PRACTICAL REASON, CHARACTER AND MORALITY

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ABSTRACT

DANA FALKENBERG: Practical Reason, Character and Morality
(Under the direction of Thomas E. Hill, Jr.)

In this work, I investigate a class of cases which pose a challenge to Kant's moral theory. These are cases of practical necessities in which agents judge not that they *ought* or *ought not* to act in a given manner, but that they *must* or *can't*. It looks like Kant needs to understand these cases as either ones in which agents feel compelled because they recognize they are morally required to act in a given way, or as cases in which agents are compelled in a way that removes their powers as agents. However, I argue neither of these understandings will do. Instead these cases show the ways in which the deep commitments that constitute our characters can compel us to act without removing our powers as agents. Bernard Williams thought cases of practical necessities challenged the ways in which Kant thought moral requirements were unique, as well as Kant's contention that it is always unconditionally rational and good for us to do as morality requires of us.

I argue Kant did think that all practical necessities were moral necessities. But, Kant's conception of moral requirements is different from Williams'. As a result, many cases of practical necessities can be understood as moral in Kant's sense and so do not pose a problem for his theory. However, not all cases of practical necessities can plausibly be understood as moral even in Kant's sense. It then seems that the deep commitments which give rise to practical necessities must be regarded by Kantians as

merely discretionary, and therefore ones it is possible as well as unqualifiedly good and rational for us to give up when they conflict with what ordinarily would be morally required. I argue we should, and a Kantian can, deny this. In addition to moral necessities, these cases also reveal our autonomy as agents and so are entitled to a special form of respect.

To my husband.

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Introduction

[I]f it were possible for us to have sure deep insight into a human being's cast of mind, as shown by inner as well as outer actions, that we would know every incentive to action, even the smallest, as well as all the external occasions affecting them, we could calculate a human being's conduct for the future with as much certainty as a lunar or solar eclipse and could nevertheless maintain that the human being's conduct is free.[1]

[T]here is a different area, of practical necessity, concerned with what are the possible lines of action and possible projects for me, granted that I have the ideals and character I indeed have.[2]

If we know a person well, if we have insight into her character, we are likely to be able to predict with some accuracy how she would act in a given set of circumstances. This is not just on account of the regularities of the behavior of human beings in general, or on account of general psychological laws, but on account of specific features of that person – what she happens to care about, regard as important, or value and how this simply, *for her*, absolutely rules out or makes necessary certain courses of action. For instance, we might know of our friend who is devoted to his family, that he would drop everything and rush to the hospital if he were to find out his child had been in a serious accident – he would immediately judge he *must* go to the hospital. He *can't* do anything else. We might recognize that our diehard vegan friend would consider it beyond the pale to saunter up to the local barbeque joint and dive into a plate of pork, or for our devotedly monogamous friend to have a one-night stand with a stranger. If we suggested

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[1] Kant, Immanuel, *Critique of Practical Reason* in *Practical Philosophy*, Mary J. Gregor, trans. and ed. (New York: Cambridge University Press, 1996), 5:99.

[2] Williams, Bernard, *Ethics and the Limits of Philosophy* (Cambridge, MA: Harvard University Press, 1985), p. 223 n16.

such activities to our friends, they would likely respond with a firm, "No way. That is *out of the question*."

We might also recognize the way the first-person experience of these kinds of cases as well. Sometimes in the course of our deliberating about what it is that we should do, we conclude not just that it would best for us to take a certain course of action, but that it is the only one we can take. It is what we *must* do. We *can't* do any other. We feel bound to perform the action. For instance, in the event of an unfortunate boating accident, I might see that my spouse is drowning and immediately judge that I *must* save him. I *can't* do anything else. Such a conclusion need not reveal that I take myself to be morally bound to save my spouse. Instead, it simply reveals what I, in the circumstances, care most about. Any further considerations would be beside the deliberative point, *period*.[3]

The experience of reaching a conclusion of this kind – *I must*, or *she could never* — certainly appears to be unlike concluding simply that *I should* or *she shouldn't*. Not only is it a more forceful kind of conclusion, it is also one that is falsified under different conditions. If I conclude that I must perform a given action, in the sense of must in question, and I somehow fail to perform that action, I have shown that my conclusion was false. I thought I had to do it, that I could do no other. I was mistaken. This need not falsify the judgment that it was what I should do.[4]

[3] This is the case used by Bernard Williams in his famous "one thought too many objection" to Kantian ethics in "Persons, Character and Morality," *Moral Luck* (New York: Cambridge University Press, 1981), pp. 17-19.

[4] Bernard Williams makes these points in, "Moral Incapacity," *Making Sense of Humanity* (New York: Cambridge University Press, 1995), p. 53.

Some philosophers, most notably Bernard Williams, have argued that that this phenomenon helps to reveal the relations that hold between practical reason, character and action, and furthermore that once these relations are better understood, we will see how certain moral theories – most especially Kant's -- depend upon untenable views of the nature of practical reason and rational agency. Contrary to Kant, Williams argued that the "musts" and the "can'ts" we encounter in our deliberations and the peculiar ability they have to constrain us and compel us to act in certain ways, are grounded in our individual characters -- what we care about most in the world and take to be most important -- rather than our recognition that an action is required by an objective, universal moral law. Because our own individual characters are the sources of these constraints on our deliberations and actions, the experience we have of practical necessities does not reveal that it is always possible and overridingly rational to do as morality requires of us, as Kant thought. In fact, this experience reveals that that what it is possible and rational for an individual to do intentionally is independent of and has the potential to conflict with what is morally required of her.

There are two basic strategies which a Kantian might employ in order to dismiss this worry. First, she might insist that the "musts" and "can'ts" in question are always moral. She might insist they are simply indirect ways of expressing the judgment that one morally ought to perform the action in question. Secondly, she might insist that if one truly is motivationally compelled to perform the action in question, then this compulsion is of a sort that removes one's powers as an agent. Agency, it might be thought, requires the ability to choose whether to perform an action or not. Because these people could not choose what to do in the circumstances, and instead were compelled to act as they did,

they were not truly agents. Nor was the behavior an action. As such, neither the person nor the behavior is a proper object of moral assessment.

However, in chapter 1, I argue that neither of these ways of quickly dismissing these cases obviously works. First, while some judgments that one "must" or "can't" act in a given manner do express only that one thinks one morally "should" or "should not" perform the act in question and nothing further, it is far from clear that *all* of them are of this nature. Some of these cases are not ones in which it is obvious that a person is responding to what she perceives to be a moral requirement. Furthermore, there is a sense in which agents are motivationally compelled to perform the action in question – so far as the conditions of the world permit, it is not simply what they judge they should do. It is what they *will* do.

Secondly, even though they agents feel compelled to perform the actions in question, they are not compelled in a way that removes their powers as agents, nor the appropriateness of holding them responsible for their actions. The actions in question reflect their deepest commitments – especially their deepest concerns and loves. The actions also reflect the agents' evaluative judgments. The agents have reasons on account of which they take their actions to be justified in the circumstances.

In chapter 2, I first discuss Williams' use of practical necessities in his critique of Kant in more detail. I then discuss Williams' criticism that Kant misunderstood the experience of practical necessities to be one that was strictly moral in nature. First, I think it is accurate to assert that Kant thought all of these kinds of cases were moral in nature. However, because Kant's conception of the nature of moral requirements differs in fundamental ways from Williams' own conception (which is, it seems, a very common

contemporary understanding of the nature of morality), it is not as implausible to regard many cases of practical necessities to be cases of moral necessitation as it might at first seem. Furthermore, Kant's distinction between imperfect and perfect duties allows for Kant to account for many of the cases that Williams' found to be problematic. Nevertheless, though these considerations blunt the force of Williams' criticism, Kant's distinction between perfect and imperfect duties cannot account for all the cases which seem to show that it is not clearly overridingly rational for agents to do as morality requires of them.

In chapter 3, I investigate Williams' claims as to why it was that Kant thought we have overriding reason to do as morality requires of us. Williams argues these mistaken views are the consequence of Kant's views of agency. Kant mistakenly thought it was necessarily rational for us to do as morality requires because Kant took our deepest commitments to be only those we have as rational agents and nothing more. Kant thought this was the case, according to Williams, because he conflated the theoretical and practical standpoints of reason. While the theoretical standpoint is detached from our desires in the quest to find true beliefs, beliefs which must harmonize with all other true beliefs, the practical standpoint is not detached from one's desires, nor is it committed to reaching a harmonious consensus with all others.

However, contrary to Williams' criticisms, the starting point for Kant's argument for why it is that we have overriding reason to do as we are morally required to do is not an abstract conception of the agent. Instead it is his analytic investigation of the common sense idea we have of "duty." This analysis reveals that we take the kind of reason we have to do our duties to be one that is not conditioned by whether or not doing our duty

promotes our welfare or interests – that is, we take duty to be unconditionally rationally necessary. But, it also seems that while we understand our duties to be unconditionally rationally necessary, Kant might have been mistaken to think that these are the *only* actions we judge to be unconditionally rationally necessary in this way. Those that are necessary on account of our characters, might be as well. However, I argue that there is room within Kant's framework to account for unconditional rational necessities that need not be understood as moral necessities. Furthermore, in the event that these unconditional rational requirements conflict with what, in ordinary circumstances, would otherwise be one's duty, it seems sensible to think that such commitments can at times provide legitimate grounds for permitting agents to refrain from acting in ways that might otherwise be morally required of them – *not*, as Williams thinks, that the moral requirements still apply, but it is not rational to follow them. A good moral theory should be able to account why and how our individual characters can sometimes make a difference to what it is we morally ought to do. There are good Kantian grounds for concluding that sometimes a proper moral respect for agency requires us to treat acting in accordance with our deepest commitments differently than our ability to freely set and pursue our merely discretionary ends.

Chapter 1

Practical Necessity and Agency

I.) Introduction

It is a common phenomenon in the works of Jane Austen, and as always in life itself, when a heroine is presented with an offer of marriage which she simply *cannot* accept. In *Pride and Prejudice,* Mr. Collins extends an offer to Elizabeth Bennet, a woman resolved on never marrying in the absence of affection. While Mr. Collins stands to inherit the estate of Elizabeth's father, he is "not a sensible man."[1] Elizabeth neither likes nor respects him. She responds, "Accept my thanks for the compliment you are paying me. I am very sensible of the honour of your proposals, but it is impossible for me to do otherwise than decline them."[2] When Mr. Darcy proposes a few chapters later, soon after Elizabeth has discovered he was instrumental in separating Mr. Bingley from her sister Jane, Elizabeth says, "In such cases as this, it is, I believe, the established mode to express a sense of obligation for the sentiments avowed, however unequally they may be returned. . . But I cannot."[3]

Perhaps we should not find ourselves surprised at the forthrightness of such a headstrong heroine. But even the timid Fanny Price responds to the proposals of the

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[1] Jane Austen, *Pride and Prejudice* (Cambridge, MA: Riverside Press, 1956), p. 52.

[2] Ibid., p. 81.

[3] Ibid., p. 143.

fickle and flirtatious Mr. Crawford in similar terms. "No, no, no. . . . Do not distress me. I can hear no more of this. . . . I do not want, I cannot bear, I must not listen to such -- No, no, don't think of me."[4] The next day, her wealthy uncle and benefactor responds quite harshly to the news of her refusal. He does not understand how a man who would have been a good match for his own daughters -- daughters who are in every way the social superiors of his penniless niece -- could possibly be rejected by Fanny without even first consulting him. He accuses Fanny of being stubborn, willful and ungrateful. Fanny sobs and replies, "I am very sorry. . . . I am very sorry indeed . . . If it were possible for me to do otherwise."[5]

My goal in this chapter is make convincing the claim made by Bernard Williams, Peter Winch and Harry Frankfurt that the phenomenon exhibited in these cases -- the phenomenon in which one recognizes one *can't* act in a certain manner in the circumstances and so *must* do something else -- has implications for morality that may initially be overlooked or dismissed out of hand.[6] It is tempting to dismiss the possibility

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[4] Austen, *Mansfield Park* (New York: Bantam Books, 1983), p. 244.

[5] Ibid., pp. 257-58.

[6] These kinds of cases were first brought to the attention of philosophers by Peter Winch in "The Universalizability of Moral Judgments," and "Moral Integrity," both in *Ethics and Action* (London: Routledge and Kegan Paul, 1972). They were later explored by Bernard Williams in "Practical Necessity," in *Moral Luck* (New York: Cambridge University Press, 1981), "Moral Incapacity," and "How Free Does the Will Need to Be?" in *Making Sense of Humanity* (New York: Cambridge University Press, 1995), and *Ethics and the Limits of Philosophy* (Cambridge, MA: Harvard University Press, 1985), especially chapter 10. Harry Frankfurt has also explored cases like this in "Rationality and the Unthinkable," in *The Importance of What We Care About* (New York: Cambridge University Press, 1998), "The Necessity of Ideals," and "Autonomy Necessity and Love," both in *Necessity, Volition, and Love* (New York: Cambridge University Press, 1999), *The Reasons of Love* (Princeton, NJ: Princeton University Press, 2006), and *Taking Ourselves Seriously and Getting It Right* (Stanford, CA: Stanford University Press, 2006). For an argument that Frankfurt and Williams are discussing the same phenomena see Jeffrey Seidman's "Caring and Incapacity," *Philosophical Studies 147* (2010), pp. 301-22. For other accounts of why it is these phenomena have traditionally been overlooked by other philosophers see Lars

that this phenomenon has implications for our understanding of morality in one of two ways. First, it might be tempting to take conclusions of this kind to be indirect ways of expressing he normative judgments that one morally or rationally *ought* or *ought not* to do something rather than as statements that report a fact that a person recognizes about herself -- that she simply *cannot* do something and so *must* do something else; she is motivationally compelled to act in a given way.

It might also be tempting to dismiss this phenomenon in a second sort of way. If it is true that these people *can't* act in a certain way, and if the action is one that would be morally required of agents, then it might be thought that what follows is simply that these people are not truly agents in the circumstances. Agency, it might be thought, requires the ability to choose whether to perform an action or not. Because these people could not choose what to do in the circumstances, and instead were compelled to act as they did, they were not truly agents. Nor was the behavior an action. As such, neither the person nor the behavior is a proper object of moral assessment.

In this chapter, I hope to show that both of these ways of dismissing these phenomena -- phenomena which, following Bernard Williams, I will call "practical necessities and incapacities"[7] -- are misguided. Instead, a more adequate characterization lies in between. These are cases in which one does recognize a fact about what one *can* do in the circumstances, all else equal, and not just what one *should* do. But, at the same time this is not simply a fact about oneself that removes one's powers as an agent.

Hertzberg, "On Moral Necessity," in *Value and Understanding*, Raimond Gaita, ed. (New York: Routledge, 1990), pp. 102-17, and Raimond Gaita, "Modalities," chapter 7 in his *Good and Evil: An Absolute Conception, 2nd Ed.* (New York: Routledge, 2004), pp. 96-113.

[7] Although Williams calls them "practical necessities" and "moral incapacities." I call them both practical in order to highlight their relation to one another, as well as to emphasize that they need not be moral in the narrow sense of moral that Williams uses (i.e. “the morality system”).

This chapter has the following structure. First, I will illustrate how these two ways of setting aside these phenomena have their roots in a traditional, Kantian practical framework. I will argue that this framework fails to make good sense of these cases. Next, I will turn to the accounts of practical necessities given by Harry Frankfurt and Bernard Williams. While they rightly argue that the source of these necessities is an agent's "character" (i.e. the desires with which an agent is identified or the desires that are internal to her), their accounts suggest a picture that is inadequately distinguished from the kinds of necessities and incapacities that remove one's powers as an agent. Both occasionally imply that there are desires that an agent "can't help but have;" there are some that are "essential" to her and that "must be satisfied." I argue there is a better way of understanding cases of practical necessity that does not require us to postulate or even hint that we as agents have an "essential nature." Lastly, I will argue that the more complex view of agency suggested by these cases gives us reason to question whether it is always possible and overridingly rational for fully functioning, morally responsible agents to do as morality requires of them. I leave it as a further project to work out a response to this challenge and an analysis of its adequacy.[8]

II.) The Traditional View of Practical Necessity: Kant

I will take Kant's practical and moral theory as a key representative of what I will call "the traditional view of practical necessity." Of course, Kant's own views contain many nuances that will not be explored in detail here.[9] Nevertheless, I think the spirit of

[8] I do this in chapters 2 and 3.

[9] I explore these details in chapters 2 and 3.

what I say is faithful to the overarching themes in Kant, and faithful to the many views of moral responsibility that are the modern-day heirs of Kant.

According to the traditional view of practical necessity, and on a common, if possibly mistaken, reading of Kant, there are two distinct forms of human motivation: moral duty and inclination. Acting from the motive of duty expresses one's full autonomy. Duty is the only motive that is truly internal to a person and that is a reflection of her rational powers of self-determination. All other motives are external and sensuous in origin. Because we are finite and dependent beings, we have needs and desires that may tempt us into doing what is not fully rational. Acting on these other, external motives expresses our heteronomy, our finite, dependent nature. When our freely chosen actions are prompted by these motives they reveal our spontaneity, but not our full autonomy.[10]

Assume for the moment that in the examples of Fanny and Elizabeth, the women are asserting the truth when they say they *cannot* marry these men and *must* refuse. On the traditional view, if our actions are motivationally necessitated, they could only be necessitated in one of two ways, with only the first being consistent with our moral responsibility. First, our actions can be morally necessitated. This is the only form of "practical necessitation" -- the only form of necessitation that is consistent with acting as a fully functioning, autonomous agent. All other forms of necessitation are

[10] An example of Kant distinguishing between these two rational capacities -- the capacity to choose which incentive to act upon (spontaneity), and the capacity to act out of respect for the moral law (autonomy) occurs on pp. 19-20 of Kant's *Religion Within the Limits of Reason Alone*, Theodore M. Green and Hoyt H. Hudson, trans. (New York: Harper and Row, 1960).

"pathological."[11] In an ideal case of moral or practical necessity, the recognition that an action is morally required gives an agent immediate, compelling motivation to perform the action. This recognition robs all merely sensuous motives of their force -- it *excludes* them as possible ground for action. It also provides its own sufficient positive incentive of respect for the moral law.[12] If Fanny and Elizabeth truly were necessitated to act as they did, perhaps this was because they judged that it would be morally wrong to marry the men in question and their judgment deprived them of any desire they had to do so.

If we wish to be charitable, we might see some reason for this understanding of the scenario. Most readers are inclined to view their refusals favorably and think they reflect well on the kind of people Fanny and Elizabeth are. Their refusals show they are above the materialistic concerns that consume so many of the characters in Austen's novels. Their refusals also take courage both because they may never get another offer, and because they know they must face the severe disapproval of a mother in the case of Elizabeth, and a guardian in the case of Fanny.

But, even if we regard their refusals favorably or unfavorably, it does not seem as though it is the case that they are *morally* required to reject or to accept these men, nor do they take themselves to be under any such requirement.[13] It is true that the men do not

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[11] A clear example of Kant making this distinction between *practical* and *pathological* necessitation is his *Lectures on Ethics*, Louis Infield, trans. (Indianapolis, IN: Hackett, 1963), p. 14.

[12] In an ideal case, the rational force of a consideration would match its psychological force. It is true that for most human beings, as imperfectly rational beings, rational and psychological force are only imperfectly related. See the *Critique of Practical Reason*, in *Practical Reason*, Mary J. Gregor, trans. and ed. (New York: Cambridge University Press, 1996), 5:71-5:89 for a detailed description of this process. I discuss it in more detail in chapter 2, section IV.

[13] At least on a widely-held conception of moral requirements (which may not be Kant's own view or the most plausible Kantian conception of moral requirements). These matters will be discussed in more detail in chapters 2 and 3.

meet their personal standards, but these are standards they are not morally required to have but instead are matters largely of taste. While Elizabeth is shocked and appalled to discover her friend Charlotte Lucas is engaged to Mr. Collins (two days after his offer to her), Charlotte reminds her that her own standards and expectations regarding marriage are different from Elizabeth's, nor does she have any obligation to adopt Elizabeth's standards for herself. "I am not romantic you know. I never was. I ask only a comfortable home."[14]

If their inability to accept the offers is not a moral inability that rests on judgments of what any person morally ought to do in the circumstances, it seems on a traditional framework, we are left with understanding these cases as ones in which Elizabeth and Fanny are simply overcome by feelings or inclinations -- cases of what Kant would have called "pathological necessitation." If they really could not marry these men, then this inability must be akin to being pushed about by a strong wind, or being overcome by an uncontrollable urge. But, if this is true and they were so necessitated -- they couldn't act otherwise, they had no choice but to act as they did -- then they were necessitated in a way that removes their agency. It wasn't *they* who made them act as they did. It simply *happened* to them. If this is the case and they were simply passive bystanders to the overwhelming force of their feelings and desires, then it is not appropriate to judge Fanny or Elizabeth at all.

But in the cases of Fanny and Elizabeth, this seems like the wrong conclusion. First, as already noted, it seems appropriate to hold them accountable. One common way of justifying the appropriateness of these reactions is by making the distinction between

[14] *Pride and Prejudice*, p. 95.

desires that are "internal" and "external" to an agent.[15] In the case of Fanny and Elizabeth, their overwhelming desires not to marry these men in the circumstances were internal to them. They are identified with these desires in a way that they would not be identified with an overwhelming desire to scratch an itch.

However, to say this is merely to push the question back -- why is it that the agent is identified with some desires, but not others (and who is this agent)? I will explore this question in more detail in the discussions of Frankfurt and Williams' accounts below. Nevertheless, the basic distinction is fairly intuitive and easy enough to grasp. For instance, it seems clear that Elizabeth Bennet does not refuse Mr. Collins because she has an uncontrollable aversion to marriage or sex that compromises her ability to act in the circumstances. Many of us have had these experiences, such as being frozen in fear, or being unable to control an urge to sneeze at an inopportune moment. Elizabeth Bennet's experience is not like this. She does exactly what she has a will to do. The fact that she does not think highly of Mr. Collins, for her in these circumstances, entirely rules out the prospect of marrying him. The considerations in favor of marrying him -- such as her father's estate -- are barred from engaging her motivations. All of her motivations are on the side of refusal.

Of course there is an obvious option left for one who holds the traditional view. She might simply refuse to grant our assumption that these phenomena are as they appear to be and really are a kind of necessity – that the agent recognizes there is really only one thing in the circumstances that she intentionally can do. She might simply insist that

[15] See, for example, Harry Frankfurt's "Identification and Externality," and "The Importance of What We Care About," both in *The Importance of What We Care About*, and Agneizska Jaworska's "Caring and Internality," *Philosophy and Phenomenological Research 74* (2007), pp. 529-69.

Fanny and Elizabeth are either insincere or mistaken when they claim that they can't marry these men, or perhaps just exaggerating for the sake of rhetorical flourish -- they do not really mean that they *can't* marry these men, but that for prudential reasons they *shouldn't*; the "can't" in question is purely normative and not at all descriptive and predicative. If Fanny or Elizabeth insist that they mean something not equivalent to "shouldn't," they must be pretending or are deceiving themselves -- just as many people do when they wish to remove themselves from praise or blame, or when they would like to believe what it is easiest for them to believe, or when they wish to escape the pressures of others insisting that they should. For example, while Fanny insists to her uncle that it is not possible for her to marry Henry Crawford, perhaps all she means to express is that she desperately does not want to and, given her feelings, it would be highly imprudent of her to agree to such a marriage.

It is true that uses of "can't" and "must" often can be ambiguous between their purely normative sense and the sense of "can't" and "must" at issue. It is also true that many cases of practical necessities also might be ambiguous. I cannot --nor do I wish to -- give a clear formula for distinguishing between genuine cases of practical necessities and incapacities and others. All I wish to do is to carve out a different way of understanding cases of this nature, one that does take them to be what they appear to be and that makes good sense of them. Once we see this possibility, it is unclear to me why we should insist that such cases are *never* as they appear, and that they *always* fit one of these other descriptions instead. The real question, then is not whether this or that case is a genuine case of practical necessity, but rather whether or not we can understand these cases on their own terms, as cases in which agents recognize that they *can't* act in certain

ways, and not simply that they *shouldn't*, but nevertheless do not lose any of their powers as agents.

