



WESTFÄLISCHE
WILHELMS-UNIVERSITÄT
MÜNSTER

› Kant and Moral Demandingness

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Preprints and Working
Papers of the Centre for
Advanced Study in Bioethics
Münster 2014/62



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Abstract: We discuss the demandingness of Kant's ethics. Whilst previous discussions of this issue focused on imperfect duties, our first aim is to show that Kantian demandingness is especially salient in the class of perfect duties. Our second aim is to introduce a fine-grained picture of demandingness by distinguishing between different possible components of a moral theory which can lead to demandingness: (i) a required process of decision making, (ii) overridingness and (iii) the stringent content of demands, due to a standpoint of moral purity. This distinction allows a specification of the sources of demandingness in Kant. The most characteristically Kantian form of demandingness springs from overridingness and purity and comes as a constant threat that an agent might find herself in a situation in which, due to no fault of her own, she is required to sacrifice everything for little to no non-moral goods. Our third aim is to discuss whether Kant has the resources to reply to those who criticize his ethics based on its demandingness. For this purpose we discuss Kant's notion of "rationalizing" (Vernünffteln) in the context of various types of current conceptions of demandingness and calls for moderate ethical theories.

1 This is a preprint version of an article to be published in *Ethical Theory and Moral Practice*. We are grateful to Liz Ashford, Marcia Baron, Susanne Boshammer, Martin Brecher, Christine Chwaszcza, André Grahle, Katie Harrington, Matthias Hoesch, Nikola Kompa, Bren Markey, Brian McElwee, James McGuiggan, Alice Pinheiro Walla, Felix Pinkert, Leonard Randall, Joe Saunders, Joe Slater, Jens Timmermann, Katja Vogt and anonymous referees for feedback on earlier drafts of this paper and discussion of Kant and demandingness. We are grateful to the universities of St Andrews, Stirling and Osnabrück for the opportunity to present earlier versions of this paper as well as our audiences at these occasions for their helpful feedback. Furthermore we thank the participants of two seminars on the topic at the university of Münster.

There is a growing interest in the limits of practical normativity and related topics such as *Ought Implies Can* (e. g. Kühler 2012; van Ackeren/Kühler 2014), supererogation (Wessels 2002) and feasibility (e. g. Laegaard 2006). Particularly the debates about moral demandingness and overdemandingness have intensified. The former debate focuses on demandingness as a conflict between moral demands and the (self-)interest, well-being or good life of the addressees of moral demands. The latter debate discusses the existence and specification of criteria that distinguish overly or excessive demands from acceptable, or reasonable ones as well as if and how ethical theories should be altered when faced with the charge of being overdemanding. It is widely believed that the overdemandingness objection was first raised against a certain (impartial and maximizing) act-consequentialism. Subsequently it was argued that consequentialism cannot or should not be made less demanding (Kagan 1989, Murphy 2000), or that that it would be possible and desirable to have moderately demanding versions of consequentialism, e. g. by introducing agent-prerogatives (Scheffler 1992) or rule-consequentialism (Hooker 2000, 2009).

The demandingness and overdemandingness debates also expanded their scope. They no longer focus exclusively on consequentialism but also discuss contractualism (Ashford 2003, Hills 2010) and virtue ethics (Swanton 2009). Consequentialists frequently point out that the demandingness objection (if accepted as a challenge to a moral theory) is not only a problem for consequentialists. They sometimes discuss Kant's ethics as well, but often the discussion is very brief and suggestions how the debate could be applied to Kant are not very specific (see for instance Mulgan 2001, 5–6). The first collection of essays on the topic of demandingness by Chappell (2009) does not even discuss Kant.

Our aim is to make a first step to filling this gap by discussing Kant and demandingness. We do not intend to establish general criteria for overdemandingness nor do we presuppose any concept of overdemandingness and apply it to Kant in order to assess whether his ethical theory is overdemanding.

The distinction between the debates on demandingness and overdemandingness and our focus on the former concept presupposes that demandingness is an interesting philosophical issue on its own without any specific stance on the questions that constitute the debate on overdemandingness. That demandingness alone raises important philosophical issues is extensively documented by a recent collection edited by Bloomfield (2008):

- 1) Is there a conflict between morality and self-interest (narrowly understood), or between morality and well-being (interests) or ground projects, as some have claimed (Wallace 2004, Raz 1986)? If the latter, then what is the relation between self-interest and well-being? Do the poles of the conflict consist of context-independent sets of considerations, i. e. a moral point of view and a personal point of view and a corresponding dualism of practical reasons (Crisp 1997 vs. Raz 1999)?
- 2) What is the nature of the conflict? Are conflicts conceptually (Finlay 2008) or empirically necessary (Crisp 1997) or impossible? If conflicts are possible, under which conditions are they possible?
- 3) Which aspects of a normative theory lead to conflicts or make them more intense or frequent?

A clear conception of demandingness and its sources enables or facilitates the debate on overdemandingness, and may even be a pre-condition for a conceptually and theoretically grounded discussion of overdemandingness.

In what follows we will focus on the third of the questions mentioned above, though our final section will refer to the first question as well. When analyzing the sources of demandingness in Kant we want to shift the focus of the debate to perfect duties. It is our first aim to show that the specific Kantian problem of demandingness is not confined to imperfect duties, and that from the specific characteristics of perfect duties a more pressing form of demandingness follows. Previous discussions of the demandingness of Kant's moral theory focused on imperfect duties.² This is understandable since those demands of consequentialism that are most fiercely debated, such as helping the poor, and especially the aggregation of many of our duties to help, are imperfect duties for Kant. We will show that the demandingness debate with regard to Kant needs to be extended to perfect duties (sec.1).

