be the case if divesting oneself of an end is a temporally extended process. Problems also might arise if agents' ends cannot be conjointly satisfied. However, discussion of these issues is beyond the scope of the current investigation.

³⁹ Onora O'Neill, *Acting on Principle* (Cambridge: Cambridge University Press, 2013), 189.

⁴⁰ GMS, AA 4: 405.5-8.

⁴¹ KpV, AA 5: 22.7-8.

⁴² Jeanine Grenberg, *Kant and the Ethics of Humility* (Cambridge: Cambridge University Press, 2005), 29. See also Allison:

For the perfectly good or holy will of the *Groundwork*, there is no possibility of a conflict between inclination and morality...By contrast, finite, sensuously affected rational beings such as ourselves...are never beyond the possibility of temptation and the need for moral constraint. (Henry Allison, *Kant's Theory of Freedom* (Cambridge: Cambridge University Press, 1990), 156; quoted in Grenberg, *Kant and the Ethics of Humility*, 31)

⁴³ MS, AA 6: 450.31-451.19.

⁴⁴ GMS, AA 4: 399.3-26.

⁴⁵ GMS, AA 4: 397.21-32.

conflicts with morality. For another thing, the fact that I have a duty to promote others' happiness goes precisely nowhere toward showing that *my* happiness does not always conflict with *my* duties. Finally, Kant's doctrine of indirect duties is controversial: on some readings, when Kant says that there is an indirect duty to promote one's own happiness, what he is saying is that there is no *genuine* duty to do so.⁴⁶

In response to this objection, I want to shift, briefly, from exegesis to philosophy. There are deep philosophical reasons for thinking that 2 is false. One need not be an ethical egoist to see that prudence and morality do not always conflict. According to some scholars, Leibniz is committed to the conjunction of psychological egoism and ethical altruism, but he avoids the conclusion that ethical behavior is impossible by noting that (a) when agents happen to have similar ends, then egoism and altruism can coincide; (b) egoism and altruism can coincide if agents actively adopt others' happiness as a part of their own; and (c) a proper understanding of one's own longterm best interests will reveal overlap between egoism and altruism, at the very least through reciprocal altruism if not in other ways.⁴⁷ All of these points, plausible, I think, in themselves, suggest that the pursuit of one's own happiness and common sense morality need not conflict.

Indeed, the conception of happiness that would be required to make 2 true is likely to be quite foreign to most. The reason for this is simple: 2 is a very strong claim. According to 2, whenever anyone has a duty to D, his/her happiness will conflict with this duty. No doubt conflicts between morality and happiness will arise for most of us some of the time. Perhaps they will arise for some of us most of the time. But the point for present purposes is that they do not arise for all of us all of the time. Surely there are occasions when keeping a promise, refraining from lying, or promoting others' happiness is a pleasure and contributes to one's happiness. And if that is so, then it suffices to show that 2 is false.

In shifting from exegesis to philosophy I am not making the following fallacious argument: 2 is false and therefore it should not be ascribed to Kant. Nonetheless, I do think that there is a non-fallacious argument in the vicinity of this fallacious one. That is, I concede that there is evidence in favor of ascribing 2 to Kant. But there is also textual evidence against the ascription. Some might dismiss this evidence on the grounds suggested above. But I think that this dismissal is precipitate. More, I think that, given the philosophical reasons for regarding 2 as false, the principle of charity prescribes (or at least permits) letting the evidence against ascribing 2 to Kant win the day. And even if some find this appeal to charity unconvincing, I think that I have done enough to show that 2 should not be brought into a plausible Kantian ethics. So I turn now to an alternative defense of the conjunctive thesis above.⁴⁸

Section 3. Duty and inclinations: for all D there exists some M such that M and D conflict

⁴⁶ Jens Timmermann, "When the Tail Wags the Dog," *Kantian Review* 10 (2005): 128-149. I would like to thank an anonymous reviewer from *The Review of Metaphysics* for pressing me to clarify the points in this paragraph.

⁴⁷ See chapter 6 of (C.D. Broad, *Leibniz* (Cambridge: Cambridge University Press, 1975)).

⁴⁸ It will be noted that I have given no pushback to 1. That is not because I think 1 is obviously true. Quite the contrary: I think there are times when agents do not have their own happiness as an end, and I think that Kant probably should have realized this (notwithstanding his repeated claims to the contrary). But the status of 1 is less important for my purposes.