As a first step in understanding how such cases can be understood on their own terms, and not simply as cases in which one judges merely that she "should" or "ought" to perform one out of the many options available, we should first notice that even though there are cases in which we use the terms "can't" and "must" interchangeably with "should not" or "ought not" and "should" or "ought, there are important ways in which they can be distinguished. Not only are the judgments that one "can't" or "must" do something more forceful than the judgments that one "ought" or "ought not" to do something, they are also falsified under different circumstances. It is fully compatible with the truth of the judgment that I am rationally or morally required to φ that I nevertheless fail to φ.[16] I might sincerely judge that I rationally ought to lose weight, form the intention to lose weight and devise myself a diet plan. I might try to strengthen my resolve by repeating to myself "I *must* stick to my diet!" and then fail to carry out this plan when the server brings the dessert tray. Nevertheless, it can remain true that I ought to diet as I enjoy my chocolate cake. However, if I sincerely conclude that I *must* φ, that I am incapable of doing otherwise (the sense of *must* that is at issue in cases of practical necessities), but nevertheless fail to φ, I have shown my conclusion was indeed mistaken.[17] This would be the case if, after Fanny insists that it isn't possible for her to marry Mr. Crawford and without any relevant change in circumstances, she decides to give it a shot. She thought she couldn't marry him. She was mistaken about this belief.

[16] This distinction is discussed by Williams in "Practical Necessity" and "Moral Incapacity."

[17] Also see Williams, "Moral Incapacity," p. 53, and Gary Watson, "Volitional Necessities," in *The Contours of Agency: Essays on Themes from Harry Frankfurt*, Sarah Buss and Lee Overton, eds. (Cambridge, MA.: The MIT Press, 2002), pp. 129-59.

As a second step in understanding how it might be true that an agent can't perform a certain action and that this inability does not remove her powers as an agent, I will discuss two proposed accounts of practical necessities and incapacities: Harry Frankfurt's and Bernard Williams'. Both accounts rightly distinguish practical necessities from "pathological" necessities in terms of whether or not the agent is necessitated to act by a desire with which she is identified. But, both accounts threaten to make the agent a passive bystander to these necessities. I will argue that although Frankfurt rightly emphasizes that what we can't help but care about and love is also a reflection of our characters in addition to our choices, it isn't clear that actions *necessitated* by our caring and love reflect our full agency unless they also reflect our evaluative judgments. Williams rightly takes an agent's deliberations and evaluations, as well as her cares to be central to understanding these necessities as full reflections of her agency. However, he also occasionally suggests that these deliberations and evaluations are inevitable, given necessary features of that agent's character. This seems, once again, to make the agent a passive bystander with respect to these necessities and incapacities, rather than an active participant in them. I will then argue that there is a way of understanding Williams' account that does not have these implications. While an agent's endorsements and deliberations are *constrained* by her character, they are nevertheless not *inevitable* given her character. This gives us reason to think that this form of necessitation does not compromise one's agency, but is in fact an expression of it.

III.) Frankfurt: Practical Necessity as Volitional Necessity

Harry Frankfurt views practical necessities as a form of volitional necessity. On this account, what we can will is constrained by the things that we love and care about. Unlike our mere desires, we are *identified* with the things that we care about and love. What does it mean to be identified with a desire, on Frankfurt's view? First, it is important to note that Frankfurt's account of account of identification has evolved over the years.[18] I aim, in this brief summary, to highlight the relevant points in their most current form. Unlike our mere desires, which seem to occur within us without being fully ours, we *own* the desires with which we are identified. We *accept* them as our own, and take responsibility for them. This acceptance can take the form of a "welcoming approval" or a "weary resignation."[19] When we are moved by the desires with which we are identified, we act autonomously.[20]

The most important of the desires with which we are identified are our cares. The deepest of our cares are the things we love. These are the things we devote ourselves to and around which we structure our lives.[21] What we love is not directly up to us in more than one way. First, we do not freely decide what to love on the basis of the value of the object of our love. Rather, the things we love acquire their value because we love them.[22]

[18] In particular, in earlier works, Frankfurt discusses identification with a desire in terms of "endorsement" rather than "acceptance" of that desire. Many discussions of Frankfurt's work do not take into account his change of view.

[19] *Taking Ourselves Seriously and Getting It Right*, pp. 7-8.

[20] *The Reasons of Love*, pp. 16, 20n.

[21] "The Importance of What We Care About," p. 84. *The Reasons of Love*, p. 23.

[22] *The Reasons of Love*, pp. 38-39, and 67.

Secondly, we cannot decide whether or not to love something arbitrarily, as a brute feat of will.

Instead of being under the control of our wills, the things we love provide the constraints within which we can will anything. This is one's "volitional essence" or practical identity.

> The essence of a person is a matter of the contingent volitional necessities by which the will of the person is as a matter of fact constrained. These constraints cannot be determined by conceptual or logical analysis. They are substantive rather than merely formal. They pertain to the purposes, the preferences, and the other personal characteristics that the individual cannot help having and that effectively determine the activities of his will. In other words, they are specified for any given person by what he loves. Our essential natures as individuals are constituted, accordingly, by what we cannot help caring about. The necessities of love, and their relative order or intensity, define our volitional boundaries. They mark our volitional limits, and thus they delineate our shapes as persons.[23]

According to Frankfurt, sometimes what we love is essential to us in such a way that it is impossible for us to will to forbear from a certain course of action; to do so would be "unthinkable;"[24] one *must* act as one does.

> Someone who is bound by volitional necessity is unable to form a determined and effective intention -- regardless of what motives and reasons he may have for doing so -- to perform (or refrain from performing) the action that is at issue. If he undertakes to perform it, he discovers that he simply cannot bring himself to carry the attempt all the way through.[25]

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[23] "Autonomy, Necessity, and Love," p. 138. Also see "On the Necessity of Ideals," p. 114.

[24] *The Reasons of Love*, p. 86.

[25] Ibid., p. 46.

Frankfurt uses the following examples in order to illustrate how the things we care about and love constrain what we can will, making certain actions necessary for us and others impossible or "unthinkable". In one, a mother is tempted to abandon her child but when it becomes time to do it, she finds she is unable; her will is constrained and bound by that which she loves. She isn't bound by a moral duty to keep her child. Her own love makes impossible for her what might be possible for others.[26] In the case of Lord Fawn in the *Eustace Diamonds*, although he judges it best to interview an "uncultivated" man about the possible infidelity of his fiancée, he is ultimately unable to carry out this course of action; "he is unwilling for his will to be shaped in that way."[27]

What Frankfurt rightly emphasizes is that our cares and loves have an authority in our deliberations and motivations which our mere desires lack. When we act in accordance with the things we deeply care about or love we "express who we are" in a manner distinct from acting on a mere desire. He is also correct that we cannot begin to understand cases of practical necessities without recognizing the centrality to them of our deepest cares and loves. If an agent can't perform a particular action in the circumstances (in the sense of "can't" in question) it is because in these circumstances to do so would be incompatible with something she loves or cares deeply about. However, if we are to meaningfully distinguish practical necessities and incapacities which do not compromise one's full-blooded agency from forms necessitation and incapacitation which do, it seems something more must underlie practical necessitation than simply its being an expression of what, as a matter of fact, one cannot help but care about, regardless of the reasons or

[26] "The Importance of What We Care About," pp. 90-91.

[27] "Rationality and the Unthinkable," p. 183.

motivations one has to resist. That is, something more must underlie practical necessitation than its being an expression of one's "volitional essence."

Imagine a mother with an adult, openly gay son.[28] The mother is thoroughly convinced that her son is living a sinful, shameful life and believes it would be best for her to cut off all contact with him, that to associate with such sinners is to tacitly approve of the ways in which they live their lives. Nevertheless, she cannot bring herself to follow through. As Frankfurt would say, she cannot form an effective intention to cut off contact, whatever reasons or motivations she may have for doing so. Her will resists being formed in this way.[29] When he calls and she sees his name on the caller ID, she relents and answers. She can't help but notice his birthday is coming up, and always breaks down and buys him a card. He simply means too much to her to cut off contact with him. But, she does not think well of this inability. She thinks that if she were stronger, more determined, more committed to the values of her religion she would be able to resist. She thinks she is in need of God's forgiveness for her weakness. But, over time, she wearies of her motivational struggle. She gives up and accepts that she will continue to have contact with her son, that her love for him is unavoidably a part of herself.

Notice that it is simply a fact about the mother that she will give in and pick up the phone when her son calls. It is a fact about her that her will resists being shaped in

[28] This example makes use of the discussion of the relevant of caring and endorsement to our conception of agency by Gary Watson in his "Volitional Necessities." Watson uses a different example in order to show that Frankfurt and Williams ultimately have different conceptions of practical necessitation, and argues that Frankfurt's conception reveals less about agency than Williams' and more about identity. In contrast to Watson, I think both conceptions reveal important, but distinct, features of agency.

[29] *The Reasons of Love*, p. 46.

certain ways -- she cannot “form a determined and effective intention” to cut her son out of her life, no matter what she judges she should do, nor however hard she tries. She can either accept this fact, or continue to resist it. Either way, the outcome is inevitable. It is not clear to me how simply accepting that one inevitably will act in a certain way, regardless of the reasons one believes one has to do otherwise is enough to distinguish this form of necessitation from other forms of behavior that we might justifiably think compromise our agency in certain respects.

In order to make this clear, we need to distinguish between two often overlapping yet distinct aspects of our agency. There are at least two ways in which an action might reflect our agency and we might think that "full-blooded agency" requires both.[30] First, an action might reflect our identity as agents -- that which we care about most deeply, even though we may not be aware that we do so care, nor think that we have reason to care. Most of Frankfurt's examples of volitional necessities are of this variety.[31] Such actions are ones that can properly be *attributed* to us as agents. They express who we "really are" -- that which we care about most deeply which can move us in the absence of or even contrary to our evaluative judgments. The mother's inability to resist picking up the phone when her son calls reveals the depth of her love for him. It is no accident that she is unable to resist. She is not overwhelmed by an "alien force" which renders her movements a mere behavior rather than something that *she* does. We might also judge that it reflects well on her character, the kind of person that she is.

[30] This discussion is greatly indebted to David Shoemaker's "Attributibility, Answerability, and Accountability: Toward a Wider Theory of Moral Responsibility," *Ethics 121* (April 2011), pp. 602-32.

[31] Indeed they must be, on Frankfurt’s view, because our caring is the source of the reasons we have, according to Frankfurt.

However, even actions which can properly be attributed to us as agents because they reflect what we care about most deeply need not reflect our evaluative judgments. They can move us in the absence of or even contrary to our evaluative judgments. The mother's evaluative judgments lead her to believe she would not be justified in picking up the phone. She does not believe she has a reason that would justify her in doing so. In fact, she thinks she has reasons which justify resisting picking up the phone. But, she is moved in spite of these reasons – she is unable to resist. If she were asked why she picked up the phone, she will find herself unable to *justify* her action, though she might be able to *explain* it. She might respond, "I know that I shouldn't, but I couldn't help myself. I love him too much." Her actions are properly her own. They reflect who she most deeply is, but not her judgments of what she takes her reasons to be. So, although the actions might be properly attributed to her, she is not fully *answerable* for them -- whether she is right or wrong, she does not take her conduct to be justifiable. Her conduct does not reflect her evaluative judgments.

To be clear, I think it is true that the examples cited by Frankfurt are not forms of pathological necessitation -- they do express one's agency, though not one's full powers as an agent. Cases of pathological necessitation like an overwhelming urge to sneeze might be thought not to lack both of the elements; not only does sneezing not reflect one's evaluative judgments, but the behavior is also not a reflection of the agent's deepest cares -- what she, as a matter of fact, takes to be significant or important.

Cases like those of Frankfurt's volitional necessities bring up a host of interesting questions and have important implications for our understanding of morality.[32] However,

[32] In particular, we might think that the agency that is expressed when we our actions reflect that which we care about deeply or love can help us make sense of the ground and the nature of the

there are grounds for thinking that that some of one's powers of an agent are compromised in these cases, and that there is a better candidate for understanding how it is we might be necessitated to act in certain ways without losing *any* of our powers as agents. These are the necessities that arise on account of what we most deeply care about and which also reflect our evaluative judgments. These pose the deepest challenge to a Kantian conception of agency and morality.

IV.) Williams: Practical Necessity as Deliberative Necessity

Bernard Williams' account of practical necessities is an improvement over Frankfurt's because it makes use of the agent's evaluations and deliberations in distinguishing between pathological and practical necessities.[33] Nevertheless, at times he too seems to suggest there is an essential core to an agent's character that can make certain evaluations and actions inevitable.

In order to understand William's account of practical necessities and incapacities, it will help to begin with his view of the first-person practical perspective which Williams takes to be constituted by one's character. According to Williams, the first-person, practical perspective is necessarily personal, and interested -- it is only because I care about things, value things and desire things that I have any reason to do one thing rather than another, or to deliberate about what I shall do. Given what I care about or love, as

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obligations we have to "marginal agents" such as children, those with Alzheimer's, and any other creature with the capacity to care who lack other forms of agency, such as the ability to make evaluative judgments. See Jaworska, "Caring and Internality."

[33] There are many challenges in presenting a brief, unified summary of Williams' views on practical necessities. His views on these matters pop up briefly in many forms and are scattered throughout his works. What follows is an attempt to unify his many comments into a cohesive narrative.

well as what I value and take to be important, I will take notice of certain features of my environment rather than others, and I will deliberate, reflect, and act in certain ways rather than others; "to think in one way rather than another is . . . to be a certain kind of person, and it is not possible to combine all kinds of reflection with all kinds of disposition."[34] Furthermore, not only will I deliberate in a certain way given my character, the actions I am capable of intentionally performing depend on my deliberations and character. What I can do intentionally depends on which options I can see as open to me given the character that I have.

> Other people, and indeed I myself, can have an 'external' idea of different ideals and projects I might have had, for instance if I had been brought up differently: there are few reasons for, and many reasons against, saying that if I had been brought up differently, it would not have been me. This is the area of metaphysical necessity. But there is a different area, of practical necessity, concerned with what are possible lines of action and possible projects for me, granted I have the ideals and character I indeed have.[35]

Williams argues that the experience of practical necessities helps to reveal these basic facts about the first-person practical perspective. He takes as a feature of our experience that sometimes when we deliberate about what to do we recognize that we are incapable of acting in certain ways. Sometimes this reveals "merely psychological" (pathological) limitations, such as when I recognize that I can't walk across a high, swinging bridge because, in imagining whether to perform the action, I can see that I

[34] "Utilitarianism and Moral Self-Indulgence," in *Moral Luck*, pp. 51-52. Notice that the fact that our characters (our deep cares and concerns) structure our deliberations and evaluations in this manner helps to explain why it is that the two different agential capacities discussed above, the capacity for acting in ways that express one's character or identity as an agent, and the capacity to act in ways that reflect one's reason-based evaluations, often coincide.

[35] *Ethics and the Limits of Philosophy*, p. 223 n16.

would be too scared.[36] Sometimes it reveals the limitations of our characters (practical necessities and incapacities) rather than merely psychological limitations. How are we to distinguish the two?

Williams distinguishes between these cases in the following way. In the case of practical incapacities, the person is incapable of performing the action *on the basis of evaluative considerations* that, in the course of her deliberation, she takes to be decisive, rather than psychological facts about herself.[37] For instance, a man might deliberate about whether to gossip about his wife with reporters and conclude that he cannot; to do so would be "disloyal." The disloyalty of the action is for him, in these circumstances, absolutely decisive. A soldier might deliberate about whether to shoot a naked enemy soldier while on sniper duty and conclude that he cannot; to do so would be "dishonorable."[38] This consideration is for him, in these circumstances, totally decisive. The experience we have of practical incapacities, unlike merely psychological incapacities, is not that we unavoidably are moved *regardless of our evaluations and deliberations*, but we unavoidably are moved *on account of our evaluations and deliberations*. We both "decide" and "discover" we cannot or must act in a certain way.[39] We as individuals discover that we cannot act in a certain way because of what we value, endorse, or find important.

[36] "Moral Incapacity," p. 54.

[37] Ibid., pp. 53-54.

[38] This case is a modified version of one of Michael Waltzer's cases in *Just and Unjust Wars, 3rd Ed*. (New York: Basic Books, 2000).

[39] Ibid., p. 62.

It might look like these conclusions are purely normative and that they express only what the agent thinks he ought to do, either because it is what it is most reasonable or because it is what is morally required. But Williams argues that the modality expressed is not only a normative modality – it does not express only what the agent judges he *should* do, but may not. The conclusion expresses the agent's intentions -- it is what he *will* do, assuming nothing interferes with him carrying out the action.

> His conclusion does, then, have implications about the way the world will be, but the modality that occurs in them is still essentially deliberative, in the sense that the statement expresses the agent's intentions, and does not merely report an antecedent fact about the agent. If it did report an antecedent fact, then, the agent's acceptance of it, if it did not express an unintelligible form of fatalism, would have to represent his recognition of a limitation on his powers.[40]

Because one's deliberations and evaluations as well as one's cares are necessary for the inability, Williams does have better grounds than Frankfurt for the claim that these incapacities and necessities do not compromise one's full agency: given my character, not only am I unavoidably moved or unable, but I am unavoidably moved because I see certain facts, circumstances, etc. as decisive considerations for me to act or refrain from acting. For instance, the mother might deliberate about whether or not she should answer the phone when her son calls, and recognize not just that she unavoidably will. Instead, she concludes that she will pick up the phone because, no matter how many times she rehearses the considerations in favor of cutting off contact with her son *they do not move her*. And they do not move her because there is one consideration that is, for her, decisive: it would be a betrayal and a rotten thing to do to her child. The action is

[40] "How Free Does the Will Need to Be?" pp. 17-18.

not only *attributable* to her; she is also *answerable* for it. She takes her action, in these circumstances, to be justified.

Notice that in these cases, even if a person takes her action to be justified in the circumstances, this need not entail that she takes her action to be what, overall, is morally best.[41] In the case of the mother, she might recognize that what she takes to be the moral considerations (what is demanded by her religious principles) all tell in favor of cutting off contact, and only personal considerations (her deep desires that are independent of and prior to moral commitments) of her love and loyalty are in favor of keeping in contact. She need not take herself to be morally bound to love her son in this way. Nevertheless, she might think overall she has all-things-considered reason to continue her relationship. While less than morally ideal, betraying her son is more than she could bear.

However, we are still left with an important issue. If we accept the view that there is no deliberative or evaluative stance for a person outside of the stance provided by her character, and that given her character she will unavoidably see things in a certain way and unavoidably be moved by how she sees and evaluates them, it seems that she still is passive with respect to how she is moved unless she is also able to reflect upon and evaluate her character as well. But Williams occasionally suggests that there are features of an individual's character that are essential features of her deliberations -- they must be assumed, or taken for granted, because without these essential reference points (such as one's essential desires or commitments) held constant, the agent would be left with no grounds for making any judgment whatsoever. Because they are necessary features of *her* evaluations, it seems that these cannot themselves ever be reflected upon or evaluated *by*

[41] Thanks to Susan Wolf for pressing me to be clear on this point.

her -- the perspective needed in order for her to evaluate them is, necessarily, one that is unavailable to her. As an analogy, imagine that I need a specific, one-of-a-kind pair of glasses in order to be able to see anything clearly and I live in a world without mirrors, cameras, or other reflective and recording materials. So long as I am wearing my glasses, I can see everything I wish to see as well as can be. However, I can't ever clearly see the glasses themselves (or myself). The only way for them to be seen is if I take them off. But, once they are off, everything is a blur.

Williams also occasionally suggests that such necessary features of a particular agent's character also give rise to the most interesting cases of practical necessities and incapacities. In "Practical Necessity" he distinguishes a practical necessity from another kind of "boring" deliberative conclusion that one "must" perform a given action in the following way.

> Those are the [the boring] cases in which a set of objectives or constraints is merely taken for granted, and relative to them, a particular course of action is very clearly singled out. . . . The most important point, however, is that it is enough for the boring answer that the set of objectives or constraints which determines the outcome should merely be accepted or taken for granted by the agent as something which, so far as this deliberation is concerned, he does not intend to change. But in the serious cases of practical necessity, in which *must* makes its real point, that is not so. In the serious cases, the notion of necessity is applied to those constraints and objectives themselves.[42]

Williams makes a similar distinction in *Ethics and the Limits of Philosophy*. He distinguishes between a conclusion that one "must" do something in order to attain what one merely happens to desire, and the conclusion that one "must" do something in order to satisfy a desire that is "essential" to the agent.

[42] p. 126.

> Sometimes, of course, 'must' in a practical conclusion is merely relative and means only that some course of action is needed for an end that is not at all a matter of 'must'. . . . We are not concerned with this, but with a 'must' that is unconditional and *goes all the way down.* . . . I distinguished a 'must' that is unconditional from one that is conditional on a desire that *the agent merely happens to have*; but a conclusion of a practical necessity could itself be the expression of a desire, if the desire were not one that the agent merely happened to have, but was essential to the agent and had to be satisfied.[43]

We might then begin to worry that, in the end, Williams' account is not significantly different from Frankfurt's. Although what we can intentionally do is constrained by our deliberations and not just by features essential to our wills, how we will deliberate is, in the most interesting cases of practical necessity, determined by our "essential desires". It seems that both accounts of practical necessity require there to be an "essence" to our characters to which we are ultimately held hostage. This seems undesirable for two reasons. First, it seems empirically false that individuals are unable to question their deep commitments, such as whether we should love a child or spouse, or whether their projects or ideals are worthwhile. Second, even if it were true that people couldn't, this seems like a lamentable result. Sometimes, it seems, individuals (or the world as a whole) would be better off if they were able and willing question and evaluate their commitments.

However, I hope to show that Williams' account of practical necessities does not require him to hold that we have "essential desires" which necessarily constrain our deliberations, even though he occasionally suggests such a picture. I will argue that practical necessities need only be necessary given one's character (one's practical, deliberative standpoint) as it now is and that one cannot change at will. They need not be

[43] pp. 188-89, original emphasis.

necessary on account of essential features of one's character such as unconditional commitments or essential desires that cannot be questioned or evaluated, *period*. This gives us better grounds for thinking that these incapacities do not compromise one's agency.

V.) Necessity and Deliberative Constraints

In order to see that practical necessities do not require agents to have essential features of their characters, it will help to clarify in what way we might think that the constraints of a particular person's deliberations are necessary for that person. I will illustrate using a relatively trivial example, yet the point generalizes to more serious cases.

First, deliberative constraints might be necessary at a particular point of time, or in the course of this particular deliberation. For instance, at this given moment, as I deliberate about how to spend my day, there is much that is held fixed and, indeed, much must be held fixed in order for the deliberations of a finite agent like me to ever come to a conclusion. There is no question that I will write today. The only question is what in fact I will work on -- will I begin writing a new section, or go back and revise an earlier one? The constraints within which I deliberate right now might reveal something about my general attitude toward prioritizing work over pleasure, but need not. It might simply be the case that my cable and internet are out and so there is not much else for me to do at the moment.

In order for the constraints within which I deliberate to reveal something interesting about me or my character, it seems not only must they be necessary or held

fixed at this time, or in the course of this particular deliberation but they must be necessary across some span of time, or some possible set of deliberations. If I hold constant that I will work today even though my cable and internet are fully functioning and allow for the possibility of endless hours of mindless amusement, this begins to reveal something about my commitments or my character. But, what could it mean to say that these constraints are *necessary*?

Does it mean that I *cannot question these constraints*? There are two ways we might mean that someone "cannot" question the constraints of her deliberation. It might just not occur to me that there are other options besides writing today. I might be incredibly unreflective, unimaginative, or a creature of unthinking habits.[44] If you suggested to me that perhaps I should take the day off and go swimming, and I jump at the opportunity, it doesn't seem like these constraints could be necessary in a way that could give rise to a practical necessity.

So, it must be the case that if it were suggested to me that I take the day off, and these constraints of deliberation are necessary in the way intended, I would immediately reject this suggestion -- "I can't; I have to work." But, this too might not reveal anything particularly interesting about my character or my commitments. If you pushed back and responded, "Of course you can! You *deserve*, you *need*, a day off!" and I still respond, without thinking, "I can't. I must work," and that is all I have to say because I, somehow or other, cannot bring myself to question my commitment to working, this begins to look something like a real necessity, but not yet one that is obviously different from one that is merely pathological or one that should be regarded as morally interesting in any unique

[44] This too would suggest something about my character -- but it wouldn't reveal anything about the particular attitudes in question -- the attitudes towards work and pleasure. Thanks to Susan Wolf for pointing this out.

way. If I am *unable* to question my commitment to working (or, my ideals regarding marriage, or love for my children) and it is only because of this inability to question my commitment that I (necessarily) must act, then it seems I am just being narrow-minded, stubborn or (irrationally) compulsive. This seems even more the case if my commitment is destructive to my own well-being (perhaps I haven't taken a day off for months, I've neglected to visit my family, etc.) or that of others (perhaps I can't question my conviction that men are the intellectual and physical superiors of women; I can't question my commitment to following the orders of my superiors, no matter what they are).

