# IMPERFECT DUTIES *ALONE* ARE DUTIES OF VIRTUE?

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## HANDOUT

*Abstract:* According to the Introduction to Kant's Doctrine of Virtue (TL = *Tugendlehre*), it seems incontestable that all duties of virtue should be duties of wide obligation, and thus imperfect duties. Yet the initial set of duties treated in the first main part of TL includes 'perfect duties to oneself', which suggests that there must be perfect duties that are also duties of virtue. Why, then, the apparent discrepancy between, on the one hand, the definitional account of duties of virtue that Kant presents in the Introduction to TL and, on the other hand, the systematic treatment of duties to oneself that we encounter in the main text? The answer to this question, I argue, requires that we keep the account of laws for *maxims* of actions, which goes hand in hand with Kant's conception of casuistic questioning, entirely separate from the problem of relevant act descriptions that can be linked to the application of laws of right as laws for *actions*.

**(I)**

[α] All duties are either *duties of right* (*officia iuris*), that is, duties for which external lawgiving is possible, or *duties of virtue* (*officia virtutis s. ethica*), for which external lawgiving is not possible. – Duties of virtue cannot be subject to external lawgiving simply because they have to do with an end which (or the having of which) is also a duty. (RL 6:239.4-9)

[β] To every duty there corresponds a right in the sense of an *authorization* to do something (*facultas moralis generatim*); but it is not the case that to every duty there correspond rights of another to coerce someone (*facultas iuridica*). Instead, such duties are called, specifically, duties of right. – Similarly, to every ethical *obligation* there corresponds the concept of virtue, but not all ethical duties are thereby duties of virtue. Those duties that have to do not so much with a certain end (matter, object of choice) as merely with *what is formal* in the moral determination of the will (e.g., that an action in conformity with duty must also be done *from duty*) are not duties of virtue. Only an end that is also a duty can be called a **duty of virtue**. (TL 6:383.5-14)

[γ] But what it is virtuous to do is not necessarily a *duty of virtue* strictly speaking. What it is virtuous to do may concern only *what is formal* in maxims, whereas a duty of virtue has to do with their matter, that is to say, with an end that is thought as also a duty.(TL 394.33-395.1)

[δ] [W]ith regard to the distinction of the material from the formal in the principle of duty (of conformity with law from conformity with ends), it should be noted that not every *obligation of virtue* (*obligatio ethica*) is a duty of virtue (*officium ethicum s. virtutis*); in other words, respect for law as such does not yet establish an end as a duty, and only such an end is a duty of virtue. – Hence there is only *one* obligation of virtue, whereas there are many duties of virtue; [...] (TL 6:410.21-28)

**(II)** Ethical duties are of *wide* obligation, whereas duties of right are of *narrow* obligation. (TL 6:390.2-3)

**(III)** The only *objective* division of duties to oneself will, accordingly, be the division into what is formal and what is material in duties to oneself. The first of these are *restrictive* (negative) duties; the second, *widening* (positive duties to oneself). Negative duties *forbid* a human being to act contrary to the end of his nature and so have to do merely with his moral *self-preservation*; positive duties, which *command* him to make a certain object of choice his end, concern his *perfecting* of himself. Both of them belong to virtue, either as duties of omission (*sustine et abstine*) or as duties of commission (*viribus concessis utere*), but both belong to it as duties of virtue. The first belong to the moral **health** (*ad esse*) of a human being as object of both his outer senses and his inner sense, to the *preservation* of his nature in its perfection (as receptivity). The second belong to his moral *prosperity* (*ad melius esse, opulentia moralis*), which consists in possessing a *capacity* sufficient for all his ends, insofar as this can be acquired; they belong to his *cultivation* (active perfecting) of himself. – The first principle of duty to oneself lies in the dictum "live in conformity with nature" (*naturae convenienter vive*), that is, *preserve* yourself in the perfection of your nature; the second, in the saying "*make yourself more perfect* than mere nature has made you" (*perfice te ut finem, perfice te ut medium*). (TL 6:419.15-36 – Gregor translation slightly modified)

**(IV)** ETHICAL DUTIES ARE OF *WIDE* OBLIGATION, WHEREAS DUTIES OF RIGHT ARE OF *NARROW* OBLIGATION.
This proposition follows from the preceding one;[1] for if the law can prescribe only the maxim of actions, not actions themselves, this is a sign that it leaves a playroom (*latitude*) 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] – But a wide duty is not to be taken as permission to make exceptions to the maxim of actions but only as permission to limit one maxim of duty by another (e.g., love of one's neighbor in general by love of one's parents), by which in fact the field for the practice of virtue is widened. – The wider the duty, therefore, the more imperfect is a man's obligation to action; as he, nevertheless, brings closer to narrow duty (duties of right) the maxim of complying with wide duty (in his disposition), so much the more perfect is his virtuous action. [¶] Imperfect duties alone are thus *duties of virtue* [Die unvollkommenen Pflichten sind also allein *Tugendpflichten*.]. (TL 6:390.2-18 – Gregor translation slightly modified)

**(V)** Duty is that action to which someone is bound. It is therefore the matter of obligation [...]. (6:222.31-32)

**(VI)** But ethics, because of the latitude it allows in its imperfect duties, unavoidably leads to questions that call upon judgment to decide how a maxim is to be applied in particular cases, and indeed in such a way that judgment provides another (subordinate) maxim (and one can always ask for yet another principle for applying this maxim to cases that may arise). So ethics falls into a casuistry, which has no place in the doctrine of right. (TL 6:411.10-17)

**(VII)** [...] then you can by right be prosecuted as the *author* of his death. For if you had told the truth to the best of your knowledge, then the murderer might *perhap*s have been apprehended by neighbors walking by while he was searching for his enemy, and the deed would have been prevented. (VRML 8;427.13-17 – italics mine [JE]; Gregor translation modified).