Shifting the focus to an area of morality that is often ignored in the debate is significant, since some attempts to defend Kant against the overdemandingness objection argue that Kant aims to establish a system of perfect and imperfect duties to self and others, and that imperfect duties to oneself, in particular self-perfection, can moderate other duties, particularly the duty to help the needy, and thus moderate the demandingness of Kant's ethics (see Vogt 2008). We discuss this strategy in a separate paper. Here it suffices to note that the reference to imperfect duties to oneself does not help to moderate the demandingness that we will discuss, namely the one springing from perfect duties to others.

When analyzing the demandingness of perfect duties in our main section our second aim is to give a finer grained picture of the demandingness of Kant's moral theory by making use of a distinction between elements of a moral theory that can potentially lead to demandingness: (i) a required process of decision making, (ii) overridingness and (iii) the stringent content of demands established from a pure moral point of view. We will argue that the specific demandingness of Kant's theory is due to the latter two elements (sec.2). The distinction is taken from Scheffler (1992). Scheffler holds the view that there are excessive demands and that ethical theories should be altered in order to avoid them, but his distinction of various aspects neither implies this view, nor does the view follow from the distinction alone.

In a final section (sec.3), our aim is to discuss demandingness from a Kantian perspective. We will argue that when Kant discusses *rationalizing*, he addresses aspects of what we today discuss as the problem of (over-)demandingness. We will distinguish various key elements of rationalizing and show how they relate to different modern theories of demandingness, and calls for moderation of a theory based on an alleged overdemandingness of this theory.

1 Preliminaries

In *Groundwork* III Kant expresses the view that moral oughts are rational willings, i. e., that an agent, insofar as she is only rational, does not even experience morality as a demand (IV:455.7–9). This optimism can certainly be called “astonishing” (Timmermann 2007, 143), given that human beings are finite creatures and always experience morality as a necessitation or categorical imperative. Nonetheless, Kant believes that it is legitimate for an agent to be guided by her inclinations, as long as the demands of morality are satisfied fully (V:92.35–93.15, VIII:281.6–13). Happiness is even an indirect duty (IV:388.26–30, 399.3), because it “contains means for the fulfillment of one's duty” (V:93.18–9), since a happy person is less tempted

2 See Vogt (2008), Timmermann (2005), Herman (2007, ch.9, and 12) and esp. Sherman (1997, 331).

to violate duty and has presumably more material and emotional resources to carry out her duty.³ Kant thinks that moral demands under normal circumstances leave ample room for non-moral (though never for immoral) activities. In his late works Kant even indicates that morality and happiness go together quite well (VI:24n.26–27, 484.20–29, IX:485.5–6), and that morality can be a source of happiness (VI:378.8–18). Kant certainly believed that all moral commands of his ethics are reasonable, and that his theory is a theory which is liveable, and can always find rational acceptance.

Interpreters who argue that Kant's ethics is only moderately demanding, including those who appeal to Kant's notion of duties to self, are exclusively or at least mainly concerned with the demandingness that arises from imperfect duties to others.⁴ We think this focus in the literature does not reveal the complete picture of the demandingness of Kant's ethics. It misses that besides imperfect duties to others, Kant also knows perfect duties. These duties are "unrelenting" (IV:424.10), and "necessary" (IV:429.15, 29): they by themselves specify actions we ought to perform or omit no matter what. Imperfect duties instruct us to incorporate certain obligatory ends into our maxims, and to further them. They do not already specify the concrete actions we have to perform to further these ends, and they admit of "latitude" (VI:390.6–7, 393.24–35). Latitude means, at the least, that when and how an imperfect duty is to be exercised depend on circumstances. There is debate about whether or not latitude also extends to the question how much an agent is required to do.⁵ Furthermore, imperfect duties are conditioned on non-interference with perfect duties, since violating imperfect duties only generates a contradiction in willing, whereas violating perfect duties also generates a contradiction in conception. It is, according to Kant, not even rationally conceivable to violate a perfect duty (see IV:424.3–10). This also implies that no imperfect duty can mediate the demandingness of perfect duties. Perfect duties have always priority over imperfect duties.

Discussing the demandingness of Kant's theory mainly with respect to duties to help others runs the danger of missing some of the implications of Kant's distinct conception of duty. The paradigmatically demanding elements of Kant's moral theory are most salient in his class of perfect duties and not necessarily in our imperfect duties to others. Perfect duties are not limited by other (imperfect or indirect) duties, their exercise is not dependent on or sensitive to circumstances or anything that might mediate demandingness. We are therefore in the rest of the article concerned with the demandingness of perfect duties or absolute commands/prohibitions.

3 See Timmermann (2006) on the normative status of indirect duties.

4 See n.3.

5 This question is obviously central to assess the demandingness of imperfect duties. Prominent positions are Cummiskey's (1990, sec.7) "Spartan" interpretation, according to which imperfect duties to others are highly demanding, and Hill's (1971) latitudinarian reading, according to which an agent only has to further obligatory ends at least sometimes. Crucial passages for the debate are VI:48.17–49.5, 72.2–34, 390–3, 409.13–9, 451.6–19. See Baron (1995, ch.3) for careful discussion of all of these passages and a position in between Cummiskey and Hill.