Instead, what seems distinctive about practical necessities and incapacities is that *if the agent were to question her commitment, she would nevertheless not change it.* Again, there may be two ways reasons for this. One is that however it is she regards the commitment she simply cannot change it, even if she does not approve of her commitment or see it as worth having-- perhaps because it is central to her emotional life. This may tell us a great deal about the kind of person she is. But in such a scenario, it still seems that some of her powers as an agent are compromised. She is helpless with respect to such a commitment. She simply cannot do anything about it.

The other route in which an agent is willing to question her commitment but nevertheless does not change it is if she does not think it would be good to do so. There are two scenarios in which this might be the case. In the first, the agent doesn't think it is good to have such a commitment or think that it is worth sustaining, but she doesn't disapprove of it, either. For example, given that I've made it a point to work every day and I can't see a good reason why today should be any different from every other day, I might as well continue the status quo. This need not show any attitude on my part that

singles out this commitment in any important respect. That is, I might be equally indifferent with respect to any of my options and so can't see any value in doing anything else. Such might be the attitude of many chronically depressed people who go on living without enjoying it or seeing any point in doing so.

In the second scenario, not only can I see no good reason to change my commitment, I can see no good reason because I think my commitment is one that is worth continuing, worth having. Yes, it has become my habit to thoughtlessly get up every morning, sit in front of my computer with a cup of coffee and write, if my schedule allows.[45] No, I will not take today off to go for a swim --it would not be good to do so -- I need to finish my paper. I will not be able to enjoy doing anything else unless it is finished. In this scenario, the only options which are capable of moving me are those that are consistent with what I care about most and I see as being worthy of my care. Furthermore, I do not see myself as having good reason to do otherwise. This means that I will not be moved to change these commitments in these circumstances -- and not because I am stubborn, blind or unthinking. What makes practical necessities and incapacities distinct is not just that the commitments and ideals that rule out a given course of action are not in fact subjected to re-evaluation, but that even if they were one would find no adequate grounds for failing to endorse them in the circumstances in question.

Of course, there is a sense in which I *could* distance myself from my commitment if I saw good reason to do so in light of other deeper commitments, even though I cannot simply *choose* to give it up at will. Even if I can only have reason to change my deepest commitments on the basis of other deep commitments and so can only modify them

[45] In fact it might be a consciously cultivated habit.

gradually over time, they are still capable of being changed. It does not appear that any are *absolutely necessary* to me. In fact, I think this is what we should conclude if we are to maintain that such necessities do not compromise any of one's powers as an agent. For instance, if a commitment to my work began to repeatedly[46] interfere with my family commitments, I might, come to see my commitment to my work not as "dedicated" but as "obsessive," when viewed from the perspective of these other commitments. Once I come to see this (and I can't simply choose to see it this way) I may then be able to, with effort, change how it is that I think about things and deliberate. But even though we might think this is a real possibility, it is irrelevant to what a person can possibly do now in this set of circumstances.[47]

VI.) The Basic Challenge to Morality

The goal in this chapter was to explain how we might understand cases in which people conclude that the "can't" act in a given manner and so "must" do something else can be understood on their own terms as a unique kind of case.

Unlike a conclusion that one morally or otherwise "ought" to or "ought not" act in a certain way, the conclusion that one "must" or "can't" do something might reveal a fact about oneself and what one will do, other conditions in the world permitting. Williams

[46] The "repeatedly" is important. If there are simply occasional clashes between our deep commitments on account of bad luck we might not have good reason to change gradually over time but only to hope that such rare clashes will never happen again.

[47] Michael Bratman also argues that the anchors that structure our deliberations are stable, rather than fixed or necessary. See his "Anchors for Deliberation," in *Intentionality, Deliberation, Autonomy*, Christoph Lumer and Sandro Nannini, eds. (Burlington: Ashgate, 2007) and "A Thoughtful and Reasonable Stability," in *Taking Ourselves Seriously and Getting it Right*, Debra Satz, ed. (Stanford, CA: Stanford University Press, 2006). Also see Jeffrey Seidman, "Caring and the Boundary-Driven Structure of Practical Deliberation," *Journal of Ethics and Social Philosophy* 3(1) (2008).

and Frankfurt are right to think that the source of these facts about what one can or cannot do ultimately rests in a person's character -- the deep desires, cares, projects, and commitments with which that person is identified. Furthermore, Williams does well to draw attention to the ways in which our deep desires, cares, projects and commitments, our characters, structure our deliberations. Given my character, I am disposed to take notice of certain features of my situation rather than others. I am disposed to seriously consider only some of the infinite possibilities for action, rather than others. I am also disposed to give certain considerations rather than others priority in my deliberations and even to take some of them as absolutely decisive. Furthermore, the actions I am capable of intentionally performing is dependent upon these deliberations. We have also seen that there is a way of understanding how what it is possible for a given person to do intentionally does not require us to understand ourselves to have "essential desires" which they "cannot help but have" that do not allow them to act in certain ways. The result is that we need not think that these kinds of necessities and incapacities interfere with our powers as agents. They seem to be compatible with our acting as full-blooded, morally responsible agents in these circumstances.

However, if what it is possible and rational for fully-functioning, morally responsible agents to do intentionally in a given set of circumstances depends on their individual characters and commitments in this way, we might begin to worry that it isn't the case that it is always possible and overridingly rational for fully functioning agents to do as morality requires of them, as Kant thought. It does not seem to be the case that what an agent perceives to be moral required in the circumstances is always among her live options, nor is it always given priority in her deliberations. For example, the soldier

discussed in section IV above might sincerely judge that he morally ought to shoot the naked enemy soldier. He might think that naked or not, the man in his sights is an enemy solder. He has a duty to his superiors to faithfully carry out the task assigned to him. Furthermore, he might sincerely judge his country to be engaged in a just war. Nevertheless he just can't bring himself to pull the trigger, even though that is what he sincerely judges to be morally required. This is not simply because he has an uncontrollable aversion, but because he can't escape the sense that it would be dishonorable and no amount of reiterating the moral argument in favor of shooting can shake how he sees this consideration as – for him -- decisive.

This worry will be discussed in the chapters that follow.

Chapter 2

Practical Necessities and Moral Requirements

I.) Introduction

In the previous chapter, I argued that we have good reason to admit there are possible cases in which a person might recognize that as a matter of fact, given what she cares most deeply about and which considerations she, in these circumstances takes to be absolutely decisive, she simply "can't" or "must" act in a certain manner. I also argued that cases like these do not remove her powers as an agent, nor remove her moral responsibility for her actions, even though she may have no real live (practical) alternative. It is now time to investigate the implications these phenomena have for morality. In particular, these phenomena seem to suggest that what it is possible for an agent to do (in the sense of "practically possible" discussed in the last chapter) and what it is overridingly rational for her to do cannot be determined independently of the personal features that constitute her character. If this is the case, we have reason to question whether it is always possible and whether it is overridingly rational for fully functioning agents to do as morality requires of them in all possible circumstances. Of course these were some of the major theses of Kant's moral theory.

One philosopher who thought these phenomena had important implications for the tenability of Kant's moral theory was Bernard Williams. A central theme in Williams' critique of Kant's ethics is that Kant distorted the experience of practical necessity, the

"central experience of ethical life."[1] Kant, according to Williams, explained our experience of practical necessity in terms of a confrontation with a Fact of Reason, which revealed that objective, universal, impartial moral requirements were not simply phantoms of the brain, and that reason could discover the fact of what it is we ought to do -- what is morally and practically necessary. Rather than recognizing a Fact of Reason that holds for all rational beings, Williams argues that what is discovered in these experiences is a fact about the particular person in question-- a fact about the boundaries and limitations of her character. This phenomenon, rather than revealing the objective basis of morality, instead reveals how one's individual character provides the source of one's practical reasons for action as well as limits what it is possible for her to do.

I will begin this chapter by briefly summarizing Williams' critique of Kant's ethics and the ways in which it makes use of the phenomenon of practical necessity in some detail. I will focus, in particular, on the criticism that the demands of morality do not necessarily rationally override our personal projects and commitments and the related criticism that Kant's ethics demands too much from agents, largely as a result of Kant's flawed conception of human agency. I will then separate the three main challenges in this critique, the analysis of which will structure the present and the following chapter.

There are a number of reasons for focusing on Williams' use of practical necessities in his critique of Kantian ethics. First, the role of this phenomenon in Williams' critique of Kant and Kantian ethics has, to my knowledge at least, never been discussed in any detail and is interesting in its own right. Second, I focus on Williams' criticisms of the historic Kant rather than on contemporary Kantians because Williams

[1] "Ethics and the Fabric of the World," in *Making Sense of Humanity* (New York: Cambridge University Press, 1995), p. 171.

himself aims his criticisms at Kant and they have been very influential in how some read and understand Kant's works. Nevertheless, Williams occasionally misrepresents or oversimplifies Kant's own positions, and it is well worth making clear in which ways he does so. If we are to find fault with Kant we should find fault with Kant and not a caricature of Kant. Third, once it is clarified how and in which ways Williams oversimplifies or misrepresents Kant's own positions, it will be much easier to see how and in which ways this phenomenon does present a challenge to Kant's ethics and to see what a successful Kantian response might look like.

After summarizing Williams' critique, this chapter will focus on Williams' criticism that Kant misunderstood the source of practical necessities and as a result mischaracterized them as a strictly moral experience -- the experience we have when we recognize that it is our duty to perform a given action and as a result feel compelled to perform it. Williams argues that this experience does not result because agents recognize they are morally obliged to perform the action. Instead this experience reveals their own personal commitments. As a result, instead of showing that it is always possible and rational for us to do as morality requires of us, the experience of practical necessities reveals that it is not.

In response to Williams, I will argue that because Kant's conception of moral duty differs markedly from Williams' conception of moral obligation, it is not as implausible to regard many cases of practical necessities as moral experiences as it may at first seem. Furthermore, Kant's distinction between imperfect and perfect duties allows for Kant to account for many of the cases which Williams' found to be problematic. Nevertheless, though this blunts the force of Williams' criticism, there are still instances of practical

necessities -- necessities of character – for which Kant's distinction between perfect and imperfect duties cannot account. Such cases still may potentially conflict with moral requirements, even as Kant understood them. They give us reason to question whether it is always unconditionally good and rational for people to follow moral requirements. These cases will be discussed in more detail in the following chapter.

II.) A Brief Overview of the Role of Practical Necessities in Williams' Critique of Kant

I will begin with a brief overview of the role of practical necessities in Williams' critique of Kant's ethics. Before I get started, it is worth noting that Williams' views on and critique of the Kant's (and Kantian) ethics span across many works and a number of decades. They also make few references to Kant's own texts and arguments. This can make interpreting and unifying his critique a bit of a challenge. What follows is a summary of Williams' views and a drawing forth of important and occasionally underemphasized themes. I hope this account is faithful to his overarching intent, but even if not, I believe these criticisms are worthy of investigation in their own right.

Williams draws attention to the phenomenon of practical necessity, what he at one time calls "the central experience of ethical life"[2] as part of his criticism that many major moral theories neglect the importance the relation between an agent's character and her actions -- in his language, the way in which actions "flow from one's character."[3] Practical necessities represent the "flowiest" of these actions -- those in which agents are

[2] Ibid., p. 176.

[3] See especially "Persons, Character, and Morality," in *Moral Luck* (New York: Cambridge University Press, 1981); "A Critique of Utilitarianism," in *Utilitarianism: For and Against* (New York: Cambridge University Press, 1973).

literally necessitated to perform a course of action on account of their projects, commitments, or convictions. It seems what Williams has in mind when he claims that actions "flow from one's character" involves the following. First, a given person will care about, value, and desire certain things. Given what she cares about, values, and desires, she is disposed to take notice of certain features of her environment rather than others. Furthermore, the ways in which she deliberates and reflects are also structured by the things she cares about, values, or desires and notices.[4] Actions radically incompatible with her projects or commitments often will not enter into her deliberations at all. If they do they will not for a moment be seriously entertained as options. That is, she will not weight the benefits of such actions against their cons. The fact that they are incompatible with what one cares about or values *excludes* them from serious consideration. Lastly, what she deliberately or intentionally does is a product of these very deliberations. As a result, what it is possible for her to do intentionally is a product of her character.

For example, a highly sympathetic person is one who is disposed to notice when others are in distress. The distress of others is a salient feature of her environment -- one that she cares about and takes to be important. Given that she finds it as important as she does, it will structure her deliberations in various ways. She might, for instance, never deliberate about *whether* to help a given person in distress -- she will not weigh the pros of helping against the cons, but instead only *how best* to help that person. For her, in these circumstances, standing idly by is not something she intentionally can do. It is not, for her in these circumstances, a live possibility. Williams describes the practical sense of possibility in question in the following way:

[4] Jeffrey Seidman has a detailed account of this process in his "Caring and the Boundary-Driven Structure of Practical Deliberation," *Journal of Ethics and Social Philosophy* 3(1) (2008).

> It is important here to distinguish two different ideas. Other people, and indeed I myself, can have an 'external' idea of different ideals and projects that I might have had, for instance if I had been brought up differently: there are few reasons for, and many reasons against, saying that if I had been brought up differently, it would not have been me. This is the area of metaphysical necessity. But there is a different area, of practical necessity, concerned with what are possible lines of action and possible projects for me, granted that I have the ideals and character I indeed have. This is the level at which we must resist the Kantian idea that the truly ethical subject is one for whom nothing is necessary except agency itself.[5]

According to Williams, sometimes an individual's character will structure her deliberations in such a way that she is left with only one action that she can do -- the action is necessary for her in these circumstances. She is incapable of intentionally doing anything else. For instance, the highly sympathetic person described above might be walking along the street and see an unaccompanied small child stumble in front of an oncoming car. Like most of us who are reasonably sensitive to the needs of others, the fact that the child's life is in danger stands out to her -- she notices it, it startles her. But, unlike others whose fear for their own lives might leave them horrified and frozen in place, her fear might be nothing to her. We can imagine that if she were to deliberate (and likely she would not need to consciously do so), her fear would not be at all relevant to determining what it is she should do. The only relevant feature of the situation for her might be, *"This child needs my help."* She recognizes she simply *must* do something, she *can't* just stand there. As a result, she rushes into the street, waves for the car to stop, and scoops the child up.

[5] *Ethics and the Limits of Philosophy* (Cambridge, MA: Harvard University Press, 1985), p. 223 n16.

What is important about cases like these, is that while there is a sense in which our highly sympathetic person is *compelled* to act as she did in helping the child, that there was for her in these circumstances no other practical option available for her, what constrains her is her character itself. These constraints help to reveal what it is for a person to have a character.

> We are subject to the model that what one can do sets the limits to deliberation, and that character is revealed by what one chooses within those limits, among the things that one can do. But character . . . is equally revealed in the location of those limits, and in the very fact that one can determine, sometimes through deliberation itself, that one cannot do certain things, and must do others. Incapacities can not only set limits to character and provide conditions of it, but can also partly constitute its substance.[6]

Because the only constraint involved is the constraint of one's character, this is a kind of necessity that does not remove one's powers as an agent. Nor does being necessitated to act in these ways remove the appropriateness of praise or blame. These are "musts" grounded in one's character. They are grounded in our deep cares and express our evaluations.[7]

There are two important consequences that follow from the grounding of practical necessities in one's particular character. First, because practical necessities are grounded in the particular character of an agent, what it is necessary for her to do in a given set of circumstances cannot be reduced to what it is necessary for her to do simply as a rational and moral agent, nor does it imply that it is what others must do in similar circumstances.

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[6] "Practical Necessity," in *Moral Luck*, p. 130.

[7] Ibid., p. 127; "Persons, Character and Morality," pp. 11-13. I describe this in more detail in chapter 1.

Most importantly, the conclusion that one must perform a particular action does not signify that one is morally obliged, or that it is one's moral duty, to perform that action. One class of cases in which it seems clear that practical necessities and moral obligations come apart are cases of heroic actions. In these cases, agents sacrifice or endanger their lives for the sake of the lives of others. This seems to go beyond what we are morally required to do. When discussing these cases Williams states:

> Yet practical necessity, even when it is grounded in ethical reasons, does not necessarily signal an obligation. The course of action the agent 'must' take may not be associated with others' expectations, or with blame for failure. The ethically outstanding or possibly heroic actions I mentioned before, in being more than obligations, are not obligatory, and we cannot usually be asked to do them or be blamed for not doing them. But the agent who does such a thing may feel that he must do it, that there is no alternative for him, while at the same time recognizing that it would not be a demand on others, because he is different from others; but the difference will then typically turn out to consist in the fact that he is someone who has this very conviction.[8]

Second, because practical necessities are grounded in one's character rather than in moral obligations, they have the potential to conflict with moral obligations. For instance, in the case of the heroic actions mentioned in the quote above, a person might judge she "must" help a person with no moral claim to her help and in so doing fail to fulfill a promise made to another. Furthermore, such conflicts reveal that we may be rationally justified in failing to do as we morally ought. Kant was therefore mistaken when he thought it was necessarily rational for us to do as morality requires of us. On

[8] *Ethics and the Limits of Philosophy,* pp. 188-89. Peter Winch also makes use of moral modalities and the idea that what it is morally possible for a person to do varies from one person to another in a way that a universal, impartial notion of moral obligation fails to account for in his "The Universalizability of Moral Judgments," and "Integrity," both in *Ethics and Action* (London: Routledge & Kegan Paul, 1972).

Williams' reading of Kant, Kant was only able to conclude that the demands of morality are unconditionally rationally necessary because of the manner in which he views the ethical subject abstracted from the desires, commitments, and projects that constitute her character and yet who is still capable of action. Williams thinks Kant's idea of practical necessity,

> . . . is given a particularly radical interpretation, under which the only necessary practical conclusions are those absolutely unconditioned by any desire. For Kant, there could be a practical conclusion that was radically unconditioned in this way, because of his picture of the rational self free from causality, and because there were reasons for action which depended merely on rational agency and not on anything (such as desire) that the agent might not have had.[9]

On this view, from the first-person perspective, what I morally ought to do is what I must do, even if I don't want to do it. From the third-person perspective moral judgment and blame apply to people even if they don't want to be in the morality system.[10] The moral ought issues in a 'must' because it applies to us independently of and rationally overrides any of the desires -- or personal[11] projects and commitments -- we have as individuals.[12]

But this picture, on Williams' view, seems to get things backwards. The motivations that we have to be moral, to participate in a system of moral relations with

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[9] *Ethics and the Limits of Philosophy*, p. 189.

[10] Ibid., p. 178.

[11] By "personal commitments and projects" I mean any of our cares and concerns that are not driven by a prior concern for morality. This way of characterizing our personal commitments is borrowed from Thomas Hill's "Personal Values and Setting Oneself Ends," in *Human Welfare and Moral Worth* (New York Oxford University Press, 2002), pp. 244-74.

[12] Williams' reading of Kant here is extremely contentious. These complicated matters will be discussed in more detail in the following chapter.

others, are not best understood in abstraction from our characters and their concerns and commitments and projects. It is only because we care for these things and structure our lives around them that we have reason to participate in an impartial system of moral obligations. Without these commitments, I need not have any compelling reason to concern myself with the impartial demands of morality -- I would have no compelling reason to concern myself with anything.[13] For many--hopefully all--of us, moral concerns make up an important part of these commitments, and influence those commitments that we do have. But, they are only a part and not the whole.[14]

Rather than understanding the 'ought' of moral obligation as what the agent *must* do, Williams argues that we should instead consider moral obligations as one kind of ethical consideration among others, and a consideration that need not always necessarily trump all other considerations.[15] In other words, according to Williams, we must recognize what is a matter of common sense -- what is ordinarily called an obligation does not necessarily need to win in a conflict of moral considerations and not every failure to carry out an obligation warrants moral blame. For instance, if I have made a promise, I have an obligation to carry out the promise. Nevertheless, it might be justified to break the promise, but not because there is another, more stringent obligation that wins out. Someone may break a promise to meet a friend in order to run into a burning orphanage to save children. When asked why she did it, she might respond that she simply judged that she "had to" do it -- that it was what she "must" do. But, once again, this "must" or "had to" reveals neither that she was under a more stringent moral

[13] "Persons, Character and Morality," p. 18.

[14] *Ethics and the Limits of Philosophy*, p. 184.

[15] Ibid., p. 182.

obligation, nor that she wasn't really under an obligation to carry out her promise. She is a morally praiseworthy obligation-breaker.

What then is the proper way of understanding moral obligations as one kind of ethical consideration among others, according to Williams? First, what we find to be important is given priority in our deliberations. While ethical considerations are important and are part of what makes our lives worth living, we can still see other things as important, too. They too are part of what makes like worth living. Some ethical considerations should be given high priority in our deliberations, namely those that are grounded in what people should be able to rely on from one another. "Considerations that are given deliberative priority in order to secure reliability constitute obligations."[16] In the case of some, but by no means all, deliberations in which obligations figure, an individual might reach the conclusion that she "must" act in response to the demands of an obligation. But, this has no essential relation to its being an obligation (and everything to do with the individual). Instead, the judgment that we "must" act in a certain way is simply the product of a consideration (whether ethical or not) having highest deliberative priority and of its having the greatest importance (at least to the agent).[17] Furthermore, while ethical considerations should be given priority in our deliberations, there is no clear recipe for how they should be prioritized. This is what we should expect in matters of practical deliberation. Practical deliberation, unlike theoretical deliberation, is essentially personal and has no constitutive aim.[18] The considerations that enter into one's head,

[16] Ibid., p. 185.

[17] Ibid., pp. 186-87.

[18] Ibid., pp. 66-69.

how they are considered, weighted and so on is all dependent on the desires, commitments, projects -- the character -- of the agent in question. Because of this, we are not committed to reaching agreement, or establishing a harmony among us rational practical deliberators. Even when if I act rationally while taking moral considerations into account, it will not necessarily follow that no one will have just cause for complaint.

There are at least three separate charges against Kant made by Williams in this critique. First, according to Williams, Kant mistakenly thought all practical necessities were moral necessities. Second, because he mistakenly thought all instances in which agents are practically necessitated are cases in which agents were also morally required to act in this way, Kant failed to recognize how cases of practical necessity actually reveal that it may not always be unconditionally rational for us to do as morality requires of us.[19] Third, Kant neglected the ways in which theoretical and practical reason differ. Unlike those engaged in theoretical reasoning, rational, practical deliberators are not committed to harmonizing their actions with one another. This chapter will discuss the first criticism. Chapter 3 will discuss the second and third.

[19] The other possibility is that moral requirements might not require the same things of everyone. In fact, I think this is what some cases of practical necessities help to illustrate – if it is true that an agent has all-things-considered reason to perform a particular action, it cannot be morally required that she do otherwise. Because what we have all-things-considered reason to do varies from individual to individual, so does what is morally required of us. These matters will be discussed in more detail in chapter 3. This does not seem to be the conclusion that Williams' draws from these cases, however. Instead Williams draws the conclusion that once we properly understand moral requirements, we will recognize we do not always have overriding reason to follow them. Nevertheless they are still moral requirements – we might still be liable to blame from others for failing to fulfill them, even when we do what it is all-things-considered rational for us to do. This is discussed in section V below.

III.) Williams' First Criticism: Kant Mistakenly thought all Practical Necessities were Moral Necessities

The first important charges in this critique are that, Williams thinks Kant: 1.) recognized the phenomenon of practical necessities, and 2.) misunderstood this phenomenon by taking it to be a strictly moral kind of experience -- the recognition that one is morally obliged to act in a certain manner.[20]

These points of Williams' critique invite us to face the following questions: What conceptions of moral obligation are Williams and Kant using and how might they differ from one another? Second, given one's conception of moral obligation, is it necessarily rational to be moral? The first will be answered in this chapter; the second will be answered in the following.

Williams presents the first charge most clearly in chapter 10 of *Ethics and the Limits of Philosophy*.