An alternative route to the conjunction at the end of section 1 (duty as a constraint and the moral law always manifesting as duty for humans) would be to assert that whenever agents have a duty they have at least one opposing inclination. Sometimes the opposing inclination might be associated with the agent's happiness; conflicts between happiness and duty are possible even if they are not necessary. But sometimes it might be a single inclination tugging toward duty infringement. That single inclination might play no part in the agent's conception of his/her overall happiness and even might conflict with it. This is a weaker thesis than the thesis of section 2 (the quantifiers are reversed: "for all D there exists an M" instead of "there exists an M for all D"). But it nonetheless could be used to defend the conjunction from section 1.

There are again textual grounds for ascribing this idea to Kant. In fact, we need look no further than the texts reproduced in section 2 above. Strictly speaking, the passage from the *Groundwork to a metaphysics of morals* says that it is "needs and inclinations" that are the counterweight to morality, not happiness (asserted there to be the sum total of these inclinations). Similarly, although in the passage from the *Critique of practical reason* Kant says that all material principles belong under the principle of self-love, a principle he glosses as "own happiness," and although Kant does contrast material principles with the purely formal CI, these material principles need not conflict with the CI *through* the principle of own happiness: one or another might conflict on a given occasion directly. Indeed, the example Kant uses to illustrate why there might be an indirect duty to promote one's own happiness shows how this is possible. In that example, Kant imagines a single inclination that is at variance with an agent's happiness: as Kant envisions the situation, the agent is supposed to reign in his unruly inclination for a tasty (but unhealthy) meal lest he suffer from a painful attack of gout that will make it more difficult for him to conform to the CI.

But there is also some textual evidence against ascribing this thesis to Kant. For example, in part I of the *Groundwork to a metaphysics of morals* Kant makes the following remark about preserving one's own life:

...to hold onto one's life is a duty, and beyond that everyone has thereto in addition an immediate inclination. But because of this, the often anxious care, which the greatest part of humankind would bear therefore, nevertheless has no inner worth, and the maxim of doing so no moral content. They preserve their life indeed *in conformity with duty*, but not *from duty*.⁴⁹

In this passage, Kant suggests that most agents, for most of the time, have an inclination that aligns with the duty not to commit suicide. Shortly after this, Kant also discusses those who are so constituted that they "find an inner satisfaction in spreading joy around them," thus fulfilling the duty of beneficence from inclination rather than from duty.⁵⁰

But this textual evidence against ascribing the opposing inclination thesis to Kant is quite thin. In fact, it is consistent with the thesis that for every duty there is some opposing inclination, for it is possible that an agent's inclinations pull in more than one direction. Thus, even if

⁴⁹ GMS, AA 4: 397.33-398.1.

⁵⁰ GMS, AA 4: 398.8-12.

someone has an inclination that pulls him/her in conformity with duty (as in preserving one's life and, for some, spreading joy), s/he also might have *another* inclination at loggerheads with the first.

However, it might be argued that I am placing too much emphasis on the idea that inclinations must be countervailing for constraint to be required. Some defenders of Kant on duty maintain that constraint is required even if inclination and duty pull in the same direction. That is, in cases in which I have a duty to D, an inclination to D, and no inclination to do something other than D, constraint is not required to get me to D. Nonetheless (it is argued), constraint is still required: it is required to get me to D *from duty*:

Kant's basic point here can be summed up as follows. (1) Every finite agent is always (via her sensible nature) affected by empirical desires that impel her to choose on their behalf (i.e., to make their satisfaction a condition of choice). (2) Practical laws give necessary reasons for acting that are not based on empirical desires. (3) Thus, every finite agent is always affected by desires that impel her to choose contrary to the *spirit* of practical laws.⁵¹

To put this another way, on this defense of the conjunction from section 1, even when inclinations do not pull agents away from the *letter* of the moral law, they nonetheless pull agents away from the *spirit* of the moral law, for they pull agents toward acting in conformity with but not from duty. Thus, duty is a form of constraint, and the Supreme Law of Morality always manifests as duty for humans.

Now, as noted in the introduction of this paper, the thesis used in this section to defend the conjunction from section 1 is: for every duty D there is an opposing inclination M. The first way I offered of understanding this thesis says that the inclination M is a countervailing inclination, an inclination to do something other than D, and the constraint of duty is a constraint to D. The second way I just offered of understanding this thesis says that the inclination M might be a cooperating inclination, an inclination to D, and the constraint of duty is a constraint to D *for the right reasons*.