2 The demandingness of Kant's Ethics

According to Samuel Scheffler (1992), an ethical theory can lead to demandingness if the theory:

- (i) requires that an agent has to reach his decisions to intend or perform certain acts (or to refrain from certain acts) via certain complex and/or intellectually challenging *procedures* that exclude more common and simpler procedures. These simpler procedures can for instance be intuitive insights, moral emotions that have epistemic functions or orientation on the standards of one's social community;
- (ii) claims that it is most rational to do what morality demands. This is known as the *claim of overridingness*. If a theory assumes that it cannot be rational to ignore moral demands then this theory is more likely to lead to conflicts between moral demands and the interests of an agent;
- (iii) makes demands with a stringent⁶ content. The *content* of a demand is what is being demanded, e.g. not to lie, or to help the needy. Stringent demands are insensitive or even opposed to the interests of an agent, and hence it is likely or even certain that they conflict with an agent's interests.

The difference between (iii) and (ii) is that (iii) concerns the *content* of moral demands established from a certain moral point of view, whereas (ii) is a claim about the *rationality* of acts and whether there can be (non-moral) reasons not to follow a moral demand. Both aspects are independent of each other but can also be combined.

Scheffler discusses a fourth aspect (iv): the *scope* of morality, i.e. whether there are actions that are, in principle, not subject to moral assessment. We take Scheffler's argument against the possibility of such actions to be plausible and we will not discuss the scope of morality here.⁷

In what follows, we will use Scheffler's distinction as a tool to give a finer grained picture of the demandingness of Kant's ethics, and argue that a combination of (ii) and (iii) is responsible for a specific form of high demandingness.

2.1 Decision Making in Kant

Kant recognizes that a rational agent even without philosophical instruction has means available to determine what ought to be done and Kant stresses repeatedly that "what *duty* is, is plain of itself to everyone" (V:36.31), and that the "voice of reason" is "so distinct, so irrepressible, so audible even to the most common human being" (V:35.14–5) that only the "perplexing speculations of the schools" are mute to this voice.⁸

The reason for this optimism is that, according to Kant, an agent can always ask herself "would I actually be content that my maxim [...] should hold as a universal law" (IV:403.5–8)?

6 We follow Scheffler's use of "stringent" as pertaining to the content of a moral demand. Note that Raz (1999), for example, uses "stringency" to denote Scheffler's second aspect.

7 For Kant the issue of scope is linked to the status of *adiaphora* – see VI:23n., 222.35–223.17, 409.13–19, XXVII.512.14–29.

8 See also IV:404.8–36, VI:14.10, 84.13–4, 181.30–32, 273.16–7, VII:200.5–30, VIII:402.13–4, XXVII.127–8.

Pre-philosophical agents, in their everyday moral evaluations, are able to make use of a *hypothetical universalisation test* which allows checking if one can still will a maxim under scrutiny as universal.⁹ According to Kant, this test can be applied “in the shortest and yet infallible way” (IV:403.4). The test cannot fail to deliver the correct result, once an agent applies it. The hypothetical universalisation test is in the power of every rational human agent, easily done, and does not require a philosophical background, “wide-ranging acuteness” (IV:403.19) or experience “with regard to the course of the world” (IV:403.19–20). It is of course this pre-philosophical universalisation test that is given an explicit formula by the Universal Law Formulation of the Categorical Imperative (see IV:402.7–13). Kant’s emphasis on the pre-philosophical universalisation test shows that he believed that it is possible and even intellectually undemanding for agents without philosophical instruction to determine what the right course of action is.¹⁰

The universalisation test is a test for *maxims*, i. e., for general rules or policies governing specific cases that fall under them. Once an agent has critically scrutinised one of her maxims to a sufficient extent, and the maxim withstands this rational scrutiny, the agent is, *ceteris paribus*, warranted to act on this maxim in the future. The maxim becomes part of an agent’s disposition or character, and once an agent has a sufficiently good character, she has to reflect about what she ought to do only in unfamiliar situations, and is warranted to act on the maxims she adopted previously.

One might find it overly optimistic to think that a rational agent has the ability to reliably assess everyday moral cases.¹¹ Kant’s optimism regarding moral epistemology frees him, at least in his own eyes, from the charge of being very demanding when it comes to the question how we can and should find out what we ought to do. To Kant, we do not need to engage in demanding decision procedures, or even academic studies. We have *qua* practical rationality a sufficient understanding of the moral law to assess everyday moral cases.

The question whether or not this conception is ultimately convincing would require critical discussion of some of the most fundamental elements of Kant’s conception of reason, agency, and universalisation.¹² Instead of going into these intricate topics, we close this sub-section by noting that at least when granted some of his main assumptions, moral-cognition, according to Kant, is usually not difficult and not demanding as it might be for a theory that requires complicated, lengthy, and frequent calculation of expected outcomes. In what follows, the aim of our investigation is to show how demanding Kant’s philosophy is, *if* one accepts Kant’s main assumptions concerning moral epistemology, overridingness and purity. The next two sub-sections will show that the combination of overridingness and purity can be the sources of extraordinarily high demands even and especially if Kant’s assumptions are granted.