> I have already mentioned Kant's description of morality as categorical. When he claimed that the fundamental principle of morality was a Categorical Imperative, Kant was not interested in any purely logical distinction between forms of what are literally imperatives. He was concerned with the recognition of a *must* that is unconditional and goes all the way down, but he construed this unconditional practical necessity as being peculiar to morality. He thought it was unconditional in the sense that it did not depend on desire at all: a course of action presented to us with this kind of necessity was one we had reason to take *whatever we might happen to want*, and it was only moral reasons that could transcend desire in that way. As I have introduced it, however, practical necessity need not be independent of desire in so strong a sense. I distinguished a "must" that is unconditional from one that is conditional on a desire *that the agent merely happens to have*; but a conclusion of practical necessity could itself be the expression of a desire, if the desire were not one that the agent merely happened to have, but was essential to the agent and had to be satisfied. The difference between this

[20] *Ethics and the Limits of Philosophy*, pp. 188-90.

> conception of practical necessity and Kant's is not of course merely a matter of definition or of logical analysis. Kant's idea of practical necessity is basically this more familiar one, but it is given a particularly radical interpretation, under which the only necessary practical conclusions are those absolutely unconditioned by any desire. For Kant there could be a practical conclusion that was radically unconditioned in this way, because of his picture of the rational self as free from causality, and because there were reasons for action which depended merely on rational agency and not on anything (such as a desire) that the agent might not have had.[21]

These criticism that Kant misunderstood the experience we have of practical necessities is repeated in "Ethics and the Fabric of the World".

> In acknowledging the categorical demand of obligation or recognising a moral requirement (the kind of thing expressed in saying, for moral reasons, 'I must'), one does not experience it as an application of the demands of practical reason, but as something more immediate than that, something presented to one by the situation. That is one reason why Kant identified an empirical psychological surrogate of one's rational relations to morality, in the emotional phenomenon of the sense of reverence for the Law. That feeling does, on Kant's theory, represent objectivity, but it also misrepresents it, by making it seem something different from what it is.[22]

Williams also diagnoses the mistakes of "The Morality System" (the chief representative of which he takes to be Kant[23]) in the following manner:

> Many philosophical mistakes are woven into morality. It misunderstands obligations, not seeing how they form just one type of ethical consideration. It misunderstands practical necessity, thinking it peculiar to the ethical. It misunderstands ethical practical necessity, thinking it peculiar to obligations. Beyond all this, morality makes people think that,

[21] p. 189. Also see 213 n16, and *Shame and Necessity*, pp. 74-77.

[22] pp. 175-76. He reports similar concerns in "Practical Necessity."

[23] *Ethics and the Limits of Philosophy*, p. 174.

> without its very special obligation, there is only inclination; without its utter voluntariness, there is only force; without its ultimately pure justice, there is not justice. Its philosophical errors are only the most abstract expressions of a deeply rooted and still powerful misconception of life.[24]

Of course, there seem to be many instances of practical necessities that are not rooted in what agents take themselves to be morally obligated to do. In the case of heroic or supererogatory actions, it might be the case that an agent judges she "must" help in the circumstances, but we do not think it would be morally wrong for her to fail to help and therefore blameworthy. Nor, as in cases like Elizabeth Bennet's refusal of Mr. Collins discussed in the previous chapter, is it the case that such agents judge that they must act in a given way because it is what *anyone* ought to do in the circumstances. Their judgments, unlike judgments that one is morally obliged to do, carry no implications for what others ought to do.

IV.) The Ways in which Williams' Criticism is Fair

I will begin with the ways in which Williams' representation of Kant is fair, and then move on to discuss the ways in which it misrepresents or misunderstands Kant's own position. Williams is correct that Kant: 1.) thought the common experience of duty revealed there was a Categorical Imperative which applies to all agents regardless of their inclinations, and 2.) that this practical necessity was strictly moral.

First, Kant does make reference to the common experience of feeling necessitated, or as he often says, "bound" or "obliged" to act. Arguably it is this common experience that provides the starting point of his practical philosophy. At the very least,

[24] Ibid., p. 196.

it is the starting point of his argument in the *Groundwork*. Section I of the *Groundwork* contains an account of this sort of experience in its analysis of the common conception of duty: "*duty is the necessity of an action from respect for law*."[25] The action is necessary because the need to act does not depend on one's mere desires or inclinations, "but outweighs it [one's inclination] or at least excludes it altogether from calculations in making a choice". While different than Williams' own conception of practical necessity, there is an important common ground between their accounts. The experience of practical necessity is one in which what ordinarily might be a reason for us to act, for instance a mere desire for something or even our own self-preservation, is outweighed or even *excluded* from consideration. Kant thinks that the only way in which this could be possible is if there are incentives that have their source not in mere desires but in reason itself -- we have a special, rational feeling, "respect for the moral law" that originates in reason rather than in sensibility, but still nevertheless affects our sensibility in a profound way. Section III of the *Groundwork* returns to this experience.

> So it is that the human being claims for himself a will which lets nothing be put to his account that belongs merely to his desires and inclinations, and on the contrary thinks as possible by means of it -- indeed as necessary -- actions that can be done only by disregarding all desires and sensible incitements. The causality of such actions lies in him as intelligence and in the laws of effects and actions in accordance with principles of an intelligible world, of which he knows nothing more than that in it reason alone, and indeed pure reason independent of sensibility, gives the law, and, in addition, that since it is there, as intelligence only, that he is his proper self (as a human being he is only the appearance of himself), those laws apply to him immediately and categorically, so that what inclinations and impulses (hence the whole nature of the world of sense) incite him to cannot infringe upon the laws of his volition as intelligence; indeed, he does not hold himself accountable for the former or ascribe them to his proper self,

[25] *Groundwork of the Metaphysics of Morals*, in *Practical Philosophy*, Mary J. Gregor, trans. and ed. (New York: Cambridge University Press, 1996), 4:400. Hereafter *Groundwork*.

> that is, to his will, though he does ascribe to it the indulgence he would show them if he allowed them to influence his maxims to the detriment of the rational laws of his will.[26]

Kant makes his most concerted effort to describe this experience and how it is possible in the chapter "On the incentives of pure reason" in the *Critique of Practical Reason*. In this chapter, Kant sets himself the task of showing a priori how the moral law can serve as an incentive for the human will.[27]

It does this in two ways -- one "negative" and one "positive". First in its negative function, our recognition that an action is morally required (ideally) does two things. First it restricts self-love to its proper place.[28] Considerations about what would contribute to our own happiness or well-being often can provide perfectly good reasons for action. However, the recognition that an act is morally required renders irrelevant considerations about whether or not the performance of that action will promote one's own happiness. If I have promised to help a friend move on Saturday, for instance, the fact that I would enjoy going to the movies more is irrelevant to determining what it is that I should do. Notice the similarity with Williams' conception of practical necessities -- for both, what ordinarily would be a consideration in favor of an action is excluded as being irrelevant to determining what it is that one should do.

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[26] *Groundwork*, 4:448.

[27] 5:72 in *Practical Philosophy*. Kant also discusses the effects of the moral law on our minds -- which makes the concepts of moral obligation and duty apply only to finite (sensible) rational beings, while the moral law applies to all rational beings -- in *The Metaphysics of Morals*, in *Practical Philosophy*, 6:399-403. What allows the moral law to affect our sensibilities are our predispositions to moral feeling, conscience, love of one's neighbor, and self-respect. Also see *On the Common Saying*, in *Practical Philosophy*, 8:283.

[28] Kant asserts that all non-moral incentives – all of our sensible inclinations – are either ones of self-love or self-conceit in this chapter, esp. 5:73.

Secondly, in its negative function, not only does the moral law restrict self-love, it also "humiliates" or "strikes down" self-conceit. Self-love, a desire for one's own happiness, is itself not morally pernicious, but the desire for it must be restricted when it is opposed to what we are morally required to do. In other circumstances, considerations about one's own happiness or well-being can provide good reasons for us to act. Self-conceit, in contrast to self-love, is always morally pernicious. Self-conceit is our tendency to ignore our moral duties altogether and to make self-love the "supreme or unconditional practical principle," as if we were over and above the claims of morality.[29] Kant especially seems to have in mind our tendency to resist showing respect for the moral law in our treatment of and attitudes towards other human beings (all of whom have the moral law within them), particularly the most humble, needy, and lowly among us. It is always pernicious to harbor the attitude that one can simply decide to show basic respect for others as one wishes, like a "proud volunteer," rather than as something owed to them as fellow human beings.[30] Such attitudes strike at the self-respect of the lowly, and inflate the sense of self-worth and entitlement of the fortunate. Kant thinks that human beings have a tendency to judge ourselves to be well-off or worthy of respect only in terms of whether we are better off than and respected by others.[31] Feeling ourselves to be bound by the moral law reminds us that judging ourselves to have worth *only* in terms of how we are viewed by other human beings is an improper way of valuing ourselves because,

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[29] *Critique of Practical Reason*, 5:74. I discuss these matters in more detail in chapter 3.

[30] Ibid., esp. 5:77, 5:82-83.

[31] *Religion within the Limits of Reason Alone*, Theodore M. Greene and Hoyt H. Hudson, trans. (New York: Harper and Row, 1960), p. 22. Hereafter *Religion*.

> all claims to esteem for oneself that precede accord with the moral law are null and quite unwarranted because certainty of a disposition in accord with this law is the first condition of any worth of a person.[32]

At the same time, the humiliation of our self-conceit and the restriction of self-love to its proper place is experienced as a sort of positive incentive that is able to determine the will itself -- without requiring the mediation of the agent's "pathological" desires. By humiliating self-conceit and restricting self-love to its proper bounds, the moral law is also the ground of a positive feeling of respect. That is, it reveals to the agent her own autonomy, which is a source of unconditional worth, and the ground of moral value. It reveals to the agent rational grounds for self-respect; no matter what she has done up until now, it is still possible for her now to do as she ought. Being confronted by the moral law, the "Fact of Reason" frees us from our pathological desires and inclinations and the ways in which we value ourselves that are dependent upon them. At the same time it reveals to us our own autonomy and therefore real source of our worth.

> [T]his humiliation takes place only relatively to the purity of the law; accordingly, the lowering of pretensions to moral self-esteem -- that is, humiliation on the sensible side -- is an elevation of the moral -- that is, practical -- esteem for the law itself on the intellectual side."[33]

In all of this there is a clear parallel with Williams' own account of the experience of practical necessity. Like Williams, Kant took it to be the case that practical

[32] *Critique of Practical Reason*, 5:73.

[33] Ibid., 5:79. Also see 5:87 where Kant clarifies that the source of our inner worth is our autonomy, which he also calls our "personality" and "the humanity in our person" - -our capacity to be subject to pure practical laws given by our own reason, and *Religion*, pp. 21-23; 44-45.

necessitation does not interfere with free (self-directed) agency, but rather is an expression of it; if a person "gives up his plan immediately, though reluctantly, at the thought that by carrying it out he would omit one of his duties . . . he proves his freedom in the highest degree by being unable to resist the call of duty."[34] Furthermore, practical necessities, on Kant's view and on Williams are the result of a kind of exclusion. When one is in the grip of a practical necessity, certain considerations which ordinarily might count in favor of an action do not, in these circumstances, count at all.

But what grounds this exclusion is decidedly distinct. For Kant, practical necessities are grounded in our rational, moral nature -- our "proper self."[35] They are the result of recognizing that a proper respect for this nature requires us to act in a given way and that any considerations to the contrary are not relevant to determining what it is that we should do. For Kant, we "feel" necessitated to act in various ways on account of our rational and moral nature -- as a rational person you have no other rational choice than but to do it. It is against our rational and moral nature not to do it. For Williams, what grounds these necessities is also our "deepest nature" -- which usually may include a concern for moral requirements, but many other personal concerns in addition. For Williams, but not for Kant, practical necessities need not reveal that we take ourselves to be under a moral requirement.

We will return to the debate between their two distinct views on what our "deepest natures" are in the next chapter -- it is at the heart of the disagreement between them. For now, it is worth exploring whether practical necessities are a distinctly moral

[34] *The Metaphysics of Morals*, 6:382n; *Lectures on Ethics*, Louis Infield, trans. (Indianapolis, IN: Hackett Publishing Company, 1963), p. 28.

[35] *Groundwork*, 4:461.

phenomenon as Kant took them to be. In order to do this, it is necessary to first get clear on what we mean by "moral". I will argue that Kant and Williams use distinct conceptions of morality and so it is easy to exaggerate the extent of their disagreement with respect to practical necessities. Kant's strict conception of the moral -- ethical duties as opposed to juridical duties -- is something that is internal to the agent -- it is not necessarily restricted to a conception of the proper relations that ought to hold between human beings.[36] Moral duties are self-imposed standards to which we hold ourselves accountable; they are primarily what we demand of ourselves, and only derivatively what others can demand of us. Because of this, there is room for a Kantian agent to recognize an action as falling under the scope of a moral duty (namely, an imperfect duty) and to hold it be necessary for her to perform the action on moral grounds, while nevertheless we might recognize that she is not morally obliged (in Williams' sense) to do it.

This conception of moral duty can seem alien in contemporary debates, and is in contrast to what appears to be Williams' uses of moral obligation. Following Marcia Baron, I will call this the "legalistic conception" of moral obligation. [37]

V.) Williams' Legalistic Conception of Moral Obligation

Those who espouse a legalistic conception of moral obligation often think of moral obligations as socially enforced norms of conduct. While John Stuart Mill did not

[36] Although, while not restricted only to a discussion of the proper relations that should hold among human beings, Kant does think this is one of the fundamental areas of ethics and dedicates the *Doctrine of Right* to developing a theory of it.

[37] *Kantian Ethics Almost without Apology* (Ithaca, NY: Cornell University Press, 1995), esp. pp. 64-71; "Virtue Ethics in Relation to Kantian Ethics," *Perfecting Virtue*, Jost and Wuerth, eds. (New York: Cambridge University Press, 2011). The following discussion is greatly indebted to Baron.

have a legalistic conception of moral obligation, certain passages of chapter 5 in his *Utilitarianism* are illustrative of the basic tenor of the legalistic conception of moral obligation.[38]

> We do not call anything wrong unless we mean to imply that a person ought to be punished in some way for doing it -- if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience. This seems to be the real turning point of the distinction between morality and simple expediency. It is part of the notion of duty in every one of its forms that a person may rightfully be compelled to fulfill it. Duty is a thing which may be *exacted* from a person, as one exacts a debt. Unless we think that it may be exacted from him, we do not call it his duty. Reasons of prudence, or the interest of other people, may militate against actually exacting it, but the person himself, it is clearly understood, would not be entitled to complain. There are other things, on the contrary, which we wish that people should do, which we like or admire them for doing, perhaps dislike or despise them for not doing, but yet admit that they are not bound to do; it is not a case of moral obligation; we do not blame them, that is, we do not think that they are proper objects of punishment. How we come by these ideas of deserving and not deserving punishment will appear, perhaps, in the sequel; but I think there is no doubt that this distinction lies at the bottom of the notions of right and wrong; that we call any conduct wrong, or employ, instead, some other term of dislike or disparagement, according as we think that the person ought, or ought not, to be punished for it; and we say it would be right to do so and so, or merely that it would be desirable or laudable, according as we would wish to see the person whom it concerns compelled, or only persuaded and exhorted, to act in that matter.[39]

Some of the key characteristics of the legalistic conception of moral obligation can be seen in Mill's influential discussion in which blame, in particular blame on the part of other people, plays a central role. First, we are obliged to act in a certain way if and only if we can be *compelled* to do so -- most particularly if we can be compelled by others.

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[38] Mill discusses the special, powerful feeling of moral obligation, which turns an "ought" or "should" into a "must." *Utilitarianism,* 2nd Ed. (Indianapolis, IN: Hackett Publishing Company, 2001), p. 54.

[39] Ibid., p. 45.

Second, failure to act as we ought leaves us liable to *blame* from others and ourselves. Furthermore, we might add to Mill's discussion that we are most especially liable to blame because there is an assignable person who has been *wronged* by our action, a person whose rights have been violated or whose legitimate expectations have not been fulfilled. Actions and attitudes that have no effect on people other than oneself, especially those that do not harm, wrong or violate the rights of anyone besides oneself, are not matters of moral obligation or duty.

These features might be understood to be the result of a common assumption about the function of moral codes in a society. It might be thought that the reason for a society to have a moral code of any kind is for that society to promote harmony between its members and maintain minimal standards of decency. That is, the function of a moral code is to bring about the reliable, stable ways for human beings to interact with one another, which provides the basic groundwork for other human goods. Individuals might be thought to have reason to restrict their freedom to live as they like in various ways as the legitimate price of being members of a society that is reasonably stable. They are compensated in restricting their own freedom in that the freedom of others is likewise restricted. They are protected from certain kinds of wrongs or harms so long as they are willing to refrain from harming others in return. When members of that society fail to live in accordance with these obligations they may legitimately be blamed, censured or punished in various ways -- either through laws, or social opprobrium. So long as all in a society cooperate and live according to the rules, they all benefit in the long run.

As Marcia Baron summarizes, somewhat disparagingly, those who hold the legalistic conception "see the source of morality to be external to us, moral requirements

to be a burden, and the experience of being subject to moral requirements to be that of having something more or less onerous demanded of one in the name of society."[40] She adds further that those who hold the legalistic conception of obligation or duty typically see duty in the following ways: (a) duties most often entail corresponding rights, or at least require there to be an assignable person who will be wronged by the performance or lack of performance of the action in question, (b) moral constraint is seen as burdensome in roughly the way that legal constraint is, and (c) a 'morality of duty' is seen as something that interferes with individuals' lives and that should be prevented from interfering more than is absolutely necessary.[41]

Such an understanding of moral obligation is often taken for granted by many contemporary moral philosophers. In particular, it is the conception of moral obligation used by many virtue ethicists.[42] Bernard Williams is no exception.

There are two important conceptions of moral obligation that Williams uses, both of which have the essential features of the legalistic conception. First, there is the special

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[40] *Kantian Ethics Almost without Apology*, p. 64.

[41] Ibid., p. 68. Also see O'Nora O'Neill, *Towards Justice and Virtue* (New York: Cambridge University Press, 1996), p. 127.

[42] J.O. Urmson's "Saints and Heroes," in *Essays in Modern Philosophy*, A.I. Meldon, ed. (University of Washington Press, 1958), pp. 198-216, Philippa Foot's *Natural Goodness* (New York: Oxford University Press, 2003), the conception of obligation critiqued by Anscombe in "Modern Moral Philosophy," *Philosophy 33(124)* (1958), all offer examples of this narrower conception, which is often taken for granted in contemporary moral philosophy. For a summary of the use of the legalistic conception of morality in virtue ethics see Kristen Monroe, "Morality and a Sense of Self: The Importance of Identity and Categorization in Moral Action," *American Journal of Political Science* 45(3) (2001), p. 497. In *Towards Justice and Virtue*, p. 140 Onora O'Neill also emphasizes how the emphasis on rights (what people can demand of other people) rather than duty (what agents should do) as the central moral notion is a relatively recent trend in moral philosophy. The focus on duty rather than rights is far more prevalent in the history of philosophy and is found in Locke, Rousseau, Kant, Hume and even Mill, all of whom did not see the demands of justice as in conflict with virtue or individual excellences, as many contemporary writers on virtue have objected.

conception of moral obligation found within the "morality system" whose chief representative Williams holds to be Kant.[43] Second, there is Williams' own conception of moral obligation, which is one kind of ethical consideration among others.

According to Williams, adherents of "the morality system" have created an "intimidating structure" out of their special idea of moral obligation.[44] This "intimidating structure" has made the concept of moral obligation the key moral concept. All other ethical concepts are either forced into the mold created by the concept of moral obligation, or are dismissed as not proper parts of moral life. The overuse of the concept of moral obligation to account for all features of ethical life, combined with the inescapability and categorical nature of moral obligations creates a system which threatens individuality and individual freedoms.

Williams argues that a moral obligation in the morality system is a special kind of categorical deliberative conclusion.[45] It is an especially important kind of deliberative conclusion about what to do in the particular situation that is arrived at on the basis of moral reasons and which applies to the deliberator regardless of what the agent wants to do.[46] Several important features of this special conception of moral obligation can be explained by the fact that a moral obligation is a special form of deliberative conclusion.

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[43] *Ethics and the Limits of Philosophy*, p. 174.

[44] Ibid., p. 182.

[45] As will be apparent from what follows, the features of the special use of moral obligation in the morality system share many of the features of Williams' own conception of practical necessity. Both are special, especially forceful, deliberative conclusions "trump" one's mere desires. But cases of practical necessity, unlike those of moral obligation as conceived in the Morality System, are not grounded in the expectations of others or in what one can be blamed for failing to perform (again, this shows the degree to which Williams' view of moral obligation in the Morality System is also legalistic).

[46] *Ethics and the Limits of Philosophy*, pp. 174-75.

First, obligations are actions it must be possible for the agent to perform. Second, because what an agent ought to do must be within her power, moral obligations cannot conflict.[47] That is, if two of the moral considerations that enter into my deliberation are incompatible, it cannot be my obligation to do both. One (the real moral obligation, what one has most reason to do), must trump the other, which is not truly an obligation in this instance.

Moral obligations apply to people even when they do not want them to. They are inescapable and categorical. They are what agents "must" do even if they do not want to be in the system or be bound by the rules of the system. If an agent fails to perform an obligation, blame is the appropriate and characteristic reaction -- whether self-blame on the part of the agent or blame from others.[48] So long as an agent faithfully performs her obligations, she is morally blameless.

Williams does not take issue with the connection between blame and moral obligation and maintains this connection in his conception of moral obligations when they are properly understood, as will be discussed below. Instead, he believes the problems for the morality system are rooted in its use of moral obligation as the central (perhaps sole) ethical concept and in the view that moral obligations are a special kind of deliberative conclusion. Both of these features allow moral obligations to permeate human lives. First, because all ethically worthwhile actions must be accounted for in terms of the central concept of moral obligation, it tries to make as many of them as possible into moral obligations.[49] Heroic or otherwise exemplary actions that in common

[47] Ibid., p. 176.

[48] Ibid., pp. 174-77, 180.

sense terms are not morally required of agents and that agents would not be blamed for failing to perform, are in the morality system taken to be ways of fulfilling other, more general obligations, such as aiding others, displaying gratitude and so on (rather than seeing them for what they are -- actions that display that one has a good character which are not obligatory).

Second, moral obligations come to permeate (and strangle) human lives because adherents of the morality system sees moral obligations as an especially important kind of deliberative conclusion, especially a conclusion about what it is that one has most reason to do. However, it sometimes appears that what we have most reason to do conflicts with what we have an obligation to do. To use an example of Williams', I might break a promise to meet a friend because I had a rare opportunity to further a worthwhile cause.

> But obligations have a moral stringency, which means that breaking them attracts blame. The only thing that can be counted on to cancel this, within the economy of morality, is that the rival action should represent another and more stringent obligation. Morality encourages the idea, *only an obligation can beat an obligation*. . . . You are not under an unqualified obligation to pursue this cause, nor to do everything you possibly can for causes you have adopted. We are left with the limp suggestion that one is under an obligation to assist some important cause on occasions that are specially propitious for assisting it. The pressure of the demand within the morality system to find a general obligation to back a particular one -- what may be called the *obligation-out, obligation-in* principle.[50]

This is where the trouble begins. It becomes difficult to find room for morally indifferent actions once we admit that there are such general, open-ended obligations. "But if we have accepted general and indeterminate obligations to further various moral

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[49] Ibid., p. 179.

[50] Ibid., pp. 180-81, original emphasis.

objectives, as the last set of thoughts encourages us to do, they will be waiting to provide work for idle hands."[51] In order for someone to be able to do what she wants to do, she will need to uncover a duty to herself, a "fraudulent item."[52]

We can see the influence of the legalistic conception of obligation in Williams' understanding of the special conception of moral obligation inherent in the morality system and why it can come to have such pernicious consequences. Because unfulfilled moral obligations leave one rightfully liable to blame, especially to blame from others who have a claim on one's activities, and because moral obligations can be general in scope, it is difficult for the agent to find room to do what she wants to do without being subject to blame or censure. She has reason to feel guilty for engaging in activities simply because she wants to do them and enjoys them -- duties to oneself are a last-ditch effort to avoid agents having just cause to reproach themselves for taking some time for themselves, to live even for a moment unfettered by the rightful demands of others, others one will be wronging by failing to do more. Duties to oneself are an attempt to loosen the shackles of the burdensome claims of others that impinge on our ability to live as we like.