The first understanding requires that two conditions be satisfied: (i) whenever an agent has a duty to D, s/he also has an inclination to M; and (ii) M and D are not the same action. The second understanding requires only that the first of these two conditions be satisfied: it requires merely that an inclination be *present* when an agent is faced with a duty because the mere presence of an inclination suffices for the agent to require constraint, if not to fulfill his/her duty directly, then to fulfill his/her duty *from duty*. For ease of exposition, I shall call the first understanding (which requires that both conditions be satisfied) SV (strong version) and I shall call the second understanding (which requires only that the first condition be satisfied) WV (weak version).

Now I think it is notable that the reason for subscribing to WV rather than SV is that SV, although weaker than the thesis explored in the previous section, is too strong: regardless of where the texts point us (as noted above, there is some textual evidence *against* ascribing SV to

⁵¹ Markus Kohl, "Kant on Determinism and the Categorical Imperative," *Ethics* 125, no. 2 (2015): 331-356, 347, my emphasis.

Kant, but that evidence is quite thin), it is philosophically implausible to assert that for *every* duty that an agent might have, s/he will have a corresponding inclination that pulls him/her toward duty infringement. For example, consider the duty not to disembowel everybody one meets on the street, or the duty not to toss small children from rooftops, or the duty not to eat non-family members alive. These might be said to be standing duties: all agents have these duties all the time. But it seems implausible to assert that all agents always must constrain themselves, reigning in their inclinations to disembowel, rooftop-toss, and cannibalize. At least some agents in human history (and hopefully many) never have been inclined to do any of these things, not even on holidays.

WV concedes this point: WV does *not* require that agents always have inclinations *not* to fulfill their duties; WV requires merely that there always *be* inclinations when agents have duties. Sometimes these inclinations might be countervailing inclinations. But WV concedes that sometimes the inclinations will not be countervailing; sometimes the inclinations will be cooperating, and in those cases, constraint is still needed to get an agent to act from duty.

However, this concession is fatal, for WV no longer is able to defend the original conjunction from section 1. That is, WV concedes that agents do not need to be constrained to D whenever they have a duty to D: the claim that constraint is always necessary but only to ensure that agents D *from duty*, even if true, scuttles the conjunctive claim that (I) duty always requires constraint and (II) the Supreme Law of Morality always manifests as duty for human agents.

To see why this is so, consider the following objection. A proponent of WV might object that the duty to D *contains* the duty to D *from duty*; it is analytic to the concept of duty that whenever an agent ought to D, s/he ought to D from the motive of duty. If this is so, then the constraint to D from duty is analytic to the constraint to D, and so WV is able to defend the conjunctive claim after all.

The problem with this objection is that it renders the concept of duty incoherent. There can be no duty to D *from duty* unless there is a logically prior duty to D.⁵² But if, for all duties D, there is a separate duty to D from duty, then we get an infinite regress: there is an infinite number of duties if there is one, for this formula is recursive.⁵³ Moreover, if the duty to act from duty is separate from the duty to D, then the constraint that is required in the presence of a cooperating (rather than countervailing) inclination is not a constraint to D, and once again the conjunctive thesis from section 1 falls. I conclude that SV is too strong and WV is too weak to preserve Kant's conception of duty as constraint alongside his concomitant claim that the Supreme Law of Morality always manifests as such to us.

Section 4. Underlying maxims: radical evil that percolates through the stack

I want to consider one final defense of the conjunction from section 1. Instead of arguing that for every duty there is some countervailing motive (perhaps but not necessarily the same one), it might be argued that the radical evil in human nature is such that, at the most fundamental level, we struggle whether to adopt a maxim to subordinate self-love to the moral law or to subordinate

⁵² This point is made by Ross (W.D. Ross, *The Right and the Good* (Oxford: Oxford University Press, 2002), 5).