9 See also IV:421.24–423.35, V:27.22, 36.4–6, 44.2–3, 69.22–24.

10 For more on Kant’s conception of pre-philosophical moral awareness and how this conception relates to Kant’s philosophy see Sticker (forthcoming a, sec.1; and forthcoming b). A complete picture of Kant’s notion of ordinary reasoning also has to take into account the role of conscience, a rational capacity of self-scrutiny (VI:186.10–11). Discussing conscience would add further textual evidence to our claim that Kant was very optimistic concerning common rational agent’s awareness of duty. See Timmermann (2006) for more on conscience.

11 Parfit (2011, 294), for instance, calls Kant’s insistence on the self-evidence of duty an “overstatement”.

12 For a critical discussion of the value of universality and an universalization procedure in moral deliberation see *pars pro toto* O’Neill (1975, ch.5), Herman (1993, 136–143).

2.2 Overridingness as Silencing in Kant

Overridingness of moral demands has become a much debated topic (see for instance the volume edited by Schleidgen 2012). According to the claim of overridingness, it is never rational to knowingly do what morality forbids. Many philosophers have started to doubt this claim (e.g. McDowell 1998, ch.4, Slote 1984 ch.4) and thereby have challenged the Hare's (1981, 24) idea that a principle must both be universally prescriptive *and* find acceptance by a person as being overriding in order to be called a moral principle.

The claim of overridingness is a claim about practical rationality. The discussion of various constellations (Nagel 1986, ch.10, Scheffler 1992, 54–5) has shown that overridingness does not *necessarily* lead to conflict between moral demands and interest. For if (a) the concept of morality is defined in terms of interest or (b) the concept of interest in terms of morality or (c) moral demands and interest as a matter of fact coincide, there is no conflict between moral demands and interests. Accepting the claim of overridingness does not necessarily increase the danger of demandingness. Rather in the three conceptions described there will be no conflict whatsoever. One might add, however, it only makes sense to hold overridingness under the condition that conflicts between interests and moral demands is possible (see Scheffler 1992, 54–5).

Kant does not only endorse the claim of overridingness, but a particularly strong form, namely silencing. Silencing is one of two aspects of the categoricity of morality in Kant. The other aspect, purity, will be discussed in the next sub-section.

The specific kind of demandingness that arises from overridingness is best illustrated in some of the examples Kant discusses: I am given a deposit and the owner of the deposit dies. The heirs do not know about the deposit, and I am in great financial needs, and have to support a family. I am philanthropic and beneficent, the heirs are wealthy and hard-hearted and given to luxury and wastefulness (VIII:286.19–27). In sum: giving the deposit to them “would be equivalent to throwing it into the sea” (VIII:286.28–9). Yet, Kant maintains that even a child of eight or nine years will answer “undoubtedly” (VIII:286.31) that keeping the deposit is wrong [unrecht], i. e., it is against a perfect duty – “nothing is clearer than this” (VIII.286.33).¹³

For Kant there can be no exceptions to perfect duties for the sake of self-interest (or for the sake of imperfect duties). Perfect duties enjoy a special kind of priority over non-moral goods, which we can call:

Silencing: Good A silences good B, if whenever A and B conflict in the sense that an agent can only chose one of the two, B *loses* its rational or normative force and choosing A becomes the only option supported by reasons.¹⁴

13 For another example see V:155.23–156.20. It could be objected that the deposit example indicates that Kant's envisioned decision procedure might be not as simple as Kant thought, since returning the deposit does not seem to be *obviously* the right thing to do. We cannot here critically assess the great confidence Kant had in the moral-epistemological capacities of ordinary rational agents.

14 The term “Silencing” is taken from McDowell (1998, 90–1). Note that his account might differ from the Kantian use of “zum Schweigen bringen” in two ways: Firstly, McDowell is using it in a virtue ethical framework, i. e. as indicating a harmonious state between morality and prudence in which moral violations lose attraction for an agent with a virtuous disposition. The Kantian concept of Silencing does not necessarily involve this harmony. Secondly, McDowell (1998, 93) does not believe “that any moral reason, however weak, silences any reasons of other sorts, however strong”.

Silencing is based on the notion, expressed in the beginning of Groundwork I (IV:393.5–395.3), that objects of inclinations are only *conditionally* good, whereas morality is *unconditionally* good. In Kant’s treatment of the highest good in the *Critique of Practical Reason* it becomes apparent that Kant thinks that the condition for the value of happiness is deserving to be happy, which depends on the satisfaction of moral commands. Moral violations make the agent unworthy of happiness and therefore undermine the value of what the agent purports to achieve.¹⁵ It is not possible for something of conditional value to outweigh that which conditions it, and therefore, even though objects of inclinations do not lose their attraction for finite rational agents, normatively they count “for nothing” (VI:49.13) against morality and “must be silent” (VI:481.31–36). According to Silencing, violating morality for the sake of inclinations is always contrary to reason, in the sense that there is no normative support for it.

Silencing, Kant’s version of the claim of overridingness, is a “much stronger” (Timmermann 2007, 19) version of overridingness than is usually to be found in contemporary debates. According to Kant, doing one’s duty is in the case of a conflict between perfect duty and non-moral considerations the only rational option, because morality more than outweighs other considerations. Compared with morality there are no other considerations of *any* weight. Violating moral commands therefore is not just less than fully rational, or goes against what an agent has *most* reason to do – it means that an agent does something without rational or normative *support at all*.