Secondly, we can also see that Williams has a legalistic conception of obligation when he gives his account of what it would look like if obligations were removed from the place of honor they hold in the morality system. As was discussed above, Williams thinks that we should remove moral obligations from their throne and instead take them to be one kind of consideration among others, and one that need not always trump when

[51] Ibid., p. 181.

[52] Ibid., p. 182.

in conflict with other kinds of considerations.[53] Even though ethical considerations are important and often have priority in our deliberations, other considerations are important as well. The ethical considerations that should be given the highest priority (though not necessarily a "trumping" authority) are those grounded in what people should be able to rely on from one another.

> Considerations that are given deliberative priority in order to secure reliability constitute obligations; corresponding to those obligations are rights, possessed by people who benefit from the obligations.[54]

In the case of some, but by no means all, deliberations in which obligations figure, an individual might reach the conclusion that she "must" act in response to the demands of an obligation. But, this is not simply because it is an obligation, but instead depends on what she in these circumstances sees as having the highest deliberative priority and as having the greatest importance to her.[55] In other cases, an agent might rightfully judge that she has an all-things-considered reason to fail to fulfill an obligation (such as keeping a promise) because the costs would be too high, or she is in a position to promote a worthy cause. In these cases she might be liable to blame, in particular might be liable to blame from the person whose promise she was unable to keep. She might then have an obligation to make amends.[56]

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[53] Ibid.

[54] Ibid., p. 185.

[55] Ibid., pp. 186-87.

[56] Williams sees this as one of the redeeming features of his view. He argues it makes better sense of why it seems the promisee is owed an apology or other amends, and why the promisor has reason to feel regret, if we simply admit that the promisor has failed to carry out a genuine

Again, the features of a legalistic conception of moral obligation are easy enough to see. Moral obligations are what is owed to other people, especially those who have a corresponding right, and failure to fulfill them leaves one liable to blame even if one fails to fulfill them in response to another ethical consideration. Furthermore, not only does Williams' account of moral obligations have these legalistic features, Williams also takes a legalistic tone in his view as to what reasons we have to act morally. The reason we have to be moral, in particular, the reason we have to fulfill moral obligations (as is typical in a legalistic conception of moral obligation), is that we care about things *other than* morality. That is, the reason we have to participate in a system that allows us to have reasonable expectations of what sorts of behaviors we are to expect from others is that it helps to protect the other things we care about -- our personal projects and commitments. Moral obligations are necessary but burdensome restrictions to live as we like and because they are burdensome, they should be kept to their proper place. Because our personal projects and commitments are what give us reason to participate in the system, it cannot be necessarily rational for us to abandon them when moral obligations require it of us.

VI.) Why it would be Problematic for Kant to have a Legalistic Conception of Duty

It should already be fairly clear why it would be bad if Kant's view of moral obligation were itself legalistic. Because many of the moral duties in Kant's system are

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moral obligation even though she did what she had all-things-considered reason to do. "Moral Luck," in *Moral Luck*, pp. 20-39, also makes the point that acting as one has all-things-considered reason to do does not necessarily free one from being rightfully (morally) blamed and/or criticized by others; what we are morally obliged to do is not necessarily what we have all-things-considered reason to do.

so broad, general and encompassing, if we were liable to blame from others or to self-blame for failing to fulfill them it might seem that his moral theory demands too much of us as agents and does not allow us to live our own lives. There are two ways in which it might do this, both of which are charges made by Williams. First, it might demand too much of us on particular occasions. On such occasions, we might think that the demands of morality require too much effort or sacrifice and that in such situations, it cannot *necessarily* be a rational demand to make on an agent.[57] Second, moral obligations might permeate places in an individual's life that are not the proper objects of moral concern. It need not be the case that morality requires too much of us on any particular instance, but rather that it invades aspects of our private lives that are not anyone else's business[58] and perhaps requires us to conform to a narrow, rigid standard of what is morally required. We might think this puts intolerable limits on the diversity of ways in which we might think individuals are capable of expressing themselves in ethically admirable or morally acceptable ways or the variety of characters we think are morally admirable or acceptable. Second, others, not Williams, have though that a legalistic conception of duty demands too little of individuals -- it does not require them or inspire them to do more. I will set this criticism aside as it is far less common and has been responded to in some detail elsewhere.[59] Thirdly, we might think that an emphasis on doing one's duty, or acting as one is morally obliged to act simply because one is so obliged, requires agents to care about the wrong thing -- their own moral purity or morality itself -- rather than

[57] See "Persons, Character and Morality."

[58] This is the general theme in chapter 10 of *Ethics and the Limits of Philosophy*.

[59] See Marcia Baron's *Kantian Ethics Almost Without Apology*, chapter 2.

other, more morally admirable objects for their own sakes.[60] It might appear that what matters in this system of morality is maintaining morally blameless conduct rather than anything more worthy.

It might also appear that it is difficult to deny that Kant does have a legalistic conception of moral obligation given his use of language. Duty is described in terms of maxims that we legislate for ourselves as lawmakers in a kingdom of ends. The Categorical Imperative is the supreme law of morality from which more specific laws can be derived.

> Duty and what is owed are the only names that we must give to our relation to the moral law. We are indeed lawgiving members of a kingdom of morals possible through freedom and represented to us by practical reason for our respect; but we are at the same time subjects in it, not its sovereign, and to fail to recognize our inferior position as creatures and to deny from self-conceit the authority of the holy law is already to defect from it in spirit, even though the letter of the law is fulfilled.[61]

Secondly, not only does Kant use legalistic language in his discussion of our moral duties, he conceives of an important class of duties in legalistic terms. These are our juridical duties, which Kant discusses in most detail in the *Metaphysics of Morals' Doctrine of Right*. Juridical duties are concerned with the *legality* of our actions as opposed to the *morality* of our actions. The morality of our actions concerns the motives out of which we act or the attitudes we express in our actions -- whether or not we act in conformity with the moral law out of respect for the moral law. This is the subject matter of what we might call "ethics proper," our ethical duties, and will be discussed in detail in

[60] Curiously, Bernard Williams does an admirable job of replying to such criticisms when directed at theories of virtue ethics, especially in "Utilitarianism and Moral Self-Indulgence," in *Moral Luck*, and chapter 3 of *Ethics and the Limits of Philosophy*, but occasionally gives in to the temptation to direct them at Kant and Kantian-based theories.

[61] *Critique of Practical Reason*, 5:82.

the following section. The legality of our actions is determined entirely by whether or not the outward aspects of our actions are in conformity with the principle of right.[62] The only concern when it comes to the legality of our actions is the outward use of our freedom, and the ways in which we may use or misuse our freedom in this respect. A misuse of our freedom violates the rights of another, and others can have the authority to coerce us into behaving in ways in which such infringements will not occur. In particular we may be coerced by threat of punishment of those who are legally authorized to give it.[63] Because failure to act in conformity with juridical duties is subject to legal penalty, juridical duties are largely determinate. Right determines what belongs to each with "mathematical exactitude". "Such exactitude cannot be expected in the doctrine of virtue, which cannot refuse some room for exceptions."[64]

VII.) Kant's Non-legalistic Conception of Moral Obligation[65]

Nevertheless, Kant's conception of moral duty is, all things considered, importantly distinct from the legalistic conception of moral obligation employed by Williams and many other contemporaries. Kant's conception of moral duty, which encompasses both juridical duties and ethical duties, cannot be conceived simply as a conclusion of what one must do that is grounded in the expectations or rights of others. It

[62] *The Metaphysics of Morals*, 6:229.

[63] Ibid., 6:230

[64] Ibid., 6:233.

[65] While I will use the terms "moral obligation" and "moral duty" more or less interchangeably in the course of this discussion, on the whole I find it is helpful to use the term "duty" rather than "obligation" when discussing Kant's moral theory in order to highlight that Kant's conception of duty and obligation is *not* the same as prevalent contemporary conceptions of moral obligation.

is also not necessarily something one would or should be blamed by others for failing to perform.

> To every duty there corresponds *a* right in the sense of an *authorization* to do something . . . but it is not the case that to every duty there correspond *rights* of another to coerce someone.[66]

In contrast to juridical duties which have as their domain of concern the outward use of our freedom and whether or not it violates the rights of another (the legality of our actions, or whether or not our actions are *in accord with duty*), ethical duties are concerned with the inward use of our freedom -- the morality of our actions, in Kant's terms, or whether or not our actions are performed *from duty*. The inward use of our freedom concerns the ends we freely set for ourselves and the motives of our actions. No one can set an end for another, or force her to act from a given motive. The only constraint involved when it comes to ethics proper is self-constraint.[67] Furthermore, it is this self-constraint that lies at the heart of Kant's conception of duty. Even our juridical duties ought to be performed simply because the individual recognizes them to be morally required -- *from duty* -- and not because we may face legal penalties if we fail to comply.[68]

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[66] *The Metaphysics of Morals*, 6:383.

[67] Ibid., 6:394. Allen Wood also notes that much of the distaste for Kant often stems from confusing the self-constraint discussed by Kant with external constraint. "Kant and Agent-Oriented Ethics," in *Perfecting Virtue*, p. 78.

[68] It is also worth noting that performing our juridical duties *from duty* need not be understood as an objectionable form of rule worship. Performing our juridical duties is largely a matter of respecting the rights of other human beings out of respect for them as rational beings (beings who have reason – the moral law – within them) and not simply because it is legally required for us to do so (assuming we live in a just society).

It might help to return to Kant's account of practical necessity -- the experience human beings have in which they feel bound or obliged to follow the moral law. This constraint is not imposed on an individual by the legitimate expectations of others who stand by ready to hold the agent accountable. It is imposed on the individual by herself -- by the individual's own lawgiving reason -- who holds herself accountable.

> The consciousness of a *free* submission of the will to the law, yet as combined with an unavoidable constraint put on all inclinations though only by one's own reason, is respect for the law. . . . An action that is objectively practical in accordance with this law, with the exclusion of every determining ground of inclination, is called *duty*, which, because of that exclusion, contains in its concept practical *necessitation*, that is, determination to actions however *reluctantly* they may be done . . . . however, since this constraint is exercised only by the lawgiving of his *own* reason, it also contains something *elevating*, and the subjective effect on feeling, inasmuch as pure practical reason is the sole cause of it, can thus be called *self-approbation*.[69]

There are two important points to be made here. First is that unlike Williams' conception of the roots of moral obligation in the expectation of others, the roots of Kant's conception of moral duty, in its broadest form, concerns rational standards we ought to impose on ourselves -- both in our external relations with others and in the ends and attitudes we adopt. So Williams' criticism that Kant's focus on "moral obligation" as the sole ethical concept neglects many other features of ethical life -- features beyond what one agent can rightfully demand of anther -- fails to appreciate the scope of Kant's conception of moral obligation. Kant does have much to say about the ethical life beyond what one person might rightfully demand of one another. Kant's primary moral concept is *duty* -- what we as individuals should demand of ourselves, and not *rights* -- what one

[69] *Critique of Practical Reason*, 5:80. Also see *The Metaphysics of Morals*, 6:417-18.

person can demand of another.[70] Secondly, because Kant's conception of duty is independent of what others can rightfully demand of one, a failure to live up to one's ethical duties need not leave one liable to blame from others in the way that a failure to live up to our juridical duties could make us liable. A failure to live up to our ethical duties shows that we are deficient in moral worth or lack virtue, which Kant conceives as strength of will. It need not reveal that we are vicious (i.e. are not committed to good moral principles), or that we are doing what is morally wrong.[71] A failure to live up to our ethical duties, then, does not necessarily render one blameworthy in the eyes of others or even in the eyes of oneself.

To expand on the first point, unlike juridical duties which are both strict and precise, ethical duties are largely open-ended and indeterminate.[72] Such open-ended and indeterminate duties are imperfect duties. They concern the sorts of maxims or policies we should adopt, but need not require particular actions of us,

> for 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

[70] This distinction is also emphasized in the works of Onora O'Neill, in particular *Towards Justice and Virtue*, chapter 5, and "Children's Rights and Children's Lives," in *Constructions of Reason: Explorations of Kant's Practical Philosophy* (New York: Cambridge University Press, 1989), pp. 187-205.

[71] *The Metaphysics of Morals*, 6:384, 6:39.

[72] With, perhaps, the exception of perfect duties to ourselves which, as perfect duties require us to "always" preserve ourselves, rather than that we "sometimes" do so, as is the case with our imperfect duties. See *The Metaphysics of Morals*, 6:419-44. This way of making the distinction between perfect and imperfect duties follows Hill in "Imperfect Duty and Supererogation," *Dignity and Practical Reason* (Ithaca, NY: Cornell University Press, 1992), and "Meeting Needs and Doing Favors," *Human Welfare and Moral Worth*, esp. p. 207.

is to do by the action for an end that is also a duty.[73]

It is an imperfect, ethical duty to adopt the ends of promoting our own natural and moral perfection, and the happiness of others. It is not a matter of our discretionary choice to adopt these ends. A failure to adopt these ends is in violation of the Categorical Imperative.[74] One cannot "always treat humanity at the same time as en end" unless one recognizes that the morally permissible, freely selected ends of others (one of which is the "unavoidable" or "natural" end of happiness -- although it is up to the individual to "decide" what she counts as belonging to her happiness[75]) as well as promoting our own natural and moral perfection are relevant factors in determining what it is that we should do. A failure to recognize this and thereby a failure to be committed to taking our own perfections and the happiness of others as a "serious, major, continually relevant, life-shaping"[76] project is not to allow the value of our autonomy to have its "full effect"[77] on ourselves as something we should respect (and care about) and which should structure our deliberations in the manner customary of the things we care about.

Nevertheless, even if the happiness of others and our own perfection should be relevant in our deliberations about what we should do, there is no clear recipe as to what

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[73] *The Metaphysics of Morals*, 6:390.

[74] Kant argues for this in *The Metaphysics of Morals*, 6:385; it parallels his argument for the derivation of the Formula of Humanity in the second section of the *Groundwork*, 4:428-29, with the difference that at that point in the *Groundwork* Kant has not yet established that it is legitimate to take ourselves as human beings to have the property of autonomy -- for the sake of practical purposes. This is not argued until the third section.

[75] *The Metaphysics of Morals*, 6:387-88.

[76] This phrasing comes from Hill's "Meeting Needs and Doing Favors," p. 206.

[77] *Groundwork*, 4:430.

role they should play in our deliberations.[78] What we should do in any given set of circumstances requires the use of judgment. Sometimes it may be the case that, in the circumstances at hand, there is only one way to fulfill our imperfect duties. Neglecting to promote one's own perfection or the happiness of others would be incompatible with having adopted it as an end. For instance, it might be the case that I could very easily help another in dire straits who is begging for my help. If I, as I should, take her to matter *at all*, given that I have no good reason not to, I might rightly conclude that I *must* help. On other occasions, it might be the case that I recognize the happiness of others and developing my own natural talents are relevant to determining what it is I should do, but there are any number of ways I might reflect this in my actions. I am left room for considering what I would prefer to do and to freely choose from among the many permissible options for action.[79]

It is also indeterminate how much we are to do for the sake of these ends.[80] While the question of how much we are to do is very contentious among commentators, it is clear that given the conditions in which we human beings find ourselves, in which opportunities for developing our talents or helping others are numerous, we must at the

[78] Although, it seems that generally, when such considerations conflict with what our perfect duties require, our perfect duties should trump. This is not to say that our perfect duties might not have built-in, principled exceptions (i.e. that it might be permissible to fail to tell the truth in order to save a life, etc.). See Hill, "Meeting Needs and Doing Favors," pp. 208-09.

[79] It is also worth noting that there may be any number of ways of fulfilling our perfect duties as well. We can fulfill a promise by doing as we said we would, convincing another to release us of it, etc. Hill makes this point in "Meeting Needs and Doing Favors," p. 208.

[80] How much latitude Kant allows is a controversial matter. See Baron, chapter 3, Thomas E. Hill Jr., "Kant on Imperfect Duty and Supererogation," and "Meeting Needs and Doing Favors," Mary Gregor, *Laws of Freedom: A Study of Kant's Method of Applying the Categorical Imperative in the "Metaphysik der Sitten"* (Oxford: Basil Blackwell, 1963), H.J. Paton, *The Categorical Imperative: A Study in Kant's Moral Philosophy* (Philadelphia: University of Pennsylvania Press, 1971).

very least do something. We must, for instance, develop at least some of our talents on some occasions when the opportunity to do so arises. We must also do something to promote the happiness of others (i.e. help them to achieve their morally permissible, freely selected ends) on some occasions when the opportunity arises. A failure to do so at all reveals that one very likely -- given the conditions of the world in which such opportunities are numerous -- has not in fact adopted the happiness of others as an end. But, beyond at least doing something, it is controversial how much is required. Kant occasionally suggests that even though our imperfect duties leave "playroom for free choice" in complying with these ends, the only latitude they allow is to "limit one maxim of duty by another (e.g., love of one's neighbor in general by love of one's parents)."[81] Is it the case that we must do as much as we can unless we are required to perform some other duty instead?

There is reason to think not when it comes to our duties to perfect our talents or our duties to promote the happiness of others. When it comes to cultivating our talents, Kant says,

> this duty is merely an ethical one, that is a duty of wide obligation. No rational principle prescribes specifically *how* far one should go in cultivating one's capacities (in enlarging or correcting one's capacity for understanding, i.e., in acquiring knowledge or skill). Then too, the different situations in which human beings may find themselves make a human being's choice of the occupation for which he should cultivate his talents very much a matter for him to decide as he chooses.[82]

[81] *The Metaphysics of Morals*, 6:390.

[82] Ibid., 6:392.

While more controversial, it seems that Kant did not think we need do as much as we possibly can to promote the happiness of others, either. While we must adopt the maxim of promoting the happiness of others,

> a maxim of promoting others' happiness at the sacrifice of one's own happiness, one's true needs, would conflict with itself if it were made a universal law. Hence this duty is only a *wide* one; the duty has in it a latitude for doing more or less, and no specific limits can be assigned to what should be done.[83]

Although it is unclear what Kant means by "true needs" and much rests on it, at the very least, he makes clear that how much to do and when to do it cannot be determined independently of the circumstances in question. It is a matter of judgment.[84]

In summary, it seems that many of our moral duties leave indeterminate exactly what an individual should do on their behalf. Moreover, it also seems that Kant thought that exactly what morally should be done in such matters should be left largely to the individual, her own judgment, and her own conscience. Such matters are not the proper objects of legal punishment. Nor did Kant leave much room for the role of social pressures such as blame. This brings us to the second point mentioned above. Unlike Mill and Williams who see various kinds of social pressures (blame) as one important kind of incentive to act as we morally should that occupies the space in between what is rightfully subject to legal sanctions and what is properly left to the dictates of one's individual conscience, Kant makes little, if any, reference to this moderate moral ground.

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[83] Ibid., 6:393.

[84] The duty we have to promote our own moral perfection is a bit different, because this is not a separate moral task, but instead requires us to be committed to improving ourselves morally. This will be discussed in more detail in the next section. For similar points, see Hill, "Meeting Needs and Doing Favors," pp. 209-11.

There are legal incentives to be moral and moral incentives, but no social pressures. Was this simply an oversight?

There is good reason to think not. Kant is deeply suspicious of the attention we give to the moral shortcomings of others. This suspicion runs throughout his ethical theory and arguably has roots in some of its major themes. First, we might think that social pressures such as blame are antithetical to the spirit of enlightenment that runs throughout Kant's philosophy. Kant thought enlightenment was an emerging from "self-incurred minority" -- a lack of courage in using one's own understanding.[85] Judging one's conduct in terms of whether or not it will lead to social opprobrium might be akin to surrendering or subordinating one's own judgment to that of others. This would encourage mindless conformity and threaten the dignity we have as autonomous beings.

Second, it might stem from Kant's general distaste for moral hypocrisy. He is suspicious that blaming others and focusing on their behavior rather than one's own is often a way of avoiding looking at one's own moral flaws and faults -- avoiding, in other words, on focusing on one of the primary moral tasks that each person has: her own moral improvement. In fact, Kant often suggests that a focus on others rather than oneself tends to be morally corrupting. This plays an important role in his theory of the radical evil to be found in human nature in which we are all too content to judge ourselves to have or lack worth in terms of how we measure up to other people, rather than in terms of how we measure up to the standard provided by the moral law itself. But a failure to consider the moral law in all its purity and evaluate ourselves with respect to it alone does not allow the moral law to influence our motivations as it otherwise might.

[85] *An Answer to the Question: What is Enlightenment?* in *Practical Philosophy*, 8:35.

This can lead to moral complacency, at best, or to a corruption of our moral dispositions, at the worst.[86]

> We ought not to measure our worth by comparing ourselves with others, but with the standard of the moral law. To compare ourselves with others is to use a fortuitous standard, which may lead to a very different estimate of our worth.[87]

Lastly, focusing too much of the faults of others might be corrupting in a further sense. Not only is it a basis for an improper esteem for ourselves -- esteeming ourselves insofar as we are better than others, which can lead to arrogance and conceit, it also can lead to a lack of respect for others. If we think we are better, we might look on others with contempt, rather than with the respect that the humanity within them demands of us. Or, "We may conclude that we are of lesser value than others. This makes us hate them and produces envy and jealousy."[88]

Nevertheless, we might think there is room for self-blame in Kant. Instead of being liable to blame from others, perhaps the blame only comes from oneself and is directed at oneself? There are two reasons to resist this response. First, it isn't the case that Kant thinks of self-blame as necessarily the reaction we should have toward ourselves when we fail to live up to our moral duties. The appropriate reaction, whether we have performed a wrong action or even when we recognize that we ourselves are

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[86] Reminders that in moral matters we should compare ourselves only with the moral law and not to others occur at *Critique of Practical Reason*, 5:76-77, *The Metaphysics of Morals*, 6:435, 6:480, *Lectures on Ethics*, pp. 126-29, 137; *Religion*, pp. 22, 27-31. Also see Allen Wood, *Kant's Ethical Thought* (New York: Cambridge University Press, 1999), pp. 133-39.

[87] *Lectures on Ethics*, p. 137.

[88] Ibid.

"radically evil," is not to beat ourselves up but to firmly resolve to do better in the future (and what better way to illustrate one's firm resolve than by doing what one can to help those one has wronged, if applicable?).

> Now if one asks, What is the *aesthetic character*, the *temperament*, so to speak, *of virtue*, whether courageous and hence *joyous* or fear-ridden and dejected, an answer is hardly necessary. This latter slavish frame of mind can never occur without a hidden *hatred* of the law. And a heart which is happy in the *performance* of its duty (not merely complacent in the *recognition* thereof) is a mark of genuineness in the virtuous disposition -- of genuineness even in *piety*, which does not consist in the self-inflicted torment of a repentant sinner (a very ambiguous state of mind, which ordinarily is nothing but inward regret at having infringed upon the rules of prudence), but rather in the firm resolve to do better in the future. This resolve, then, encouraged by good progress, must needs beget a joyous frame of mind, without which man is never certain of having really *attained a love* for the good, *i.e.*, of having incorporated it into his maxim.[89]

> Conscience should not lord over us like a tyrant; we do no hurt to our conscience by proceeding on our way cheerfully; tormenting consciences in the long run become dulled and ultimately cease to function.[90]

Secondly, even though Kant also thought that conscience was an important incentive to act as morality requires, we need not think of conscience as a kind of internalized blame mechanism absorbed from those around us -- as something acquired by our upbringing on a continuum with legal and social sanctions.[91] Conscience is not the internalized other looking down at us, but instead is an inner judge that speaks when we have acted in a way inconsistent with our own (general) moral standards or have not

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[89] *Religion*, p. 19n, original italics. Also see 6:23-24; 6:60, *Critique of Practical Reason* 5:111-13, 116, *The Metaphysics of Morals*, 6:485.

[90] *Lectures on Ethics*, pp. 134-35. Also see p. 33.

[91] As Mill thought. See especially *Lectures on Ethics*, p. 133-34.

taken due care in determining what our particular duties are.[92] It is not that we act in accordance with the dictates of conscience in order to get something else that we care about (such as being able to sleep at night or live with oneself -- when we really enjoy our sleep or our untroubled lives). Instead, we will be pained, we won't be able to sleep at night, because we care about living in accordance with our consciences -- we care about living up to the standards we impose on ourselves, of being worthy in our own eyes, because we judge these standards to be ones that are worth living up to.