⁵³ This point is made by Allison (Allison, *Kant's Theory of Freedom*, 178).

the moral law to self-love. This struggle then percolates down into and infects every aspect of our wills such that the moral law always must manifest as a constraining ought for us.⁵⁴

This might be how Kant's doctrine of radical evil is supposed to go, and it might be true as a theory of human nature. But even if we overlook the fuzzy nature of this idea of "percolation," as a defense of the section 1 conjunction, I think it fails. A dilemma can be used to illustrate why. Either this doctrine involves the rejection of OIC or it does not. If it does, then Kant's conception of duty is already out the window and, thus, the conjunction has been cut off at its root. If it does not, then agents are able to adopt a fundamental maxim of subordinating self-love to the moral law, and if they do, then there will be no percolation of struggle or corresponding "oughts," so the conjunction is gone on this horn of the dilemma too.

Let me explain: either agents are *not* able to adopt a maxim to subordinate self-love to the moral law, or they *are* able to adopt such a maxim. Suppose, first, that agents are *not* able to adopt a fundamental maxim to subordinate self-love to the moral law. This is something that they ought to do, whence it follows that, if they are not able to, then OIC is false. But as we have seen, the ability to D is, for Kant, analytic to the duty to D. So if agents are *not* able to adopt a maxim to subordinate self-love to the moral law, then we are no longer operating with Kant's conception of duty. And if we are no longer operating with Kant's conception of duty, then the section 1 conjunction is moot.

So suppose, alternatively, that agents *are* able to adopt a fundamental maxim to subordinate self-love to the moral law. The defense of the section 1 conjunction offered just above is based on the idea that the radical evil in human nature percolates down from an immoral fundamental maxim involving the subordination of the moral law to self-love. So if agents *are* able to adopt a different fundamental maxim, one that subordinates self-love to the moral law, then when they do so, the percolation is stopped at its root, again undermining the section 1 conjunction.

Section 5. The implications: SLIC, SLIAN, Happiness, and Respect

In the foregoing, I argued that, on Kant's account, (I) duty is a form of *constraint* which presupposes *an opposing motive force*, and (II) *all* commands of the moral law manifest to us as duties. I then examined various defenses of this. First, I examined the thesis that there is an end M (happiness) such that for all duties D, M and D are opposed. Second, I examined a strong and a weak version of the thesis that for all duties D there is an inclination M such that M and D are opposed. Finally, I examined, briefly, a defense based on Kant's doctrine of radical evil. I maintained that none of these defenses withstands critical scrutiny.

So suppose that my arguments in the previous sections work and that the section 1 conjunction should be rejected. What then? In this final section I try to answer this question. In particular, I shall look at the implications of my arguments for OIC, OIAN, happiness, and the nature of respect.

⁵⁴ This seems to be Grenberg's considered view: "Kant does insist that the human tendency toward corruption is pervasive...instead of applying only to singular actions, this tendency is lodged in an agent's most general and life-guiding principle of action, one which influences each of an agent's acts" (Grenberg, *Kant and the Ethics of Humility*, 30). However, the word 'only' renders this consistent with the claim that humans are always tempted to infringe on their duties (the view I ascribed to her on the basis of the quotation in the paragraph to which note 42 is appended).

OIC has loomed large in recent philosophical discourse.⁵⁵ There seems to be a general consensus that Kant was committed to OIC. But there is disagreement about how he understood this principle. For example, Korsgaard contrasts Kant's version of OIC with the idea that if I ought to A, then it is physically possible for me to A: "When Kant himself advanced this principle [OIC], he meant that it is possible for us to be *motivated* to do what we know we ought to do."⁵⁶ By way of contrast, Stern compares Kant's version of OIC with the version used in modern naturalistic projects to show that there is no duty to do the impossible. Calling this contrapositive use a "strong" conception of OIC, Stern asserts that "whereas the strong conception argues from what we can do to what we ought to do, Kant's weaker conception of 'ought implies can' argues from what we ought to do to what we can do."⁵⁷

I think that both Korsgaard and Stern get things wrong. Korsgaard's reading has a hard time accommodating (1) Kant's argument for OIC, which is about carrying out duties rather than merely the motive thereto; (2) Kant's contrapositive use of OIC, which moves from the impossibility of an action to the negation of a corresponding duty; and (3) Kant's use of OIC in the highest good argument, manifest in the claim that the highest good is a duty insofar but only insofar as it is attainable.⁵⁸ All of these were discussed in section 1 above, so I shall not dwell on them here.