Two remarks about silencing: First, the demandingness we discuss here does not spring from the *content* of a duty, but from Kant’s strong version of the claim of overridingness. This does not exclude the possibility that moral demands are restricted by other *moral* considerations. According to Kant, it is rationally required to let a particular occasion to fulfill an imperfect duty pass by, if in this situation the imperfect duty could only be fulfilled under violation of a perfect duty. This, however, is no help in cases in which an agent’s non-moral goods are at stake. If we are blackmailed and threatened by death to do something immoral, moral commands silence the normative weight of the non-moral inconveniences our death would cause us and others.¹⁶

Second, overridingness in a Kantian framework makes it possible that moral agents can, due to no fault of their own, find themselves in a situation in which a moral duty, the fulfillment of which promises few or no non-moral goods, demands that they sacrifice virtually everything, because all non-moral considerations are completely silenced. There are no non-moral limits to what perfect duties can demand in a specific situation from a specific agent (see also VI:388.26–30). Context-insensitivity is an important feature of Kant’s conception of overridingness. The content of a demand remains unchanged no matter what the specific, non-moral circumstances of a situation are. These circumstances can, however, increase how

15 See V:110.31–111.5, and on Silencing V:86.22–29, XXIX:607.15–18.

16 The best example for the attempt to blackmail an agent into doing something immoral is the Gallows Case in the remark to §6 of the Second Critique.

17 That overridingness can be accepted independently of claims concerning the content of moral claims is highlighted by the fact that some critics of overridingness take moral demands to have a stringent content and argue that they therefore should not be overriding (e. g. Foot 1978, see Scheffler 1992, 57–60), or that they should be overriding but not stringent (Stroud 1998).

costly it would be for an agent to do her duty. If the circumstances of a situation change and make fulfilling a moral demand extremely costly, the claim of overridingness will lead to an increase of demandingness, even though the content of the demand remains unchanged. That is why demandingness springing from overridingness should be distinguished from demandingness springing from the content of demand, which we will analyze in the next section.¹⁷

At this point it is still possible that Kant knows *moral* limits of demandingness. Only a combination of overridingness and disregard for interests on the level of the content of duties would issue highly demanding duties. We must therefore now turn to a discussion of the content of duty.

2.3 Purity in Kant

The *content* of moral demands can be either stringent, i. e. asking a lot from an agent, or lenient, i. e. asking less from an agent. For our present purposes we can say that a stringent demand is a demand that, due to how moral demands are established, requires great sacrifices. How stringent morality is depends on how the moral perspective or the moral point of view and its relation to interests is construed. Stringent moral demands are demands determined from a moral point of view “independently of their contribution to the well-being of the agent” (Raz 1999, 305). In current debates a moral point of view that is responsible for stringency is characterized by the term “purity”. “Purity” is a frequently used concept in moral thinking and there seems to be no consensus concerning its definition (Myrna 1983). We take purity here to be a moral point of view that is fundamentally different from the agent’s personal standpoint and his interests. Demands which are established from a pure point of view will have a stringent content, i. e. one that can lead to a conflict between the demand and the interest of the agent, since interests do not play a role in determining and justifying the content of the demand.

Kant’s ethics is a good example for a pure moral point of view. Williams famously criticized Kant’s conception of purity. To Williams, the notion of *purity* contains many “Kantian elements”, but it is important to note that Williams detected those “Kantian elements” also in Utilitarianism (Williams 1981, 2). Kant’s ethics is based on practical reason, not on human nature, personal goals, social relations, etc. In order to determine the moral option an agent must abstract from or “not take into consideration” (VIII:283.10) her own inclinations and interests and use the universalisability of maxims, or considerations pertaining to rational nature and human dignity as sole criteria. The will is pure and an action fulfils the commands of duty fully if and only if an agent does not let herself be determined by her interests or personal projects, but does the morally commanded option for the sake of duty (IV:390.4–6). Reason commands “without promising anything to the inclinations, and hence, as it were, with reproach and disrespect for those claims” (IV:405.9–10). For Kant it is an unquestionable truth that we have to obey moral commands at all costs (VII:58.18–30), even if they “infringe on all inclinations” (IV:401.1, V:72.28–32). In addition, Kant believes that an agent’s actual capability to fulfil her duty should play no role in determining what her duty is (VI:404.23–405.9).

Kant’s conception of purity leads to conflicts between interests and demands because it implies that the content of moral demands is insensitive to inclinations, passions, personal goals of agents, i. e., what we refer to as “interests”. This does not mean that Kant is unaware of the existence of non-rational aspects of human existents, or that they play no role in Kant’s ethics. Kant explicitly acknowledges their significance in at least five different ways.

Firstly, *maxims* incorporate or include agents’ interests and personal goals. Whether or not a goal or an interest matters greatly to an agent, however, plays no role for the moral assessment

of maxims, and what is called for in morally relevant situations are actions from maxims that incorporate respect for the moral law (IV:400.29–401.2). Interests and projects enter on the level of what is being evaluated as permissible, impermissible or obligatory, not on the level of criteria of evaluation. The criteria of evaluation are purely rational: universalisability and rational nature or human dignity. This makes it likely that moral commands are in conflict with interests and personal goals. This is not to say that duty *necessarily* leads to such a conflict – whether it does or not depends on the interests and personal goals an agent in fact has. Kant’s conception of purity increases the *likelihood* of conflicts and increases their *severity*.

