

Judgment, Latitude, and Kant's Distinction between Perfect and Imperfect Duties

Nicholas Dunn

Abstract: A common way of understanding Kant's distinction between perfect and imperfect duties holds that the former admits of no room for judgment due to its strictness, while the latter does because of its latitude. Recent work in Kant's ethics has challenged this oversimplification, though it has not distinguished two types of judgment: subsumptive judgment and latitudinal judgment. In this paper, I show that these are conceptually distinct notions of judgment, which refer to structurally distinct moments in moral agency. To this end, I argue for two main claims: (i) since, unlike a perfect duty, the content of an imperfect duty does not contain an act-type description but only an end, agents must exercise latitudinal judgment in selecting the act-type to perform; (ii) both perfect and imperfect duties require subsumptive judgment, and do so in the exact same way, as both require that an agent pick out an act-token that instantiates an act-type. Drawing this distinction thus allows us to see what additional activities are required for imperfect duties, which are not present in the case of perfect duties, as well as the deep structural similarities between the two.

1. Introduction

Main question: How do perfect and imperfect duties differ with respect to the role of judgment in carrying them out?

Standard view: There is no room for judgment in the case of perfect duties due to their strictness, whereas imperfect duties require it because of their latitude.

A recent view: We should understand "the latitude imperfect duties exhibit in terms of *extra demands* on ... judgment that perfect duties lack" (Hope 2023, p. 71).

A worry: Both views conflate the notions of judgment and latitude.

Two kinds of judgment:

J1: Latitudinal judgment

J2: Subsumptive judgment

Two main claims:

- i. Only imperfect duties involve J1.
- ii. Both perfect and imperfect duties involve J2.

2. Perfect and Imperfect Duties: An Overview

Groundwork II (4:421-424):

- i. Via the FUL, some maxims generate a contradiction ‘in conception’, while others generate a contradiction ‘in the willing’.
- ii. Perfect duties are ‘strict’, ‘narrow’, and ‘unrelenting’; imperfect duties are ‘wide’ and ‘meritorious’.

Metaphysics of Morals (Doctrine of Virtue):

- i. Perfect duties specify the action to be performed or omitted, while imperfect duties only specify the end to be adopted:

“if the law can prescribe only the maxim of actions, not actions themselves, this is a sign that it leaves a playroom [*latitudo*] for free choice in following (complying with) the law, that is, that the law cannot specify precisely in what way one is to act and how much one is to do by the action for an end that is also a duty” (6:390).
- ii. Ends that are also duties: one’s own perfection and the happiness of others (6:385-386)

Some examples: the perfect duty not to tell a lying promise; the imperfect duty of beneficence

3. Act-Types and Act-Tokens: Kant’s Conception of Practical Judgment

The power of judgment [*Urteilskraft*], defined: “the faculty of subsuming under rules, i.e., of determining whether something stands under a given rule or not” (*KrV* A133/B172).

Act-types and act-tokens: the notion of an ‘act’ or an ‘action’ is inherently ambiguous

- i. *Act-type*: a kind or category of act. E.g., lying, walking.
- ii. *Act-token*: “a particular, concrete action performed by a particular, concrete individual in particular, concrete circumstances” (Kahn 2022, 17). E.g., *this* lie, *that* walk.

Two moments in moral agency:

- i. *Practical reason*: the move from the Categorical Imperative to an act-type (via a concrete imperative or principle of duty)
- ii. *Practical judgment*: the move from the act-type to the act-token
 - a. Practical judgment, defined: “[determining] whether an action possible for us in sensibility is or is not a case that stands under the rule”; “[the act] by which what is said in the rule universally (*in abstracto*) is applied to an action *in concreto*”; “[the] subsumption of an action possible to me in the sensible world under a pure practical law” (*KpV* 5:67-68).
 - b. A division of labour between practical reason and practical judgment:

“All moral philosophy rests entirely on its pure part and...gives [us] laws *a priori*; which of course still requires a power of judgment sharpened by experience...to distinguish in what cases they are applicable” (G 4:389).

4. Acts, Ends, and Duties

Some conclusions:

- i. Both perfect and imperfect duties require subsumptive judgment (J2), as both require that an agent select an act-token that instantiates an act-type.
- ii. Only imperfect duties involve latitudinal judgment (J1), as they require us to pick out an act-type that promoted an obligatory end.
- iii. A difference in the *content* of the duty: the content of a perfect duty contains within it an act-type; the content of an imperfect duty contains only an end.
- iv. By distinguishing latitude (J1) and judgment (J2), we can see:
 - a. a structural similarity between perfect and imperfect duties concerning the nature of judgment
 - b. a distinct (pre-judgmental) deliberative phase for imperfect duties that is not present in the case of perfect duties

5. Conclusion: Rigorism and Latitude in Kant's System of Duties

Rigorism vs. Latitudinarianism: a debate about the demandingness of imperfect duties

- i. Are we required to fulfill imperfect duties whenever the opportunity arises (Rigorism), or is it sufficient that we at least sometimes carry them out (Latitudinarianism)?
- ii. A practical question that is downstream from structural questions about duties

Some further conclusions:

- i. *Two kinds of latitude:* How one fulfills the duty (the choice of an act-type) vs. *when/how often* (the frequency with which one carries out the duty)
- ii. *Two kinds of rigorism:* Whether agents are permitted to sometimes fail to carry out a specific act-token that would fulfill a duty vs. the exceptionless nature of duties themselves

References

Hope, Simon. (2023). “Perfect and Imperfect Duty: Unpacking Kant's Complex Distinction.” *Kantian Review* 28(1): 63-80.