> Happiness contains all (and also not more than) that which nature provides us; but virtue contains what no one other than the human being can give himself or take away from himself. If someone wanted to retort that by deviating from the latter a human being can at least bring upon himself reproach and purely moral self-censure and hence dissatisfaction, so that he can make himself unhappy that may certainly be granted. But only a virtuous man or one who is on his way to being virtuous is susceptible to this purely moral dissatisfaction (not from disadvantageous results of his action but from its unlawfulness itself). His dissatisfaction is consequently not the cause but only the effect of his being virtuous; and the motive for being virtuous could not be derived from such unhappiness (if one wants to give this name to the pain resulting from a misdeed).[93]

Furthermore, as the quote above from Kant's second *Critique* suggests, the moral incentive is radically distinct from the incentive we have to avoid blaming ourselves. It is something "elevating". It is a kind of "self-approbation."[94] It seems to be something like this that Rawls had in mind when he claimed that Kant's ethics is an ethics of self-esteem with little role for blame.

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[92] This follows Thomas Hill's "Punishment, Conscience and Moral Worth," *Southern Journal of Philosophy 36* (1997), p. 57. Reprinted in *Human Welfare and Moral Worth*.

[93] *On the Common Saying: That may be correct in theory but it is of no use in practice*, 8:283n.

[94] Also see *On the Common Saying*, 8:287-88; *Religion*, pp. 44-45.

> [Unjust] actions therefore strike at our self-respect, our sense of our own worth, and the experience of this loss is shame. We have acted as though we belonged to a lower order, as though we were a creature whose first principles are decided by natural contingencies. Those who think of Kant's moral doctrine as one of law and guilt badly misunderstand him. Kant's main aim is to deepen and justify Rousseau's idea that liberty is acting in accordance with a law that we give ourselves. And this leads not to a morality of austere command but to an ethic of mutual respect and self-esteem.[95]

In summary, Williams is right that moral philosophy should extend beyond the narrow, legalistic conception of moral obligation that is held by some which neglects the importance of character and how it is that the things we care deeply about which constitute our characters structure our deliberations and our actions. But this does not yet give us reason to discount Kant's or a Kantian account of ethics. Kantian morality or duty does not address only how we must act in our relations with other people, but also addresses what we as autonomous beings should care about and how these concerns should be reflected in one's deliberations and attitudes.

VIII.) A Partial Response to the Criticism

Given that Kant's conception of moral requirements is not the same as Williams' conception of moral requirements, is it a problem for Kant to think that the phenomenon of practical necessity is strictly a moral phenomenon? According to Williams, the problems posed by practical necessities to Kant's moral philosophy include the following. First, practical necessities are not moral because they are grounded on personal features of agents -- on the commitments of particular persons that may be prior to and

[95] *A Theory of Justice, Revised Edition* (Cambridge, MA: Belknap Press, 1999), p. 225.

independent of the claims of morality. Because the commitments which ground practical necessities may be prior to and independent of the claims of morality, it is possible for practical necessities to conflict with moral requirements. In such cases it might then not be possible or unconditionally rational for fully functioning, fully responsible agents to do as morality requires

But, it isn't the case that in Kant's moral theory we can rigidly distinguish the personal, particular and non-moral from the impersonal, universal and moral. Firstly, there are many cases in which moral principles simply articulate that certain considerations are morally relevant in the circumstances and underdetermine what it is that we should do. In such cases the personal and the particular are what flesh out and make determinate which of our options is best. We might then perform actions both because we simply want to and because such actions are morally good ways of acting. For instance, our personal, particular commitments and abilities are relevant to determining what we should do when it comes to fulfilling our imperfect duties to develop our talents. We must do *something*, but only our preferences and abilities can give us reason to settle on one thing in particular.

Secondly, the ends that individuals set on the basis of their personal cares and commitments become morally important in virtue of their status as ends. We are morally required to take the ends of others (and our own ends)[96] into account when determining what it is we ought to do. Because the ends of human beings have a certain value or moral status because they are valued by human beings, it is not possible to draw a clear

[96] To take the ends of everyone but myself into account would fail to respect *everyone*. But, because human beings are naturally inclined to take their own ends into account, it is misleading to say we have a *duty*, we must constrain ourselves, to take our own ends into account – unless we are suffering from depression and are not naturally inclined to do so.

distinction between "moral considerations" and "personal considerations". If this is so, the fact that practical necessities reveal aspects of an individual's character need not *necessarily* impugn their status as a kind of moral necessity for Kant.

However, this is not to say that the distinctions between Kant's conception of moral requirements and Williams' conception of moral requirements alone are enough to plausibly classify all instances of practical necessities as forms of moral necessities. Nor is it enough to make plausible that instances of practical necessities might *never* conflict with moral requirements. In various works, Williams suggests there are three distinct kinds of cases which reveal that all practical necessities are improperly construed by Kant as arising from an agent's recognition that the action is morally required of her in the circumstances. Instead, the agent's own commitments are what ground the necessity and even can do so with the agent's full recognition that there is an applicable moral considerations that requires her to do otherwise. I will examine these cases one at a time beginning with those that are easy for Kant to account for as cases within morality and progressing to those that pose a greater challenge.

1.) Morally admirable actions that go "beyond duty"

The first kind of case is that of the heroic or supererogatory action in which an agent goes beyond what morality requires her to do.[97] It is often thought that there are limits to what can be legitimately demanded of agents for the sake of morality, though the nature of these limits, how to determine their location, and whether it would be good for agents to know there are such limits is far from clear. For the sake of argument, however,

[97] *Ethics and the Limits of Philosophy*, chapter 10.

let's assume that we all agree that one person is not morally required to give up her life so that another person may live. Let's also assume that because one person is not morally required to give up her life for another, she is also not required to act in ways that would greatly endanger her life in order to save another -- for instance, we might think that she is not *required* to run into a burning building in order to save the life of another. Nevertheless, it also seems like such actions morally are highly commendable, virtuous, and worthy of esteem.

Of course, many people in fact do perform such actions. Many people also report they felt or judged they "had to" perform such actions.[98] Williams suggests two features help to distinguish that the source of this "must" is not that the agent recognizes she is morally required to act in this way. First, even though the agent thinks that she must, she would not judge that others are required to act as she does in the circumstances. Second, such agents would not be blamed for failing to perform the action in question. They have wronged no one; they have violated no one's rights.[99]

However, Kant's conception of moral duty can also account for these features. The second of these features is easily dismissed as not revealing that such cares are not moral in nature. As we have seen, when it comes to our ethical duties, and especially our imperfect duties, a failure to perform a given action that falls under the scope of duty

[98] For some examples of moral exemplars (i.e. those that perform heroic or supererogatory actions) and the frequency with which they report they simply felt "had to" do as they did, that the situation "left them with no choice" see Kristen Monroe "Morality and a Sense of Self," "How Identity and Perspective Constrain Moral Choice," *International Political Science Review 24(4)* (2003), "The Ethical Perspective," *Political Psychology* 30(3) (2009), "John Donne's People: Explaining Differences Between Rational Actors and Altruists through Cognitive Frameworks," *The Journal of Politics 53(2)* (1991).

[99] *Ethics and the Limits of Philosophy*, pp. 188-89.

need not leave one liable to blame, especially blame from others, nor need it wrong anyone or violate anyone's rights.

The first feature will require more explanation. On a Kantian conception of our duties, if an agent judges she "must" perform a given action, it need not follow that she judges that all other moral agents would also be required to act in that way as well. As we have seen, given the imprecise nature of many of our duties, moral requirements can be personalized in various ways. In many instances, what we ought to do isn't made determinately clear by moral requirements, but instead requires individual judgment in order to apply it to the context at hand. Nevertheless, while indeterminate, moral requirements can at least guide how we are to make particular choices. They can help us to see what is relevant to making a morally respectable decision, especially when it otherwise might be overlooked.

Not only might it be the case that judgment is needed in order to determine how various moral requirements apply to a given situation, it can also be the case that our own personal cares and concerns can make a difference to what conduct we demand of ourselves in a given situation. For Kant, morality is a realization of an individual's freedom and autonomy. It is not an imposition of the demands of others, but instead demanding certain conduct and attitudes of ourselves. This means that there is room in a Kantian understanding of moral duty for a person to hold herself to account and require actions of herself that she would not expect from others and others may not demand of her. Moreover, a person may commit herself to or care deeply about any number of more specific (morally permissible) projects or people (on the basis of her preferences, talents or abilities) and acting on the basis of such cares or projects is a way of fulfilling the

imperfect duties of developing her own talents or promoting the happiness of others. In such cases, if an agent concludes that she "must" perform a given action on the basis of her personal cares and concerns, it need not follow that this "must" is distinct from a moral "must" in any substantive sense.

Furthermore, we might regard it as good for people to fulfill imperfect duties in ways consistent with their personal cares and commitments. Given the magnitude of the task of morally improving ourselves and making our political and social institutions more perfectly just, we should regard the diversity of talents, interests, preferences and cares to be found in human beings as a fact worth celebrating. If things were otherwise, we might have a duty to develop personal interests and cares (we might even have an indirect duty to do so now -- indirect because, like our inclination for happiness, we as human beings are naturally inclined to take such an interest). In such cases, if we feel bound to act in a given matter on the basis of that which we care about deeply, it need not distort matters to say that she is indeed bound by a duty. Although no one else could demand the action of her, she demands it of herself. Because morality can be individualized in many ways, there is no one standard of moral excellence, but a plurality of ways to be a morally good person.[100]

This can help us to make sense of the heroic instances of practical necessities which Williams rightfully regards as ones in which agents feel themselves to be constrained by their own commitments and convictions about what it would be good for her to do, but not what others might rightfully demand of her. Given a person's cares, commitments, abilities and talents she might judge that she should -- she *must*-- help and

[100] This is a point stressed by Baron, esp. chapter 2, p. 79; O'Neill, *Towards Justice and Virtue*, pp. 181-83; Paul Guyer, "Kantian Perfectionism," in *Perfecting Virtue*, p. 87; Lara Denis, "A Kantian Conception of Human Flourishing," in *Perfecting Virtue*.

the way for her to help is to run into the burning building and grab a child. Such a judgment need not imply that the others around her (in the same circumstances) must help as well. They may not have the same abilities as her -- given ordinary, merely psychological or "pathological" limitations of human beings, their terror at the prospect of entering a burning building is understandable and excusable. But, if someone is not equally terrified, she might reasonably judge she has no excuse. Does this make her morally better than the others? Are they worthy of blame? Not necessarily. It is not for her to judge. It is to be left to each individual and her own conscience.

2.) When going "beyond duty" conflicts with "moral requirements"

Williams' next class of cases that seem to reveal that practical necessities are distinct from and not dependent on what is morally required of agents are those in which practical necessities conflict with what is ordinarily thought to be a moral requirement. For instance, if someone has made a promise to meet a friend, she is obliged to keep her promise. Nevertheless, she might break her promise and fail to meet her friend because on the way to meet her friend, she passes a burning orphanage and concludes that she simply *must* help and then rushes in to save the children. Williams thinks three things are clear. First, that she really was obliged to keep her promise -- only this can explain why her friend is *owed* an explanation and an apology. Second, that the woman on the way to meet her friend was not under a more stringent obligation to save the children -- we do on wrong others when we fail to save their lives at great peril to our own. Third, that the woman in question does what is morally praiseworthy. It is *better* for her to do something other than what morality requires of her.

Such cases appear to be problematic for Kant for the following reasons. First, Kant famously insisted that there could be no conflicts between our duties but only conflicting grounds of obligation. If it is the case that the agent concludes that she "must" help and she concludes this on moral grounds, it seems that this could only be on account of her imperfect duty to aid others. But then this imperfect duty appears to conflict with the perfect duty we have to keep our promises. Furthermore, it seems that when an imperfect duty which has the form "sometimes, to some extent, do X" conflicts with a perfect duty which has the form "always Y", it is the perfect duty that "trumps". But, this seems to give us the wrong result in this case -- it seems she has much better moral reason to help the children if she is able to do so.

But again such cases are not particularly problematic for Kant's moral theory once it is properly understood. It is true that a person's all-things-considered duty in a particular set of circumstances cannot conflict with another all-things-considered duty in the same set of circumstances. This simply follows from the concept of "all-things-considered duty". Nevertheless, there can be conflicting "grounds of obligation" in which principles of duty come into conflict. That is, the considerations that each principle of duty singles out as being morally relevant recommend mutually exclusive courses of action. For instance the consideration, "I promised my friend I would teach her class in 10 minutes and so I should continue on my way," might conflict with the consideration that, "The orphans need my help and so I should help." In such instances, it need not be the case that because what singles out the need of the children as relevant to what it is I ought to do is a principle of imperfect duty, and what singles out "I promised" as relevant is a principle of imperfect duty, it is *necessarily* better for me to keep my promise. This

would only be the case if principles of perfect duty held without exception. There are good reasons to think that they do not.[101] For instance, while it might not be permissible to make false promises, promises which we never intend to keep, it might not be impermissible to fail to fulfill promises on the basis of principled reasons, or on account of circumstances beyond one's control. Furthermore, the fact that I may feel the need to apologize to my friend, or feel that an explanation is owed when I fail to do as I promised need not reflect that I have wronged her or done what was morally impermissible. Instead it reflects that I care about keeping my promises and that I did not promise without intending to keep my promise. These are all attitudes I owe to my friend in virtue of my promising, even if I don't always owe fulfillment of my promises without exception in all possible circumstances.

In these circumstances, a person might reasonably judge that she simply *must* help. Given the dire need of the children, her ability to help them, as well as reasonableness of taking helping children escape from an inferno to be a principled exception to fulfilling a promise (i.e. not an illegitimate exception for herself made on the basis of "mere inclinations"), this "must" can reflect her all-things-considered judgment of what is morally required of her in these circumstances.

3.) When "merely personal commitments" conflict with "moral requirements"

Because the cases of practical necessities above can easily be understood as cases of conflicts *within* morality, it is not implausible to understand them in Kantian terms as cases in which the "must" in question reflects what one morally ought to do *as well as*

[101] This discussion follows Hill in "Meeting Needs and Doing Favors," esp. p. 209.

personal features of agents. However, the previous chapter began with instances in which this "must" seems to reflect *only* personal features that are independent of and prior to our moral commitments. Given her ideals regarding marriage, Elizabeth simply couldn't accept the offer of Mr. Collins. The considerations that ordinarily would count in favor of marrying him -- he stands to inherit her father's estate, the help she would be to her family, the risk of refusing him and not getting any other offers, the wishes of her mother -- are excluded from consideration. But, Elizabeth is not morally required to have any ideals regarding marriage. Nor can such commitments plausibly be regarded as under the scope of our imperfect duties to promote the happiness of others or our own moral and natural perfection.[102] Instead, it seems at first blush that on a Kantian understanding these could only be seen as some of their freely selected, morally permissible, but not morally required ends.

But, if this is what they are, then it seems that when pursuing such morally permissible ends conflicts with what is morally required of us, on Kant's picture we are required to abandon such ends. Furthermore, it is unconditionally good and rational for us to do so. But it seems that it might not be possible for us simply to give up the deep commitments that we endorse, nor does it necessarily seem good and rational for us to do so.

Williams discusses such examples most explicitly in *Shame and Necessity*.[103] During a fit of goddess-induced madness, Sophocles' title character Ajax slaughters his

[102] For a Kantian who claims they do, see Allen Wood, *Kant's Ethical Thought*, p. 329. This suggestion will be given further consideration in the following chapter.

[103] (Los Angeles: University of California Press, 1993), pp. 73-78. Although some of Williams' other famous examples (Jim and George in "A Critique of Utilitarianism," the fictional Gauguin

army's sheep and cattle. When Ajax comes to, he is deeply ashamed of himself. He has betrayed his friends and comrades and destroyed their chance of victory. His entire life was devoted to living in a manner befitting a heroic warrior and what he has done has made himself and his entire life appear utterly ridiculous. It becomes increasingly clear to him that suicide is the only honorable course of action available to him – he simply *can't* live with what he has done. Williams makes clear that the "can't" in question is not the result of taking himself to be morally obliged.

> People do not *have* to think that they could not live in that situation; they do not *have* to think any such thing, and this is a type of ethical thought as far removed as may be from the concerns of obligation. But they may sensibly think it if their understanding of their lives and the significance their lives possessed for other people is such that what they did destroyed the only reason they had for going on.[104]

Given what Ajax cares most about in the world, but is not morally required to care about, he determines that he can't continue to live in these circumstances; he must die. But not only is the "must" in question not a moral must, it appears to conflict with a clear Kantian duty to preserve and promote one's natural perfection, or to treat one's rational nature always at the same time as an end.[105] Given that the relevant moral considerations all tell in favor of preserving his life, and given that only personal ends and commitments tell in

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in "Moral Luck," and the "one thought too many" objection in "Persons, Character and Morality") can also be understood as posing the same basic challenge.

[104] p. 74.

[105] *The Metaphysics of Morals*, 6:422-23; *Groundwork*, 4:222, 4:429. Although, it is interesting to note that Ajax does not wish to kill himself out of "self-love" but in order to preserve his honor, so the first argument against suicide in the *Groundwork* may not apply. Furthermore, Kant had suggests a more nuanced view on the prohibitions against suicide in his *Lectures on Ethics*, especially when preserving one's life can only be done at the expense of one's honor. He maintains that a woman should fight to the death against her rapist in order to preserve her "honor," p. 156. These matters will be discussed in more detail in chapter 3.

favor of suicide, this seems a clear instance in which Ajax has an all-things-considered-duty to refrain from suicide. He should (it would be unconditionally good and rational for him) abandon his merely personal ends, do his duty and preserve his life.

The example of Elizabeth Bennet, with some modification, can also be used to illustrate this potential conflict between our deep commitments and moral requirements. In the novel *Pride and Prejudice*, Elizabeth is relieved of the pressure to accept Mr. Collins' offer on behalf of the good of her family. Her father says that even if her mother will never speak to her again if she does not accept Mr. Collins, *he* will never speak to her again if she *does*. But, imagine things were otherwise. Imagine that instead, her father has a severe illness and that his death -- and the destitution of his family -- is imminent. Imagine as well, that he expresses to Elizabeth that his dying wish is that his family be provided for. In the heat of the moment, this exacts from Elizabeth a solemn promise to do what lies within her power to prevent this, never imagining that Mr. Collins would make her an offer. But, soon after her father's death, Mr. Collins does. Given that accepting Mr. Collins would fulfill her promise to her father, secure the material well-being of her family, and is likely her only chance to do so, it seems -- according to Kant -- Elizabeth should conclude that she is morally required to accept. First, she owes it to her father to keep her promise. She also has a duty to promote the ends of others and it is her mother's expressed wish that her daughters marry well and as quickly as possible. Second, she has no moral duty to remain true to her own personal ideals, her discretionary ends, with respect to marriage. It seems then she has an all-things-considered obligation to take the available means to fulfill her promise and support her family. It seems highly probable that this will be the only way in which will be able to do

so. Therefore, she should abandon her merely personal ends in the circumstances and marry Mr. Collins – to do so would be unconditionally good and rational.

We might wish to grant that that there is, in these new circumstances, a choice for Elizabeth. That is, what she was incapable of doing in other circumstances, in circumstances in which her personal ideals and commitments did not conflict with moral requirements, might very well be something she is capable of doing in these new circumstances.

Nevertheless, what seems off-putting here is the ease in which these conclusions are made. Even if there is a choice in these circumstances, it need not be an *easy* choice. If Elizabeth or Ajax were ideal Kantian moral agents, they would be motivated in way described in section IV above. The recognition that an act is morally required would render irrelevant considerations about whether or not the performance of that action will promote one's own happiness. The recognition of the action as morally required would and altogether humiliate self-conceit --judging ourselves and our lives to have real worth in any manner that precedes the moral law is "null and quite unwarranted."[106] By humiliating self-conceit and restricting self-love to its proper bounds, the moral law is also the ground of a positive feeling of respect. That is, it reveals to the agent her own autonomy, which is a source of unconditional worth, and the ground of her true value. Whatever (false) grounds for self-respect that Elizabeth and Ajax have lost by doing their duty can be regained in esteem for having done their duty, having expressed their rational and autonomous nature.

But we are *not* ideal Kantian moral agents. It is not clear that it is necessarily possible, or good, or rational for *us*, the beings that we are, to act as if we were. First, it

[106] *Critique of Practical Reason*, 5:73.

is not clear that our deepest commitments and convictions are ones we *can* simply change or abandon at will when they conflict with moral requirements. In an ideal case, Elizabeth would abandon her personal commitment and can fully reconcile and console herself by the esteem for having done her duty and expressed her rational, autonomous nature. Williams is right to think that this does not do justice to "the depth and necessity" of our dispositions.[107] What it is for Elizabeth to care about who she marries in a way that could give rise to a practical necessity, at least in other circumstances, is just for her *not* to be susceptible to being moved in these ways -- to being moved as an ideal Kantian moral agent in these circumstances.

Second, it is not obvious that it would necessarily be unconditionally good or admirable for us to abandon such commitments and do what duty requires. What it is for Elizabeth to be committed to a personal ideal in a manner that could give rise to a practical necessity (at least in other circumstances) and which we would find to be an admirable feature of her character (at least in those circumstances), means that she would -- rightly -- experience doing as she is morally required to do as a profound loss, and the source of a loss of esteem for herself. To accept Mr. Collins is for Elizabeth to spend the rest of her daily life in a degraded condition. She will spend the rest of her life ashamed for herself and her family. Furthermore, if she were to become accustomed to her new life as Mrs. Collins, it seems something good about her character has been lost; she has become shameless.

Third, it is not clear that it is necessarily *rational* for us to abandon our deep commitments when they conflict with moral requirements. To use Kant's term, our

[107] "The Point of View of the Universe: Sidgwick and the Ambitions of Ethics," *Making Sense of Humanity*, pp. 143-71.

deepest convictions and commitments are not of a kind that can be viewed as having only a "price" -- of being intersubstitutable or replaceable with other commitments. These are the commitments we fully endorse and around which we have structured our lives. They are the guides for and the standards that bear on, some of the most important choices we make in the course of our lives. To give up on them later in one's life, then, would remove much of the meaning or purpose of one's life. It would render many of a person's choices, many of the previous sacrifices a person has made on behalf of her (personal) ideals utterly pointless. For instance, if Elizabeth had refused Mr. Darcy prior to her father's death, and prior to the offer of Mr. Collins, accepting Mr. Collins now makes her earlier refusal appear ridiculous and her condition now as Mrs. Collins even more degrading. To accept would undermine what served to justify her earlier actions. If Ajax refuses to do what he sees as the only honorable thing to do in the circumstances, all of his other actions performed out of honor, and respect for his comrades will be rendered foolish. To preserve his life out of duty is to sacrifice what made his life have a purpose.

In order to accept that it would be unconditionally good and rational for an agent to do as morality requires, Kant needs to give a convincing argument. It is to this argument that we will now turn.

Chapter 3

Practical Necessities and Practical Reason

I.) Introduction

We saw in the previous chapter how Kant's conception of moral duty, and in particular his distinction between perfect and imperfect duties, could account for many of the cases of practical necessities which Bernard Williams thought posed a problem to Kant's moral theory. These cases of practical necessities are ones in which agents conclude that they "must" act in a given manner, and this "must" does not reflect a recognition that one is under a moral requirement as Williams and many other contemporary philosophers understand moral requirements to be. However, many of such cases arguably fall under Kant's principles of imperfect duties such as the duty of beneficence. Even though principles of imperfect duties leave indeterminate what is required of particular agents in what circumstances, personal commitments or ends can help to make a determinate action morally required in the circumstances. In such cases, agents might judge that they are morally required to act in given ways even though others could not rightfully demand such an action from them.

But there are cases, such as the modified Elizabeth Bennet case and the case of Sophocles' Ajax, which might not be plausibly regarded as cases which fall under Kant's principles of imperfect duties. Insofar as considerations of Kantian duty apply to the situation, it appears they all lie on one side and point in favor of performing a given

action, such as accepting Mr. Collins or refraining from suicide. The relevant moral considerations for Elizabeth in the circumstances appear to be fulfilling her promise to her father, and the happiness and wishes of her mother and sisters. The only considerations opposed to her accepting Mr. Collins appear entirely personal and non-moral in nature. She happens to have the ideal of not marrying in the absence of affection, and she doesn't love Mr. Collins. At face value, then, it seems Kant or a Kantian should see this case as presenting a clear opposition of moral duty and personal inclinations or preferences.[1] And, because duty does not allow for exceptions on the basis of one's personal preferences or inclinations, Elizabeth morally should accept.