Secondly, Kant admits that, even though the moral law is pure and something that is shared among all rational agents, specific features of human nature, such as their finitude and their bodily nature as well as certain rational capacities, enter on the level of *application* of the moral law to human beings (IV:411.8–412.14). What this means becomes apparent in Kant’s late *Doctrine of Virtue* in which concrete duties are derived from the moral law in its application to entities of a special kind, namely human beings with needs and limitations and who are part of a social world full of equally limited agents. These structures are, however, very general properties of the human condition and do not factor in personal preferences or goals. Kant’s ethics is one for human beings living in a human world, but this can still require great sacrifices.

Thirdly, there are, according to Kant, *special relationships* of moral significance (VI:422.10–15, 451.27–452.9), and we have special obligations for instance to our parents (VI:390.12), or to benefactors (VI:454.30–456.16).¹⁸ These special obligations, however, concern the right way to fulfil our imperfect duties towards others, or they tell us whom to help first, if our means to help are limited. They cannot trump perfect duty and they cannot mediate demands from these duties.

Fourthly, in his last writings Kant acknowledges that certain *sensuous preconditions*, such as love of humanity, and moral feeling, are necessary for receptivity to duty (VI:399–403). This is a statement about the way the finite or pathological aspects of finite rational beings have to be, for these beings to be able to be moved to act by duty. It does not influence what duties creatures who are susceptible to duty have. It only means that in his late writings Kant was aware that receptivity to duty requires certain presuppositions on an agent’s pathological side.

Fifthly, in the *Doctrine of Virtue’s casuistry* Kant discusses duties applied to specific cases that contain many empirical and contingent factors.¹⁹ The most plausible interpretation of these cases is that they are supposed to serve as a training ground for unpractised moral reasoners (VI:411.18–23). Kant acknowledges that there are extreme cases in which external circumstances pose challenges for untrained reasoners. This indicates that Kant might have been less optimistic about moral-epistemology in his last major work, but it does not at all show that duty itself is determined by contingent circumstances.²⁰

18 See Timmermann (2013, sec.5) for more.

19 Exemplary casuistical discussions of duties encompass perfect (VI:423.18–424.8, 426.1–32), and imperfect duties (VI:454.1–21), as well as more general questions (VI:454.22–8, 458.12–9).

20 All of these five points touch on complex issues and deserve more detailed discussion than we can provide. Our aim is here merely to defend the standard view that even though Kant acknowledges that human beings are finite, the duties these beings have do not hinge on their personal preferences or projects. It is noteworthy that all points except the first are only discussed in detail in Kant’s post-Second Critique writings, i. e., they are not part of Kant’s foundational thoughts on ethics. We are grateful to two anonymous referees for discussion.

Purity concerns the moral point of view from which the content of demands is *established*. For Kant, purity and overridingness are closely related. Moral commands are overriding *because* the content of the demand is established from a pure moral point of view. The validity of the content is not contingent upon any specific interest of an agent, but valid in virtue of its genesis in something that is universal and necessary, i. e., rational. This gives moral commands their rational priority over anything else.

The modern debate, however, allows us to see that claims about purity and content, on the one hand, and about overridingness, on the other hand, are not necessarily mutually dependent. Overridingness does not make any assumptions concerning the moral point of view from which the demands are to be established. Nor does any assumption concerning the moral point of view and the content of a moral demand commit us to overridingness (see Raz 1999, ch.11).

There can be theories that claim that the content of demands is determined from a pure moral point of view and then assume that there are cases in which it might be more rational to bracket the moral demand and to follow one's interests. Alternatively, a theory is conceivable according to which overriding demands are established with respect to all or some interests of an agent. If the stringent content established from a pure moral point of view and overridingness independently can lead to demands and both elements are part of the same theory, their combination, for which Kant opts, increases the demandingness. The content of demands is determined with no regard to interests (purity) and if they clash with the interests of the agent the interests are always trumped by moral demands regardless of the severity of the clash (overridingness).

The effects of the combination of overridingness and purity can most clearly be seen in Kant's examples of perfect duties that he discusses in the *Critique of Practical Reason* and his essay on the *Common Saying*. In these examples an agent is under the moral obligation to omit a lie (V:30.27–35, 155.23–156.20), or to return a deposit (V:27.21–28.3, VIII:286.19–33), even though fulfilling these obligations would cost his life (the omission of the lie), or would have no negative consequences for anyone else²¹, and very positive ones for the agent (the deposit cases). This is not where demandingness is usually to be found within a Consequentialist framework, namely in imperfect duties to others. Furthermore, the demandingness of perfect duties can arise independently of the problem of aggregation of demands, a problem that makes imperfect duties to others potentially very demanding. Perfect duties can be extremely demanding regardless of the number of duties that are to be exercised and the number of situations in which duties are to be exercised. In extreme cases a single perfect duty in a single situation might already be extremely demanding.

An example for such a situation is to be found in Kant's late and notorious essay on the *Supposed Right to Lie*. In this essay Kant argues that there cannot be a juridical right to lie in a situation in which a lie would have good consequences or avoid bad consequences. The case Kant describes in this essay is very revealing when considered not as a question of external juridical laws, but as a case of ethical relevance.²² I hide someone who is emotionally close to me

21 One might argue that not getting something that one is contractually entitled to is already a negative consequence. The deposit case is, however, constructed in such a way that this consequence would in no way infringe on the well-being of the rightful heirs – handing over the deposit “would be equivalent to throwing it into the sea” (VIII:286.28–9). We are grateful to a referee for pressing us on this point.