**(VIII)** "[T]he French philosopher" confused an action by which someone *harms* (*nocet*) another by telling a truth he cannot avoid admitting with an action by which he *wrongs* (*laedit*) another. (VRML 8:428.18-21)

**(IX)** not only a right but even the strictest duty to truthfulness in statements he cannot avoid, though they may harm him or others. (VRML 8:428.26-28 – Gregor translation slightly modified)

**(X)** It was merely an *accident* (*casus*) that the truthfulness of the statement harmed the resident of the house, not a free *deed* (in the juridical sense). [...] Thus in telling the truth he himself does not, strictly speaking, *do* the harm to the one who suffers by it; instead, an accident *causes* the harm. (VRML 8:428.21-23 & 28-30)

**(XI)** 'consistency of the freedom of each with the freedom of everyone in accordance with a universal law.' (VRML 8:429.11-12)

**(XII)** Thus a lie, defined merely as an intentionally untrue declaration to another, does not require what jurists insist upon adding for their definition, that it must harm another (*mendacium est falsiloquium in praeiudicium alterius*). For it always harms another, even if not another individual, nevertheless humanity generally, inasmuch as it makes the source of right unusable. [¶] Such a well-meant lie *can*, however, also become by an *accident* (*casus*) punishable in accordance with civil laws; but what escapes being punishable merely by accident can be condemned as wrong even in accordance with external laws. (VRMI 8:426.25-427.2)

**(XIII)** But here one must understand not the danger of *harming* (contingently) but of *doing wrong* generally, as would happen if I make the duty of truthfulness, which is altogether unconditional and constitutes the supreme rightful condition in statements, into a conditional duty subordinate to other considerations and, though by a certain lie I in facto wrong no one, I nevertheless violate the principle of right with respect to all unavoidable necessary statements *in general* (I do wrong formally though not materially); and this is much worse than committing an injustice to someone or other, since such a deed does not always presuppose in the subject a principle of doing so. (VRML 8:429.26-37)

**(XIV)** If I say something untrue in more serious matters, having to do with what is mine or yours, must I answer for all the consequences it might have? For example, a household master has ordered his servant to say "not at home" if a certain human being asks for him. The servant does this and, as a result, the master slips away and commits a

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[1] That is, from the proposition at issue in the sixth section of the introduction to TL: 'Ethics does not give laws for *actions* (*ius* does that), but only for *maxims* of actions [Die Ethik giebt nicht Gesetze für *Handlungen* (denn das thut das *Ius*), sondern nur für die *Maximen* der Handlungen]' (TL 6:388.31-32).

serious crime, which would otherwise have been prevented by the guard sent to arrest him. Who (in accordance with ethical principles) is guilty in this case? Surely the servant, too, who violated a duty to himself by his lie, the results of which his own conscience imputes to him. (TL 6:431:25-34 – Gregor translation modified)

**(XV)** Casuistry is, accordingly, neither a science nor a part of a science; for in that case it would be dogmatics, and casuistry is not so much a doctrine about how to find something as rather a practice in how to seek truth. So it is woven into ethics in a fragmentary way, not systematically (as dogmatics would have to be), and is added to ethics only by way of scholia to the system. (TL 6:411.18-23)

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*Special note on the relationship between juridical and ethical lawgiving:*

Like all duties, duties of right belong to ethics just because they are duties. But the lawgiving for duties of this type must remain juridical even when, in accordance with what ethics teaches, the externally coercive incentive connected with duties of right in the context of the doctrine of right is set aside. In other words, if the lawgiving from which duties of right arise could itself be specifically ethical, then these duties could not actually qualify as duties of right. Thus, the actions prescribed by this kind of lawgiving would be in the same class as benevolent actions with their corresponding (wide) obligation. And in this case, it would not be possible to draw a proper distinction between (external) coercive duties of right and duties of virtue:

> **(XVI)** It can be seen from this that all duties, just because they are duties, belong to ethics; but it does not follow that the *lawgiving* for them is always contained in ethics: for many of them it is outside ethics. Thus ethics commands that I still fulfill a contract I have entered into, even though the other party could not coerceg me to do so; but it takes the law (*pacta sunt servanda*) and the duty corresponding to it from the doctrine of right, as already given there.[6:220] Accordingly the giving of the law that promises agreed to must be kept lies not in ethics but in *Ius*. All that ethics teaches is that if the incentive which juridical lawgiving connects with that duty, namely external constraint, were absent, the idea of duty by itself would be sufficient as an incentive. For if this were not the case, and if the lawgiving itself were not juridical so that the duty arising from it was not really a duty of right (as distinguished from a duty of virtue), then faithful performance (in keeping with promises made in a contract) would be put in the same class with actions of benevolence and the obligation to them, and this must not happen. It is no duty of virtue to keep one's promises but a duty of right, to the performance of which one can be coerced.

Since, on Kant's account, duties of right—both external and internal—are perfect duties (see RL 6:240 [table]), the only way that any duty of right could possibly come to be a duty of wide obligation would be if it originated in ethical lawgiving, not in juridical lawgiving. But then it could never have been a duty of right or a duty of narrow obligation in the first place.