There are two worries that might arise from these cases. First, in the case of Ajax, it seemed that there is an unconditional rational "must" that is not the Kantian "must" of duty. Such cases seem to be a direct counterexample to Kant's thesis that moral obligations, or moral duties are distinct because they are unconditional rational commands. Moreover, in such an instance, it seems like this unconditional rational must is opposed to what Kant or a Kantian would say is Ajax's moral duty to refrain from suicide. It seems such a case illustrates that it is false that it is necessarily rational and always possible for an agent to do as morality requires of him.

Secondly, in the modified case of Elizabeth, we might wish to grant that it is possible for her to accept Mr. Collins in these circumstances in which it appears that all moral considerations tell in favor of accepting him. Even though in other circumstances she would have been incapable of accepting Mr. Collins' offer, now that her family is in worse circumstances, now that she has given a promise to her father, it would not be

[1] It should be noted that I assume throughout that the commitments, ideals, preferences, etc. in question are ones that are morally permissible in ordinary circumstances. It is not in and of itself morally wrong to be committed to not marrying in the absence of affection.

"impossible for her to do otherwise than decline" his offer. However, we might still be worried that on a Kantian view, it makes it seem as if it is *obviously* the case that it is rational and good for her to accept Mr. Collins and do her duty. Once we have determined that all considerations of duty tell in favor of accepting Mr. Collins, it seems that any merely personal considerations are irrelevant to determining what it is good and rational for her to do. They should be *excluded* from consideration, and if Elizabeth were an ideal moral agent, they would be. But, this seems to neglect, as Williams says, "the depth and the necessity" of the dispositions.[2] It is not simply Elizabeth's *mere inclinations* that are opposed to marrying Mr. Collins, but some of her deepest commitments and convictions – the kind of commitment that in other circumstances could give rise to a practical necessity. These are not the kinds of ends that we can simply abandon at will, nor is it clear that they should be *excluded* from consideration when they conflict with moral requirements. What it is to have a commitment like this is precisely for that commitment to resist exclusion in this way. What it is to have a character, is to fail to be an ideal Kantian moral agent.

Bernard Williams argues these mistaken views are the consequence of Kant's views on agency. In cases like this in which one's deep (perhaps deepest) personal commitments are in conflict with universal, impartial moral requirements, it isn't *necessaril*y rational to comply with moral requirements. Kant was mistaken because Kant took our deepest personal commitments -- the deepest commitments of our "true selves" -- to be only those we have as rational agents and nothing more. Furthermore, the reason that Kant was mistaken as to the grounds and nature of our deepest commitments

[2] Bernard Williams, "The Point of View of the Universe: Sidgwick and the Ambitions of Ethics," *Making Sense of Humanity* (New York: Cambridge University Press, 1995), p. 171.

was that he conflated the theoretical and practical deliberative perspectives. While the theoretical standpoint is detached from one's desires in the quest to find true belief, beliefs that will converge with all other true beliefs, the practical standpoint is not detached from one's desires, nor is it committed to such harmony and convergence. Moreover, rational agents clearly have a rational interest in having true beliefs regardless of what they happen to desire, but it is not clear (as Kant supposed) that they have a rational interest in acting in accordance with the dictates of morality regardless of what they happen to desire. Because the most basic foundation of Kant's moral theory was flawed in the ways that cases of practical necessities reveal, we have no reason to accept the upshot that we always have an unconditional, all-things-considered reason to do as morality requires.

In order to consider carefully whether these implications actually follow from these cases, I will begin with Kant's own arguments. Contrary to Williams' criticisms, Kant's arguments do not begin with an abstract conception of human agency, nor a conflation of the commitments of theoretical and practical deliberators. Instead, they begin with an examination of what is presupposed by the common, everyday understanding of what it is to take ourselves to be bound by duty. Kant argues that this common conception of duty reveals that we commonly take duty to be a form of unconditional rational requirement whose authority is derived from a supreme rational principle – the Categorical Imperative.[3] Only then (in the *Groundwork*) does Kant argue

[3] I have adopted Thomas Hill's convention of capitalizing the "Categorical Imperative" when I use it to refer to the moral law or supreme principle of morality and not capitalizing "categorical imperative" when I use it to refer to the more specific moral principles derived from the supreme moral principle.

that autonomous agents are necessarily committed to the Categorical Imperative, and that human beings are a form of autonomous agent.

A number of points will emerge from this discussion. First, Williams is right that Kant might not achieve all he set out to achieve (a fact Kant seems to admit in the *Critique of Practical Reason*). It seems while we understand many of our common sense judgments of what is morally required to be categorical imperatives, perhaps not all of them are. Nor are moral requirements, as we commonly understand them to be, the only considerations that function as categorical imperatives in our reasoning. But Williams draws the wrong conclusion from this. He takes this to show that the basic foundations of Kant's moral theory are flawed and that Kant was wrong to take basic requirements of rationality to yield a theory of morality. In light of this, Williams concludes that we should keep our common sense judgments of what is morally required of agents and reject Kant's foundations.

I think there is a different lesson to be drawn. We might think that Kant does begin in the appropriate starting point, but his own starting point requires us to draw a slightly different picture of morality than the one prevalent in contemporary conceptions of morality, as well as the one Kant himself actually drew. Cases of practical necessity reveal that sometimes, in some circumstances, an agent really might not have unconditional reason to do as common sense conceptions of morality or Kant's theory of morality might appear to require. This need not reveal that we do not have unconditional reason to do as the best moral theory would require. Instead, this reveals we must revise our judgments of what is morally required in these limited circumstances. Furthermore, Kant’s moral theory contains the resources to do just this.

II.) Williams' Criticisms

We have now reached the criticisms of Bernard Williams that strike at the heart of Kant's moral theory. Williams argues that Kant's moral theory depends upon a conception of rational agency that is insupportable. He claims that Kant's arguments for the rationality of moral conduct depend upon a conception of rational agency in which features unique to theoretical deliberation are taken to be features of practical deliberation as well.

First, Williams states that Kant's moral philosophy requires strong assumptions that we cannot accept. Kant, according to Williams, assumes an abstract picture of rational agency – a picture of the moral self as "characterless"[4] -- and from it provides "general and formal principles to regulate the shape of relations between rational agents."[5]

> Kant started from what in his view rational agents essentially *were*. He thought that the moral agent was, in a sense, a rational agent and no more, and he presented as essential to his account of morality a particular metaphysical conception of the agent, according to which the self of moral agency is what he called a 'noumenal' self, outside time and causality, and thus distinct from the concrete, empirically determined person that one usually takes oneself to be. This transcendental idea of the self, Kant believed, will be uncovered if we reflect on the requirements of freedom . . . [6]

The challenge for Kant, according to Williams, is to vindicate this starting point by giving an account for why it is that any agent -- even the moral skeptic -- must commit

[4] *Shame and Necessity* (Los Angeles: University of California Press, 1993), p. 100.

[5] *Ethics and the Limits of Philosophy* (Cambridge, MA: Harvard University Press, 1985), p. 54.

[6] Ibid., p. 64.

herself to it. It might be the case that if I were a purely rational agent, I would follow certain rational laws. But, I am not a purely rational agent, free from all empirical desires. It is not clear why I should commit myself to following those laws.

> The argument needs to tell us what it is about rational agents that requires them to form this conception of themselves as, so to speak, abstract citizens. It might be thought that the question answers itself because, simply as rational agents, there is nothing else for them to be, and there is no difference among them. But to arrive at the model in this way would be utterly unpersuasive. We are concerned with what any given person, however powerful or effective he may be, should reasonably do as a rational agent, and this is not the same thing as what he would reasonably do if he were a rational agent *and no more*. Indeed, that equation is unintelligible, since there is no way of being a rational agent and no more.[7]

Williams then claims that Kant's attempt to explain why any rational agent is committed to this starting point follows from her status as a rational agent and the deliberative standpoint she holds as such a rational agent. It must be possible for her to reflect upon her agency, to stand back from her desires and view them simply as the desires of such an agent -- not as her desires. That is, she must be able to take an impartial standpoint and to see herself as making rules that harmonize the interests of all rational agents.[8] But, continues Williams, this is to confuse the distinction between theoretical and practical deliberation. According to Williams, theoretical deliberation is impersonal, impartial, and disinterested. When we deliberate about factual matters, we are capable of standing back from our own personal desires and interests. Theoretical deliberation is only incidentally someone's deliberation -- it is not essentially first-

[7] Ibid., p. 63. Also see pp. 65, 189.

[8] Ibid., p. 66.

personal.[9] Furthermore, when we engage in theoretical deliberation we do commit ourselves to coming to an agreement with others -- all true beliefs must fit together harmoniously.[10]

According to Williams, Kant thought that these features were simply features of *any* deliberative standpoint, when in fact they are unique to theoretical deliberation. There is no such thing as an impartial, *practical* deliberative standpoint. The practical deliberative standpoint is provided by the preferences, desires, projects, and commitments that constitute one's character.[11] It is personal, partial and interested -- it is only because I have these particular desires, projects and commitments that I have reason to act in a given manner in these circumstances.[12] Engaging in practical deliberation, therefore, does not commit us to coming to an agreement with others, nor to harmonizing our actions or ends of those with others.

> It is different with deliberation for action. Practical deliberation is in every case first-personal, and the first person is not derivative or naturally replaced by *anyone*. The action I decide on will be mine, and . . . its being mine means not just that it will be arrived at by this deliberation, but that it will involve changes in the world of which I shall be empirically the cause, and of which these desires and this deliberation itself will be, in some part, the cause. It is true that I can stand back from my desires and reflect on them, and this possibility can indeed be seen as part of the rational freedom at which any rational agent aims. This goes somewhat beyond

[9] Ibid., p. 66-67.

[10] Ibid., p. 68.

[11] "Moral Luck," *Moral Luck* (New York: Cambridge University Press, 1981), pp. 34-35.

[12] This is also the main criticism of Kantian ethics that others believe the experience of practical necessities and incapacities reveals. See, for instance, Peter Winch "The Universalizability of Moral Judgments," *Ethics and Action* (London: Routledge & Kegan Paul, 1972), pp. 151-70 and Raimond Gaita, "Modalities," chapter 7 in *Good and Evil: An Absolute Conception*, 2nd Ed. (Routledge, 2004), pp. 96-113.

> the considerations about freedom and intentionality acknowledged earlier in the discussion, but it still does not give the required result in relation to morality. The *I* of the reflective practical deliberation is not required to take on the result of anyone else's properly conducted deliberation as a datum, nor be committed from the outset to a harmony of everyone's deliberations -- that is to say, to making a rule from a standpoint of equality. Reflective deliberation about the truth indeed brings in a standpoint that is impartial and seeks harmony, but this is because it seeks truth, not because it is reflective deliberation, and those features will not be shared by deliberation about what to do simply because it too is reflective. The *I* that stands back in rational reflection from my desires is still the *I* that has those desires and will, empirically and concretely, act; and it is not, simply by standing back in reflection, converted into a being whose fundamental interest lies in the harmony of all interests. It cannot, just by taking this step, acquire the motivations of justice.[13]

Williams makes much the same point against utilitarian theories in "The Point of View of Universe: Sidgwick and the Ambitions of Ethics."

> My scientific theory, if I have one, is, as a scientific theory (as opposed to a personal achievement, or a possible means to entry in the Royal Society), only incidentally *mine*: if it is true, then anyone else's theory will to that extent be the same thing. But my life, my action, is irreducibly mine, and to require that it is at best a *derivative* conclusion that it should be lived from the perspective that happens to be mine is an extraordinary misunderstanding. Yet it is that idea that is implicitly contained in the model of the point of view of the universe.[14]

The picture Williams seems to have in mind is a model of practical deliberation in which what I have most reason to do depends not on any desires that are mine in particular, but only on what could held in common with all other rational agents. That is, what I should do in the circumstances is just what any rational agent ought to do in these

[13] *Ethics and the Limits of Philosophy*, pp. 68-69.

[14] p. 170. Also see "Persons, Character and Morality," in *Moral Luck*. "[S]omewhere . . . one reaches the necessity that such things as deep attachments to other persons will express themselves in the world in ways which cannot at the same time embody the impartial view, and that they also run the risk of offending against it," p. 18.

circumstances. The only reason for *me* to do it is simply because I am a rational agent in these circumstances and this is simply what is required of any rational agent in the circumstances if her actions are to harmonize with those of others (as they will if we all deliberate correctly and carry out the required actions). Moreover, if I come to a different conclusion than another rational agent as to what is to be done in these circumstances, one of us must have gone wrong somewhere in the course of our deliberations. We must go back and re-deliberate until we reach an agreement.

Williams, of course, thinks that this detachment from our desires in practical deliberation is unattainable.[15] There is no possible standpoint of evaluation that is the same for everyone, no guarantee that if we deliberate correctly we will reach the same conclusions as to what we ought to do. This, Williams thinks, poses a problem not only for Kant's moral theory but any moral theory, that is, any theory that attempts to systematically address the question of how anyone morally ought to act. All moral theories require agents to take an "abstract and impersonal view" which conflicts with the "depth and necessity" of the dispositions that are valuable in the world of practice.[16] Instead of an impartial standpoint of evaluation, there are only the standpoints of evaluation that depend on the deep commitments or dispositions that constitute our characters, commitments that go beyond those entailed by rational agency alone. We can

[15] He also claims that Kant recognized this as well, in "Moral Luck." "In so far as there is a clear distinction between categorical and hypothetical imperatives, and in so far as morality consists of imperatives, it consists of categorical imperatives. The point is that the fact that an imperative is (in this sense) categorical provides no reason at all for obeying it. Nor need Kant think it does: the authority of the Categorical Imperative is supposed (mysteriously enough) to derive not just from its being (in this sense) categorical, but from its being categorical and self-addressed by the agent as a rational being," pp. 20-21n1.

[16] "The Point of View of the Universe," p. 171.

only "see the world" from the point of view made possible by these dispositions.[17] There are three important points to be made about these commitments. First, these commitments are ones that we *discover* that we have rather than *decide* to have.[18] It is only because we have these that we have reason to decide one way rather than another. Second, to take a distant and detached stance towards certain of one's commitments risks depriving them of the value and authority they have for our lives. Such a stance would not necessarily be (psychologically) good for us even if it were always possible. It would also not be ethically good as these dispositions are central to the practice of acting in ethically admirable ways.[19] Because practical deliberations and the reasons that issue from them are always particular, we cannot expect sincere, and even ethically admirable people to come to agreement, to see ethical matters in the same light.

But because we have no reason to think that rational, practical deliberators all are committed to harmonizing their actions with others -- as impartial morality requires of us -- what we have most practical reason to do and what it would be morally good for us to do cannot align in the way that Kant thought they were. The commitments that provide the foundations of our characters are *important* (and wonderful) aspects of our lives and are central to what gives us reasons for acting and even reasons for living. Because these are what -- from the agents' own point of view -- is most important, we cannot take it for granted that in the event they conflict with the impartial demands of morality, it is

[17] Ibid., p. 164.

[18] See especially "Morality and the Emotions," *Problems of the Self* (New York: Cambridge University Press, 1973), p. 227, and "Moral Incapacity," *Making Sense of Humanity*, pp. 46-55.

[19] Williams defines the virtues as dispositions of character to choose or reject actions because they are of a certain ethically relevant kind (disloyal, cowardly, etc.). *Ethics and the Limits of Philosophy*, pp. 8-9.

necessarily rational for impartial morality to win. The only practical point of view there can be is one that is embedded in the deep desires that constitute one's character, desires that cannot be "merely contingent" features of one's practical deliberation that could, in theory, be set aside as irrelevant to what one has most reason to do. It is only because Kant pictures moral agents in abstraction from their characters that he is able to conclude it is necessarily rational for us to act as the Categorical Imperative requires and therefore that it must be possible for us to do so.

III.) The Ways in Which These Criticisms are Fair

This criticism is aimed at Kant's ethical theory in particular for two very good reasons. First, Kant does (at times) enjoin us to take an impartial, universal perspective in our moral deliberations, and he often claims that when we take this perspective we take the perspective of our "true selves."[20] Unlike consequentialist theories where it is possible to separate a theory of right action from a procedure for determining how to act, Kant's Categorical Imperative is, in the *Groundwork*, presented as both.[21] What it is morally permissible or impermissible for us to do is whatever it is we arrive at in the

[20] *Groundwork of the Metaphysics of Morals, Practical Philosophy*. Mary J. Gregor, trans and ed. (New York: Cambridge University Press, 1996), 4:457, 4:461. Hereafter *Groundwork*.

[21] Although some have interpreted Kant's later works as revealing that the procedure of applying the Categorical Imperative is not intended to be used to arrive at particular judgments on what to do in particular situations, but as a procedure for determining what our duties in general are -- it is a procedure for arriving at other moral principles. Mary Gregor's *Laws of Freedom: A Study of Kant's Method of Applying the Categorical Imperative in the "Metaphysik der Sitten"* (Oxford: Basil Blackwell, 1963) has been influential in this respect.

course of a properly conducted rational deliberation. This deliberative procedure requires us to take up "the point of view . . . of every other rational being."[22]

Secondly, in another vein, there are frequent passages throughout the *Groundwork* that suggest Kant thinks we would be better if we lacked our habitual desires or inclinations altogether as holy wills, if there are any, lack them.

> But the inclinations themselves, as sources of needs, are so far from having an absolute worth, so as to make one wish to have them, that it must instead be the universal wish of every rational being to be altogether free of them.[23]

Similar passages also occur in the *Critique of Practical Reason*.

> Aesthetic contentment (improperly so called), which rests on satisfaction of the inclinations, however refined they may be made out to be, can never be adequate to what is thought about contentment. For the inclinations change, grow with the indulgence one allows them, and always leave behind a still greater void than one had thought to fill. Hence they are always *burdensome* to a rational being, and though he cannot lay them aside, they wrest from him the wish to be rid of them. Even an inclination to what conforms with duty (e.g. beneficence) can indeed greatly facilitate the effectiveness of *moral* maxims but cannot produce any. For in these everything must be directed to the representation of the law as determining ground if the action is not to contain merely *legality* but also *morality*. Inclination is blind and servile, whether it is kindly or not; and when morality is in question, reason must not play the part of mere guardian to inclination but, disregarding it altogether, must attend solely to its own interest as pure practical reason. Even this feeling of compassion and tender sympathy, if it precedes consideration of what is duty and becomes the determining ground, is itself burdensome to right-thinking persons, brings their considered maxims into confusion, and produces the wish to be freed from them and subject to lawgiving reason alone.[24]

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[22] *Groundwork*, 4:338.

[23] Ibid., 4:428.

[24] *Critique of Practical Reason*, 5:118 in *Practical Philosophy*. Also see 5:119.

Kant also occasionally gives the impression that actions with moral worth – actions performed simply because the agent recognizes them to be morally required even when her sensuous inclinations prompt her otherwise-- are motivated by no empirically discernible desire whatsoever. This is suggested in passages in the *Groundwork*, as well as in the *Critique of Practical Reason*.

> So it is that the human being claims for himself a will which lets nothing be put to his account that belongs merely to his desires and inclinations, and on the contrary thinks as possible by means of it -- indeed as necessary -- actions that can be done only by disregarding all desires and sensible incitements. The causality of such action lies in him as intelligence and in the laws of effects and actions in accordance with principles of an intelligible world, of which he knows nothing more than that in it reason alone, and indeed pure reason independent of sensibility, gives the law, and, in addition, that since it is there, as intelligence only that he is his proper self (as a human being he is only the appearance of himself), those laws apply to him immediately and categorically, so that what inclinations and impulses (hence the whole nature of the world of sense) incite him to cannot infringe upon the laws of his volition as intelligence; indeed, he does not hold himself accountable for the former or ascribe them to his proper self, that is, to his will, though he does ascribe to it the indulgence he would show them if he allowed them to influence his maxims to the detriment of the rational laws of his will.[25]

> What is essential to any moral worth of actions is *that the moral law determine the will immediately*. If the determination of the will takes place *conformably* with the moral law but only by means of a feeling, of whatever kind, that has to be presupposed in order for the law to become a sufficient determining ground of the will, so that the action is not done *for the sake of the law*, then the action will contain *legality* indeed but not *morality*.[26]

[25] *Groundwork,* 4:457-58.

[26] *Critique of Practical Reason,* 5:71.

Together this paints a picture in which it seems clear that Kant thought desires or inclinations hinder our ability to deliberate and -- especially -- act properly. It then seems that it must follow that the ideal agent is one who is wholly freed from such hindrances, one that is without desires (or embodiment) altogether. And, perhaps, that an ideal instance of practical deliberation is one in which one's own inclinations play no privileged role, are excluded in such a manner that it could be anyone's practical deliberations.

Contemporary Kantians and commentators on Kant also occasionally write in ways that encourage seeing an ideal Kantian practical deliberator in this way -- as one who has abstracted from any "merely personal" considerations and has embraced an impartial, moral point of view from which she legislates for any and all rational beings. Thomas Pogge provides a representative snippet:

> [The Categorical Imperative's] ingenuity consists in that it facilitates a decision by transforming it from one concerning oneself in a concrete situation (where it might be quite difficult to avoid bad faith and dishonesty) to one concerning the world at large. Here the categorical imperative is, as it were, a general procedure for constructing morally relevant thought experiments. . . In this way the categorical imperative amplifies my conscience by screening out any personal considerations that might affect my choice of maxims but are irrelevant to my decisions about how through legislation to specify a realm of ends.[27]

Paul Guyer describes one of the formulations of the Categorical Imperative, the Principle of Autonomy, and the interest we have in acting morally as the interest we have in conceiving of ourselves as universal legislators. He goes on to say,

[27] "The Categorical Imperative," in *Groundwork of the Metaphysics of Morals: Critical Essays*, Paul Guyer, ed. (Lanham, MD: Rowman and Littlefield Publishers, Inc., 1998), p. 206.

> …the idea of oneself as a universal legislator rather than as a mere subject of universal laws imposed from without allows one to conceive of oneself as having an identity that is fulfilled by universal legislating. . . . Thus, the idea of oneself as a universal legislator essential to [the Principle of Autonomy] introduces a self-conception that is a condition of the possibility of being motivated to act on a categorical rather than merely hypothetical imperative.[28]

Given these ways of discussing the matter it is hard to be unsympathetic to Williams' criticisms. These passages suggest the goal of Kant's ethics, the point of using the Categorical Imperative in our deliberations about what it is unconditionally good and rational for us to do, is to remove us from our particular point of view and elevate us to a universal, objective point of view. I am supposed to consider not what it is rational for *me* to do, given the person that I am, but what is rational for *any* person to do from *any* point of view.[29] Yet it is far from clear how what it is rational from any point of view makes a difference to what it is rational for me to do. It is not just anyone who needs to act, but me. I am not in the business of universally legislating anything, nor does it seem I necessarily have an interest in doing such a thing.

While I think Williams is right to object to a view that leads to these implications, I do not agree with the contention that these implications are unavoidable for Kant's moral theory or a contemporary Kantian moral theory. First, it is false that Kant's moral theory begins with an abstract conception of rational agency rooted what his theory of transcendental freedom requires. For starters, Kant repeatedly reminds us that

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[28] "The Possibility of the Categorical Imperative," in *Groundwork of the Metaphysics of Morals: Critical Essays*, pp. 236-37.

[29] This mirrors Rawls' distinction between what is subjectively and what is objectively valid according to Kant. See *Lectures on the History of Moral Philosophy* (Cambridge, MA: Harvard University Press, 2000), p. 167.

transcendental freedom is "inexplicable" and "incomprehensible."[30] It seems that such an "incomprehensible" thing is an inapt way of beginning an argument. Although Kant thinks his theory of morality leads us to a position that is reconcilable with the views expounded in the *Critique of Pure Reason*, we need not embrace all of his more radical claims in order to accept the basic insights of his moral theory.[31]

Instead, Kant begins his grounding of morality with an analysis of what is presupposed by our ordinary, common sense knowledge of morality -- in particular our formal conceptions of good will and duty.[32] The goal of this analysis is to reveal the fundamental principle such concepts presuppose. What is most important for our purposes and his overall argument is that both concepts contain the notion of moral and rational constraint.[33] A person with a good will is committed to doing what she judges to be right even if she does not feel like it, even if her path is laid with obstacles, and even if the consequences that follow are not agreeable to her. A person with a good will does what is right as a matter of duty – regardless of whether or not it happens to promote her own happiness and without any further motivating aim. Kant also argues that our ordinary conception of duty and the way in which we view our duties to be necessary reveals that we take duty to be an unconditional, *categorical* rational imperative rather than a conditional *hypothetical* rational imperative and, furthermore, that such categorical

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[30] *Groundwork*, 4:455.