22 It is common in the Kant literature to discuss the murderer at the door in the context of ethical duties – see for instance O'Neill (1975, 133), Korsgaard (1996, ch.5).

from an aggressor who aims to murder him. The would-be murderer knocks at my door and asks whether I hide her intended victim. Kant stipulates that answering the murderer with yes or no cannot be avoided, i. e., I cannot simply remain silent (VIII:426.8–9). Purity requires that I bracket my interest in helping my friend and determine my actions in this morally relevant situation solely by the Categorical Imperative. Overridingness holds that, once it has been established that this is a case that morally calls for not-lying, the rational option is to not lie – according to silencing I even lack *any* reason for lying in order to protect my friend.²³

The case shows that agents, due to no fault of their own, can find themselves in situations in which they are faced with great demands that require sacrifice for relatively minor gains in non-moral terms – in fact it is hard to see that there is anything (non-morally or morally) good in helping a murderer find her victim. The specific form of Kantian demandingness that purity and overridingness lead to comes in the form of the *threat* that an agent at any time might find herself in a situation in which she has to sacrifice all of her non-moral goods. Such a case is explicitly described in the Second Critique’s gallows case in which an agent is rationally required to sacrifice his life (he is sent to the gallows) when a tyrant demands of him on pain of execution that he lies in court (V:30). Purity and overridingness make Kant’s moral theory a theory without a *safety net* for the agent’s non-moral goods and ends – in a moment, she could be rationally required to give up everything.

3 Rationalizing – Kant on Moral demandingness

We have established in section 2 that the combination of silencing and purity as advocated by Kant can lead to cases in which a single perfect duty requires sacrifices that many would find highly problematic. Furthermore many would be likely to doubt that a theory in which these demands are a possibility can be rationally accepted over other, more moderate theories. In this final section we want to consider a resource Kant could use to reply to the charge that his theory issues implausibly high demands, and to outline if and how this resource can be applied to different modern approaches to demandingness and overdemandingness.

At the end of *Groundwork* I Kant discusses the attempt to call the overridingness and purity of morality into question. According to Kant, an agent’s inclinations, when conflicting with the commands of the moral law, constitute “a powerful counterweight to all the commands of duty” (IV:405.5–6) leading to a “*natural dialectic*” (IV:405.13), which comes in the form of:

“a propensity to rationalize [vernünfteln] against those strict laws of duty, and to cast doubt on their [i] validity, or at least their [ii] purity and [iii] strictness, and where possible, to make them better suited to our wishes and inclinations” (IV:405.13–16).

Rationalizing transforms an agent’s awareness of *what* is morally required, *why* it is required, what *normative status* moral requirements have, what the *relation* between moral requirements and interests ought to be, if there are valid excuses for moral transgressions, and what they might be, etc. Rationalizing is an exercise of rational capacities that academic philosophers are particularly likely to engage in. Kant warns that “alien and irrelevant considerations” (IV:404.25–28) can confuse and deflect the philosopher’s conception of what is good and bad, and that philosophers are in particular in danger of having their pre-theoretical understanding of morality corrupted by misleading theory.²⁴

²³ See Korsgaard (1996, ch.5), Sherman (1997, 320–325) for a charitable reading of the liar case.

According to the *Groundwork* passage this corruption can happen in three ways:

- [i] An agent can fundamentally challenge the normative force of the moral law. This is only a theoretical possibility for Kant, since the moral law, though it might be violated by finite rational agents, is always represented as normatively binding by the agent.²⁵ In more modern terminology: rational agents are always aware of duty as giving reasons, though they might not always think of duty as that which gives most or decisive reasons to act. We do not need to discuss this claim in detail, though it certainly deserves critical scrutiny. It is important to note that Kant here remains within the framework of the overdemandingness debate, since those who consider high demands as a problem for a theory do not doubt that morality in general is reason-giving and can demand sacrifices.
- [ii] An agent can doubt the *purity* of morality by adopting a conception of the morally good that accords moral significance to her personal inclinations, interests or well-being, and allows taking them into account when determining what ought to be done.
- [iii] An agent can call into question the idea that duty is overriding.

Agents engage in these maneuvers to feel warranted in rejecting or bracketing certain elements of a moral theory that make the theory too demanding for the agent. Rationalizing, for Kant, is an abuse of rational capacities, which finds or invents apparent justifications or apparent excuses for violations of the moral law. These apparent justifications or reasons are sometimes called “subjective reasons” (XXVII:617.2–3), or “subjective grounds of consolation” (XXVII:618.38–619.1). They are “spurious, but seemingly legitimate reasons” (Allison 2011, 143), since within a Kantian framework there can be no such thing as a reason or a justification for violating the commands of morality (see section 2.2). Rationalizing is a sophistical reaction to the uncompromising demands of morality and supposed to lower the standards for what counts as a morally justified action.

In Kant’s view the fact that his theory might issue high demands does not count against his theory. That some contemporary philosophers consider high demandingness of a theory as something that calls for revision of this theory would be for Kant a model case of a rationalizing attack on our ordinary understanding of morality as something that has its source and standard in a rational principle and that is of higher dignity than our interests. For Kant no cogent argument leads from demandingness to overdemandingness and a corresponding demandingness objection, since this objection is mere rationalizing.

In what follows we cannot discuss the many intricate issues that rationalizing touches on or critically evaluate its underlying assumptions.²⁶ We rather want to discuss how Kant’s criticism of the notion of an overdemandingness objection relates to three different current concepts of demandingness.