Stern's argument, by way of contrast, faces different problems: (1) it seems to be confused, for a conditional and its contrapositive come together; it makes no sense to attempt to dissociate the two, characterizing one as "strong" and the other as "weak"; and (2) Stern has a hard time accommodating Kant's (repeated) claims that if there is a duty to promote the highest good and if the highest good turns out to be impossible, then "the moral law must be...false in itself."⁵⁹

However, Stern is aware of (2). In response, he argues that "Kant does not need" to make this claim.⁶⁰ But this response, I think, misses its mark. If we are engaged in a philosophical project, attempting to develop the most plausible Kantian theory that we can, then the fact that a claim is not needed is probably relevant. But if we are engaged in exegesis, trying to figure out how to understand Kant's commitment to OIC, then this kind of move is illegitimate.

Now let me tie this back to the arguments above. If I am right about Kant's reasons for subscribing to OIC, then he also is committed to a similar principle: the Supreme Law of Morality Implies Can (SLIC). This is because moving from the Supreme Law of Morality to the Categorical Imperative ("ought") does not introduce an entailment about the ability to comply with the law; it introduces an entailment about *constraint*, an entailment about the ability *not* to comply with the law. But if the arguments above work, then either we should revise our concept

⁵⁵ The recent OIC literature is surveyed in part I of (Kahn, *Kant, Ought Implies Can, the Principle of Alternate Possibilities, and Happiness*).

⁵⁶ Korsgaard, "Fellow Creatures," 107.

⁵⁷ Stern, "Does 'ought' imply 'can'? And did Kant think it does?," 60.

⁵⁸ I suppose it would be open to Korsgaard to ascribe to Kant a bridge principle like, "it is possible for agents to be motivated to A only if A is physically possible." But this principle is false (just think of all the energy wasted on attempts to prove that Euclidean geometry follows from absolute geometry), and there is no reason to saddle Kant with it.

⁵⁹ KpV, AA 5: 114.7-9.

⁶⁰ Stern, "Does 'ought' imply 'can'? And did Kant think it does?," 56.

of duty, the first conjunct in the section 1 conjunction, so that it does not require constraint, or we should admit that the moral law does not always manifest as an “ought” to us. If we revise our concept of duty so that it does not require constraint, then OIC retains its universal scope. If, by way of contrast, we admit that the moral law does not always manifest as an “ought” to us, then OIC is restricted and SLIC will have to be appealed to in order to fill the gap (i.e., in order to show that we always are able to act in accordance with the Supreme Law of Morality). In either case, we always are able to fulfill the commands of the moral law on Kant's account; the question is whether this rests merely on OIC or whether it rests on the conjunction of OIC and SLIC.

This proposal also has implications for OIAN. As noted in section 1 of this paper, Kant is committed to a strong version of OIAN. This version of OIAN entails that, if an agent is responsible for doing something s/he ought to have done, then s/he must have been able to do otherwise. In view of the foregoing and as with OIC, there are two options at this point. If the concept of duty is emended so as not to include the concept of constraint, then OIAN, at least in its present strong form, must be put aside. It might be true as a generalization. But there is no strict entailment between “ought to D” and “the ability *not* to D.” If, by way of contrast, the moral law does not always manifest as an “ought,” then OIAN is preserved as an implication (rather than a mere generalization). But not all instances of fulfilling the Supreme Law of Morality will be instances where agents are able to do otherwise in a strong sense: the whole point of distinguishing between the CI and the moral law is that, unlike the symmetry between OIC and SLIC, OIAN holds whereas its counterpart, SLIAN (Supreme Law of Morality Implies Able Not to), does not.

Of course, it still might be *logically* possible for agents to do otherwise in these instances. In fact, it presumably would be physically possible for agents to do otherwise in these instances. The point is that they would have no motive to do so and, thus, doing otherwise would not be a real possibility (in the technical Kantian sense of this term: logically possible and having a (causal) ground in reality).

I turn now to some brief remarks about the role of happiness in Kant's ethics.

Kant repeatedly denies that there is a duty to promote one's own happiness. For example, in the *Critique of practical reason* Kant says that “to promote one's [own] happiness can never be an immediate duty”; in the *Critique of the power of judgment* Kant says that “an obligation to enjoyment is an evident absurdity”; and in the *Metaphysics of morals* Kant says that the end of promoting one's own happiness “can never be looked upon as duty without contradicting oneself.”⁶¹ Moreover, many neoKantians endorse this claim. For example, Hill maintains that “a ‘duty’ of self-beneficence is conceptually impossible”; Seymour asserts that such a duty “simply does not make sense in Kant's ethics”; and Denis says that one's own happiness “cannot be an obligatory end.”⁶²

The basic argument underlying this denial of a duty to promote one's own happiness is based on two premises: (i) duty involves constraint; and (ii) one cannot be constrained to

⁶¹ KpV, AA 5: 93.19.21; KU, AA 5: 209.31; and MS, AA 6: 386.1-3.