- i) *Morality vs. Inclination*: Kant’s frequent talk of “inclinations” or “desires” suggests that demandingness to him is primarily a conflict between duties and inclinations. If inclinations are understood as something like naturally determined needs, or self-interest in a similarly narrow sense²⁷, then the demandingness Kant discusses is different from the one authors

24 See V:35.16–36.8, 155.12–18.

25 See V:152.9–11, VI:36.1–7, 321–322fn., 355.3–6.

26 For more on rationalizing see Guyer (2000), Piper (2008), Sticker (forthcoming a, sec.2.3).

like Raz (1986; ch. 12) or Wallace (2004) take to be an issue. They exclude narrowly defined self-interest from the one side of the pole that can be in conflict with the other pole, morality. To them only well-being, interests and ground projects can be in conflict with morality.²⁸ Kant's discussion of rationalizing might be relevant for only those modern theories that address a conflict between morality and narrowly defined self-interest and not for those which are based on a conflict between morality and well-being. Or, in other words: Theories with a sophisticated conception of an agent's well-being and projects could agree with Kant that it is rationalizing to try to model one's conception of morality around one's desires and inclinations, but that, nonetheless, morality should take valuable projects, life-goals, well-being, etc. into account.

- ii) *Morality vs. Well-being*: On a charitable picture of happiness and non-moral practical rationality in Kant, Kant does not hold that agents act either morally or on nothing but their strongest desire. Kant does not deny that rational agents shape their lives according to certain non-obligatory ends or projects, and he even acknowledges that there is something like "true needs" (VI:393.30) that impact human happiness, as opposed to strong but naturally determined inclinations and desire.²⁹ Nonetheless, Kant believes that interests, ground or personal projects, well-being, what we care about or love, and all other non-moral goods cannot conflict with morality in such a way that morality needs to be made less pure or non-overriding. Kant does not see a relevant difference between the conflicts of inclinations vs. duty and well-being/projects vs. duty.

No matter how sophisticated Kant's conception of happiness is and how much he acknowledges the importance of happiness for finite rational agents, he would oppose attempts like the one by Thomas Nagel who envisages a "bargain" between the overriding and pure demands and an agent's interests to "accommodate the normal limits of human nature" (Nagel 1986, 202–4). Furthermore, Kant would certainly see a violation of purity in Scheffler's attempt to address the process of establishing demands "from the outset to human beings as they are" (Scheffler 1992, 125).

- iii) *Morality vs. moral goods*: Let us finally consider a conception according to which "someone should be excused from a moral duty only if satisfying it would require that person to sacrifice (or forgo) something of disproportionate moral worth" (Goodin 2009, 6). This idea is supported by so called "arguments from suppositions", which try to show that a demand is overdemanding if obeying it would lead to a significant loss of a moral good (or of the same type of good) that the demand is enabling or facilitating (Cullity 2008). Here demandingness arises from an intra-moral conflict. Rationalizing as sophisticated

27 That inclinations are desires for pleasure and that Kant had a simplistic, pleasure and pain based conception of happiness and non-moral practical rationality is sometimes argued by Kantians (Beck 1960, 92–102) and assumed by authors critical of Kant (Foot 1978, 158–9, 165). Some passages in Kant support this picture A/B:806/834, V:22–3.

28 Note, that later Raz (1999, 303) seems to have given up the distinction between well-being (interests) and self-interest and that Wallace and Raz differ, because Wallace takes the conflict to be one of context independent sets of considerations.

29 Reath (2006, ch.2) argues with great ingenuity that it is mistaken to attribute a "hedonistic psychology" (ibid.33) to Kant.

reasoning in the service of inclinations or personal projects has nothing to say to such a conflict. Whether or not such a conflict is even possible on a Kantian framework depends on how to understand Kant's claim that there cannot be intra-moral conflicts in the sense of conflicting duties or moral dilemmas, but only conflicting "grounds of obligation".³⁰

Conclusion: Certainly we have not examined all current ways to conceptualize a conflict which might lead to moral demands. It is clear that Kant opposes different current ways to conceptualize the step from conceptions of demandingness to the charge of overdemandingness, and to alter moral theories because they demand too much of an agent. Whether Kant has the resources to critically address the current debate depends, among other things, on how we understand Kant's conception of happiness and non-moral practical rationality, and his notion of the possibility of intra-moral conflicts.

The demandingness of perfect duties that springs from the combination of silencing and purity cannot be moderated, at least not without departing from important premises of Kant's ethics. Kant cannot refer to latitude, or the imperfect duty of self-perfection, or the indirect duty to secure one's own happiness. None of these notions apply to perfect duties (latitude) or can outweigh perfect duties (imperfect and indirect duties). Furthermore, Kant cannot admit that it can sometimes be rational not to obey perfect duties, even very demanding one's (in fact he does not believe that there are any reasons for disobedience). Kant's only reply to the charge that his perfect duties can demand more than we would accept is to not grant the notion that there is something inherently problematic in high demands and to pass the buck on to the objector by questioning whether she uses her reason appropriately.

In turn objectors might claim that the decisive and underlying differences between them and Kant concern the criteria of appropriateness of practical rationality and of normative ethical theories. In other words: must human beings be made fit for moral norms or must theories be made fit for humans?

30 See VI:224.9–24, and Timmermann (2013).

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