⁶² Thomas E. Hill, Jr., “Happiness and Human Flourishing in Kant's Ethics,” *Social Philosophy and Policy* 16, no. 1 (1999): 143-175, 165; Melissa Seymour, *Duties of Love and Kant's Doctrine of Obligatory Ends* (Ann Arbor: Proquest Information and Learning Company, 2007), 98-99; Denis, *Moral Self-Regard*, 154.

promote one's own happiness as such. But if the arguments in this paper work, then either duty does not involve constraint, or the Supreme Law of Morality does not always manifest as duty for us. If duty does not involve constraint, then the rationale for the denial of a duty to promote one's own happiness collapses because premise (i) is false. If the Supreme Law of Morality does not always manifest as duty for us, then the rationale for the denial of a duty to promote one's own happiness loses its bite because the Supreme Law of Morality might command it all the same. Thus it may be seen that, regardless of which emendation one prefers, if the arguments in this paper work and the section 1 conjunction is discarded, the Supreme Law of Morality might require agents to promote their own happiness.

Arguing that there is a moral injunction to promote one's own happiness in Kantian ethics would be too difficult for present purposes.⁶³ But showing that such a duty is consistent with Kantian ethics is nonetheless an important result. For one thing, it contradicts a dominant strand of thought in Kant, one that (as seen above) has been endorsed by many prominent commentators. For another, it opens the door to a different conception of the kinds of duties we get in Kantian ethics, one that potentially impacts how much an agent can be required to sacrifice for others.⁶⁴

These arguments also have implications for Kant's doctrine of respect. Kant introduces the feeling of respect in part I of the *Groundwork for a metaphysics of morals* with the claim that "duty is the necessity of an action from respect for the law."⁶⁵ He then elaborates in a footnote: "Actually, respect is the representation of worth which cuts short my self-love."⁶⁶

On Kant's moral psychology, agents either act from self-love or from the moral law. If they act from self-love and subordinate the moral law thereto, they fall prey to the vice of self-conceit; if they act from the moral law and subordinate self-love thereto, they will feel respect as they recognize the greater value of the moral law striking down their self-love.

But if my arguments above stand, then the moral law will not be in competition with self-love in all cases. As with OIC and OIAN, there are again two alternative ways forward. Either we can revise the definition of the feeling of respect. We might say that respect is a feeling inspired by something that *can* strike down self-love (but the feeling can be inspired even when there is no conflict and thus there is no opportunity to strike down the principle of self-love). Or, alternatively, we can allow that the moral law does not always inspire respect.

Conclusion

I began this paper by explicating Kant's concept of duty and his distinction between the CI and the Supreme Law of Morality. I argued that this explication revealed two things: (1) according to Kant, an agent has a duty to D only if s/he must be constrained to D, and (2) according to Kant all commands of the moral law manifest as duties to humans. In sections 2, 3, and 4 I examined

⁶³ In chapters 8 and 9 of (Kahn, *Kant, Ought Implies Can, the Principle of Alternate Possibilities, and Happiness*) it is argued that, even if premise (i) in the argument above is true, premise (ii) is false and, more, there are positive grounds for asserting that any plausibly Kantian ethics should make room for a duty to promote one's own happiness. I am arguing for a much weaker claim in this paper.

⁶⁴ I would like to thank an anonymous referee for *The Review of Metaphysics* for pressing me to think this through.

⁶⁵ GMS, AA 4: 400.18.

⁶⁶ GMS, AA 4: 401n.

and rejected successively three separate defenses of this conjunction: (A) there is some end that conflicts with all duties, happiness; (B) for all duties there is some inclination that conflicts with it, maybe not always the same one; and (C) the (human) struggle whether to adopt a moral maxim at the most fundamental level percolates down to all other maxims and in some way makes constraint necessary for all commands of the moral law. I argued that none of these works, and in section 5 I explored the implications of this for Kant's commitment to OIC and OIAN, and I also argued that it has ramifications for Kantian ideas about happiness and respect.