[31] For a more detailed argument see Thomas Hill, "Kantian Analysis: From Duty to Autonomy," *Human Welfare and Moral Worth* (New York: Cambridge University Press, 2002), pp. 35-36.

[32] For a similar defense of these points, see Thomas Hill and Arnulf Zweig, "Editors' Introduction," *Groundwork for the Metaphysics of Morals* (New York: Oxford University Press, 2002), pp. 47-48.

[33] This follows Lewis White Beck's reading in *A Commentary on Kant's Critique of Practical Reason* (Chicago: University of Chicago Press, 1960), p. 84.

imperatives are derived from a supreme principle of rationality – the Categorical Imperative.

The next two sections have the following goals. First, although Kant thought that his conception of categorical imperatives as a distinct kind of rational requirement and our common sense conceptions of moral requirements were one and the same,[34] we would do well *not* to approach categorical imperatives with this equation in mind. Chapter 2 made clear that Kant's conception of moral requirements and our own might be different in important ways. These different assumptions about the nature of moral requirements might cloud our understanding of the formal distinction between two kinds of rational norms – hypothetical and categorical rational norms. What has value, what is good, for Kant just is whatever it is that it is rational for us to pursue. Getting clear on the basic distinction between two ways in which it might be rational for agents to act can lead to a better understanding of Kant's theory of moral value.

My hope in the next section is first to make clear what is distinctive about categorical imperatives as requirements of practical rationality. Once this rational distinction is made clear, I think two things follow. First, I hope to show that a better understanding of Kant's own distinction between categorical and hypothetical rational norms reveals that the cases of practical necessities that so interested Bernard Williams seem to be cases in which agents take themselves to be bound by a categorical rather than a hypothetical imperative. Secondly, while this result may seem surprising, it can be readily explained. Once we see what makes categorical imperatives distinctive as requirements of rationality, we will have a better grasp of the pre-theoretical conception

[34] For instance in *Lectures on Ethics*, Louis Infield, trans. (Indianapolis, IN: Hackett Publishing Company, 1963) Kant states that there are three classes of imperatives: technical, prudential (both of which are hypothetical) and moral, p. 4.

of moral value that Kant had in mind as well as its connection to our autonomy as agents. This conception of moral value has much in common with the honor-based conceptions of the ethical that so intrigued Bernard Williams.

IV.) Categorical and Hypothetical Imperatives

First, I will summarize the ways in which Kant describes the distinction between categorical and hypothetical imperatives. Then I will discuss some of the ways in which we the distinction is often depicted and why they might mislead. Then I will characterize my own understanding of the distinction, highlighting the ways in which the two imperatives function in practical deliberation.

Imperatives in general are objective principles of reason as addressed to finite or imperfectly rational agents who may or may not act as they have reason to do.[35] Objective principles of reason are those principles that any rational person would follow if she had no other competing incentives. They state how a being would act if she were fully rational. Human beings, however, are only finite rational agents – they are imperfectly rational and may fail to do what would be rational for them to do. Objective principles of reason, as addressed to imperfectly rational agents, are *oughts* or *musts*. "They say that to do or to omit something would be good" to a being who does not automatically do what it would be good for her to do.[36]

Imperatives may represent an action as rational and good in one of two ways – either as good as a means to something further, or as a good in itself without reference to

[35] *Critique of Practical Reason,* 5:20; *Groundwork,* 4:414.

[36] *Groundwork,* 4:413; also see *The Metaphysics of Morals,* 6:222.

another end.[37] Categorical imperatives represent the actions themselves as unconditionally good and rational. Hypothetical imperatives represent the actions as good and rational to perform only indirectly, on the condition that it brings about an end that one happens to want. They are material, empirical principles in which one will only be prompted to act if one happens to desire the empirical inducement, to see it as a good thing to bring about, and this may vary from person to person.[38] The example used to illustrate a hypothetical imperative in the *Critique of Practical Reason* is to tell someone "he must work and save in his youth in order not to want in his old age."

> The will is directed to something *else* which it is presupposed that he desires, and as to this desire, it must be left to the agent himself whether he foresees other resources than means acquired by himself, or does not hope to live to old age, or thinks that in case of future need he can make do with little. Reason, from which alone can arise any rule that is to contain necessity, does indeed put necessity even into this precept (for otherwise it would not be an imperative), though it is only a subjectively conditioned necessity and cannot be presupposed in the same degree in all subjects.[39]

Categorical imperatives, in contrast, hold regardless of one's empirical desires. The example used to illustrate a categorical imperative is,

> Now tell someone that he ought never to make a lying promise; this is

[37] Ibid., 4:414; also see *The Metaphysics of Morals*, 6:222.

[38] As will be discussed in more detail alone, even though the necessary, natural end for all human beings (as finite beings) is for their own happiness or welfare, conceptions of one's happiness are subjective and vary from person to person.

[39] *Critique of Practical Reason*, 5:20. Throughout the *Critique of Practical Reason* Kant also repeatedly suggests that all empirical incentives are ones of self-love or one's own happiness. "The direct opposite of the principle of morality is the principle of *one's own* happiness made the determining ground of the will," 5:25; also see 5:22, 5:34.

> a rule that has to do only with his will, regardless of whether the purposes the human being may have can be thereby attained; the mere volition is that which is to be determined completely a priori by this rule. If, now, it is found that this rule is practically correct, then it is a law because it is a categorical imperative. Thus, practical laws refer only to the will, without regard to what is attained by its causality, and one may abstract from this letter (as belonging to the world of sense) so as to have them pure.[40]

In the *Groundwork of the Metaphysics of Morals*, Kant makes a further distinction between two kinds of hypothetical imperatives and contrasts both of these with categorical imperatives.[41] First there are imperatives of skill, which represent an action as being good or rationally necessary as a means to some optional end. Kant calls these "problematic" imperatives in the *Groundwork* and in his *Lectures on Ethics*. These take the form, "If you would like to build a camp fire you must first find wood." Finding wood is represented as good or rationally necessary insofar as it required in order to bring about one's contingent end.

Secondly there are assertoric imperatives which represent an action as being good or rationally necessary as a means to a naturally necessary end of all finite beings – their own happiness. Happiness is conceived of by Kant in various ways, but all agree in that he sees happiness as something subjective, relative from person to person, and an indeterminate goal that reason does little to help make determinate. He sometimes

[40] Ibid., 5:21.

[41] He also discusses the same three distinct kinds of imperatives in *Lectures on Ethics*. Kant simplifies matters in *The Metaphysics of Morals* and the *Critique of Practical Reason* and says that all imperatives are simply conditional and technical – mere rules of skill -- (they require one to represent an end one desires to bring about that can be attained by the action), or unconditional and moral – where one determines that the action is in and of itself good to do, regardless of what the action brings about.

depicts happiness as welfare or well-being,[42] other times as a maximum of well-being in one's present and one's future,[43] lasting satisfaction with one's state or the lasting agreeableness of one's life,[44] and the satisfaction of all of one's needs and inclinations.[45] Because the object of assertoric imperatives, happiness, is indeterminate, because conceptions of happiness can reasonably vary from person to person, and because the means of reaching this object are uncertain and variable, Kant does not think assertoric imperatives issue in strict commands. Instead they merely recommend various actions – the give us "counsels of prudence" as to what is good as a (likely) means to one's happiness.

> *Giving counsel* does involve necessity, which, however, can hold only under a subjective and contingent condition, whether this or that man counts this or that in his happiness; the categorical imperative, on the contrary, is limited by no condition and, as absolutely although practically necessary, can be called quite strictly a command.[46]

A few clarifications about Kant's distinction should be made. One common, if misleading way, of distinguishing between categorical and hypothetical imperatives is by

[42] *Groundwork*, 4:395; *The Metaphysics of Morals*, 6:389.

[43] *Groundwork*, 4:399.

[44] *The Metaphysics of Morals*, 6:339, *Critique of Practical Reason*, 5:22.

[45] For a more thorough discussion of Kant's conception of happiness, see Thomas Hill's "Happiness and Human Flourishing," in *Human Welfare and Moral Worth*, pp. 168-69 to which this brief discussion is indebted.

[46] *Groundwork*, 4:416; also see *Critique of Practical Reason*, 5:25-26.

reference to an agent's desires.[47] It is often said that a hypothetical imperative represents an action as rationally required or good as a means to getting what one desires. A categorical imperative then represents an action as rationally required or good in and of itself, regardless of one's desires. However, this way of making the distinction can easily mislead.

Desires might refer to the narrow sense of desire, *Begierde*, which Kant typically uses to refer to the desires we experience as natural, embodied beings. Our "inclinations" are a type of *Begierde* – the habitual desires or cravings that we have as natural, embodied beings.[48] Kant also occasionally suggests that all such inclinations are rooted in self-love or self-interest.[49] If this is what is meant by "desires" than this way of distinguishing between hypothetical and categorical imperatives is apt. Hypothetical imperatives might then be understood to be principles that represent actions as good to perform insofar as they are means to what we desire merely as natural, embodied beings (most especially our desires for our own happiness or our own advantage). Categorical imperatives are principles that represent actions as good independently of what we desire merely as natural, embodied beings (most especially our desires for our own happiness or our own advantage).

However, "desires" might be meant in a broader sense and refer to any and all incentives for action or motivational states. Kant typically uses the word *Begehr* when

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[47] For example, this is the distinction used by Williams in *Ethics and the Limits of Philosophy*, p. 189, Philippa Foot in "Morality as a System of Hypothetical Imperatives," *Philosophical Review* 81 (1972), pp. 305-16.

[48] See *The Metaphysics of Morals*, 6:212-213. Richard McCarty has a helpful discussion in *Kant's Theory of Action* (New York: Oxford University Press, 2009), pp. 11-12.

[49] *Critique of Practical Reason*, 5:25, 5:22, 5:34.

referring to desires in this broader sense. Kant clearly thought there were felt incentives to act as categorical imperatives demand of us. He dedicates a chapter in the *Critique of Practical Reason* to explaining what these are and how it is they determine the will, and discusses the effects the moral law has on our minds at length in *The Metaphysics of Morals*.[50] We cannot then understand the distinction between hypothetical and categorical imperatives to distinguish between actions which we have or lack an incentive to perform – all actions are caused by desires in this sense.

There is another common way of distinguishing between categorical and hypothetical imperatives in terms of the relevance of the strength of one's desires. A categorical imperative might be thought to be what we *must* do even if is not what we most strongly desire to do. This might be true if what we mean by "most strongly desire" is "most inclined," and furthermore we understand "inclined" in the narrow sense that Kant does – as only referring to the needs and interests we have as sensuous beings. Nevertheless, this distinction is also likely to mislead. If we understand "desire" in terms of any kind of felt incentive or impetus to perform an action, Kant might be thought to believe that all incentives vary in terms of their strength to move us to act, and that we are in fact moved by our strongest incentive.[51] According to Kant, we can only judge that the thought of duty alone is what moves us to act by way of the obstacles in the way of duty (i.e. our sensuous desires) that are overcome.[52] In fact, part of Kant's insistence of using an *a priori* method in moral philosophy is that the more purely we understand

[50] Ibid., 5:71-89; *The Metaphysics of Morals,* 6:399-403.

[51] Richard McCarty argues for this view in *Kant's Theory of Action*, esp. pp. 80-82.

[52] *Groundwork,* 4:397.

the moral law independently of anything empirical, the more powerfully it serves as an incentive.

> It is now clear that those determining grounds of the will which alone make maxims properly moral and give them a moral worth – the immediate representation of the law and the objectively necessary observance of it as duty – must be represented as the proper incentives to action, since otherwise *legality* of actions would be produced but not *morality* of dispositions. But it is not so clear, and on the contrary must at first glance seem to everyone quite improbable, that even subjectively that presentation of pure virtue can have *more power* over the human mind and can provide a far stronger incentive to effect even that legality of actions and to bring forth stronger resolutions to prefer the law to every other consideration, from pure respect for it, than all the deceptive allurements of enjoyment and, in general, everything that may be counted as happiness, or even all threats of pain and troubles can produce. But it really is so, and if human nature were not so constituted, no way of representing the law by circumlocutions and by means of recommending it would ever bring forth morality of disposition.[53]

This is supported by his account of how it is that the moral law does move us to act as described in chapter 2 – the more purely the moral law is represented the more it humiliates our merely sensuous incentives and provides its own positive incentive.[54] Furthermore, his depiction of frailty in his discussion of the degrees of the propensity to evil found in human nature suggests we are moved by which incentive is strongest.[55] It seems then that there is good reason to allow room for even Kant to think that we act on our strongest incentive – whether this incentive has a sensuous or an intellectual origin.

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[53] *Critique of Practical Reason,* 5:151-52. Also See *Groundwork*, 4:410-11 and 4:411n; *The Metaphysics of Morals,* 6:217.

[54] *Critique of Practical Reason,* 5:71-89.

[55] *Religion within the Limits of Reason Alone*, p. 25.

In summary, when it comes to our desires the distinction between hypothetical and categorical imperatives rests on the distinction between our rationally contingent, sense-based desires, which are most often represented as our desires for our own happiness, advantage, or to avoid things we fear, and our not rationally contingent, not sense-based desires, especially our desires for things other than our own happiness, or our own advantage or to avoid things we fear, both of which might possibly come in differing strengths.

Another common confusion regarding categorical and hypothetical imperatives stems from Kant's lack of clarity in distinguishing between particular categorical and hypothetical imperatives and the abstract principles of rationality from which particular hypothetical and categorical imperatives and the rationality authority they bear are mere derivatives. Particular categorical and hypothetical imperatives require access to particular empirical facts and might be limited in scope – they do not apply to all rational agents *period*, but to all rational agents in a particular set of circumstances, and (in the case of hypothetical imperatives) with these particular discretionary ends. The rational principles behind them (which for the sake of convenience will be referred to as the Hypothetical Imperative and the Categorical Imperative[56]) apply unconditionally to all finite rational agents in all circumstances.

The rational principle behind particular hypothetical imperatives – the Hypothetical Imperative – is suggested by Kant's statement, "Whoever wills the end also wills (insofar as reason has decisive influence on his actions) the indispensably necessary

[56] Again, this follows the convention of Thomas Hill. The discussion that follows is much indebted to him, especially "The Hypothetical Imperative," in *Dignity and Practical Reason in Kant's Ethics* (Ithaca, NY: Cornell University Press, 1992) and the Editors' Introduction to Kant's *Groundwork of the Metaphysics of Morals*, especially pp. 53-59.

means to it that are within his power."[57] We might also add – "or gives up the end." This seems tacitly implied as all of the ends in question are discretionary or subjective and may in require actions that conflict with our other discretionary ends or actions that are unconditionally rationally necessary. It is not irrational for us to abandon a discretionary purpose if we decide that the pursuit of it would be unwise or too costly. I can decide to abandon my end of building a fire, if I discover the means of doing so require too much effort on my part, or would require me to cut down a 200-year-old live oak. I can always revise my views on what will make me happy as well. I might have thought that unlimited ice cream would make me happy, but then learn what unlimited consumption will do to my arteries and prospects of developing type-2 diabetes.

It is well-known that Kant thought the rational principle behind particular categorical imperatives was the supreme principle of morality – the Categorical Imperative. His arguments for why the various formulations of the Categorical Imperative are presupposed by individual categorical imperatives, how the various formulations are related and yet equivalent to one another, and if not equivalent which are central and which peripheral, are often brief, cryptic, and the subject of endless commentary and debate. While it is very controversial whether the Categorical Imperative as Kant formulates it (and, if the formulations are not equivalent, which is central) is what underlies our common sense understanding of what it is to be unconditionally rationally bound, we might think we can state this much without controversy. At the very least, the principle that underlies particular categorical imperatives states that some actions are good or rationally required regardless of whether they serve our merely discretionary ends or contribute to our own happiness. Only a

[57] *Groundwork*, 4:417.

categorical imperative is a true command or law (rather than a "rule of skill" or a "counsel of prudence"); it "bring[s] with it the concept of an *unconditional* and objective and hence universally valid *necessity*, and commands are laws that must be obeyed, that is, must be followed even against inclination."[58] The particular commands that issue from this unconditional principle of rationality represent actions as *good* rather than simply *agreeable*.[59]

Lastly, a discussion of categorical and hypothetical imperatives would be woefully incomplete without an account of their distinctive roles in our deliberations. Our everyday experience of categorical imperatives reveals that they have a rational authority in our deliberations that merely hypothetical imperatives lack. This authority can be seen in the way that categorical imperatives override hypothetical imperatives in the event of conflict.

Although there are two distinct principles of rationality that underlie hypothetical and categorical imperatives, they cannot give rise to rationally conflicting commands because hypothetical imperatives leave us with options. They command us to either take the means necessary to our ends, or give up our ends. In the case of rules of skill, it is consistent with the demands of rationality for us to abandon our purpose if it conflicts with an unconditional rational requirement. In the case of counsels of prudence, although we as finite beings cannot abandon our natural end of happiness, we can pursue it in a different manner or at a different time.

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[58] Ibid., 4:416. Also see *The Metaphysics of Morals*, 6:379-80. A more abstract statement of what a Categorical Imperative is than the formulations given in the *Groundwork* occurs at 6:216.

[59] *Groundwork*, 4:413.

On the other hand, categorical imperatives -- when they apply -- are inescapable. They do not leave us the option of simply abandoning or temporarily suspending our pursuit of the end. They leave us with no option. In particular, categorical imperatives, unlike hypothetical imperatives, render considerations of what is in our interests irrelevant to determining what it is that we have reason to do. They override or exclude considerations of self-love, considerations which would be relevant in different circumstances, from making a difference to what is rational for us to do in these circumstances.[60] In cases in which we feel bound or necessitated to perform a given action, such "mere desires" or "opposing inclinations" grounded in self-love or self-interest are unimportant. Kant himself uses this way of describing why it is that categorical commands have an authority that hypothetical counsels or rules lack.

> For an object as the effect of my proposed action I can indeed have *inclination* but *never respect*, just because it is merely an effect and not an activity of a will. In the same way I cannot have respect for inclination as such, whether it is mine or that of another, I can at most in the first case approve it and in the second sometimes even love it, that is regard it as favorable to my own advantage. Only what is connected with my will merely as ground and never as effect, what does not serve my inclination but outweighs it or at least excludes it altogether from making a choice -- hence the mere law for itself -- can be an object of respect and so a command.[61]

In summary, the basic distinction between categorical and hypothetical imperatives rests on what one *must* do in order to achieve an end that one finds agreeable, pleasant, to one's own advantage, or to avoid what one fears, and what one *must* do as a

[60] *Groundwork*, 4:401n. The phenomenon of feeling constrained is discussed in more detail in chapter 2, section IV.

[61] *Groundwork*, 4:400; also see *Critique of Practical Reason*, 5:80.

matter of principle, where whether or not one happens to find the results agreeable or in one's interests is simply beside the point. Kant makes this point clearly in the *Groundwork*.

> That there were practical propositions that command categorically could not itself be proved, any more than it can be proved here in this chapter. But one thing might have been done -- namely, to show that in willing something just out of duty the renunciation of all interest is the specific mark distinguishing a categorical from a hypothetical imperative.[62]

V.) Practical Necessities and Categorical Imperatives

Bernard Williams thought the cases in question, like those of Ajax and the modified case of Elizabeth, cannot plausibly be understood as Kant and Kantians must understand them. Because they are not "musts" that are the result of the agent determining that she is morally required to perform the action, Williams maintains that a Kantian should conclude that they are merely hypothetically rather than categorically required. Nevertheless, Williams' objection continues, such a view fails to do justice to the depth and necessity of our deep commitments, some of which can coherently be understood to render certain actions unconditionally rationally necessary, and which, in the event of a conflict with a moral requirement, reveal that we do not always clearly, necessarily have unconditional reason to do as we are morally required to do. In this section, I will argue that there is room for Kant or a Kantian to agree with Williams that the cases in question in fact are more plausibly regarded as ones that are categorically, unconditionally rationally necessary rather than merely hypothetically necessary. Furthermore, I will argue that seeing them as categorically rationally necessary sheds

[62] *Groundwork*, 4:431-32. This translation is Arnulf Zweig's. (New York: Oxford University Press, 2002).

light on the basic value distinction that underlies the distinction between these two forms of rational requirement. In the next section, I will discuss the relationship between these kinds of categorical necessities and moral requirements.

First, why does Williams think that a Kantian must view cases in which an agent concludes that he *must* perform a given action, like that of Sophocles' Ajax, as expressing a merely hypothetical and conditional "must?" Sophocles' Ajax *expresses* such a "must" when, after destroying the herds of his army in a fit of goddess-induced madness, he concludes suicide is his only honorable option. He *can't* live knowing that he has destroyed the chances of victory for his friends and comrades. He had dedicated his life to living in a manner befitting a heroic warrior, but has made his life ridiculous. Before killing himself, he states, "Now I am going where my way must go."[63] Such expressions of necessity are common in the in the literature of the ancient world. But, asks Williams,

> What necessity are they expressing? It is an important question, and it is easy to go the wrong way towards answering it. The influence of modern morality and Kantian ideas encourages one to ask first whether this is the 'must' of duty, the categorical imperative of morality. The answer to that comes readily: the courses of action that some of these characters are taking, and the reasons they give for them, are enough to show that this is not what is at issue. But if that is so, then all that is left on the Kantian story is that this should be what Kant called a 'hypothetical' imperative: a 'must' that is relative merely to what the agent wants to do, as when one says, 'I must go now,' meaning by it no more than that he must go if he is to do whatever it is he intends to do. . . . So long as it has not yet reached the unique categorical demand of morality itself, 'I must do this' can never mean more than 'this course of action is necessary if I am to have what I want or to avoid what I fear.[64]

[63] Quoted by Williams in *Shame and Necessity*, p. 75.

[64] Ibid., pp. 75-76; also see *Ethics and the Limits of Philosophy*, chapter 10 and "Practical Necessity." Williams appears to be making reference to the *Groundwork*, 4:401n where Kant distinguishes the rational feeling of respect for the law from objects of inclination and fear as grounds for action.

Initially it might seem that Williams' diagnosis of what a Kantian must think of these cases is correct. This appearance is especially strong if we understand the principle underlying particular categorical imperatives to be the supreme principle of morality as formulated by Kant as well as assume that the principles Kant derives from it – especially the principles forbidding suicide – truly follow. Surely, it seems, Ajax does not think that he, on Kantian grounds, is morally required to kill himself. If all and only categorical imperatives are moral imperatives, and all imperatives are either categorical or hypothetical, then it simply follows that the "must" expressed is a non-moral and hypothetical "must."

But, let us for the moment try to understand these cases without considerations of moral requirements as they are commonly conceived, or as Kant conceived of them, in the forefront of our minds. Let us consider them simply as cases which express either unconditional or conditional rational requirements. Is killing himself what Ajax "must" do in order to achieve a discretionary, rationally optional end, or to promote his own happiness or interests? If so, it is only conditionally rationally necessary. Or, is it what he "must" do regardless of considerations as to his advantage, or what would promote his rationally contingent, discretionary ends? If so it is unconditionally rationally necessary.

It does not seem to be the case that these cases truly fit the mold of conditional, hypothetical "musts." If they did, they must either fall under a "counsel of prudence" or a "rule of skill." First, such cases certainly don't seem to fit the mold of counsels of prudence – It does not seem that the "must" represents an action as necessary in order to promote one's own interests or further one's own well-being. Ajax does not act in pursuit of his own sensuous pleasures. He does not see what he must do as agreeable or

as leading to the promotion of his own welfare. If any action fails to promote one's own preservation or well-being, it seems suicide does precisely that. Moreover, unlike the cases of suicide that Kant takes to be clearly irrational – destroying one's life for the sake of self-love[65] – the end of this action is not plausibly represented as what one wishes to do out of self-love. Ajax can certainly be expressing his resolve to die in order to preserve his honor while at the same time not wanting to die *at all*. He might be scared to die. He might wish it were possible for him to remain alive while preserving his honor. These are cases in which agents are willing to renounce their own interests or well-being on the basis of a principle. Their reasons for acting are not to promote their own happiness or secure their own advantage.

While more controversial, these do not seem to be cases which naturally fall under rules of skill, either. The "musts" in question do not seem to express what one must do in order to achieve one's discretionary, contingent ends, or one we must do in order to achieve this or that discretionary purpose. First, it isn't clear that Ajax is trying to achieve some *further* good by committing suicide. It is simply what his principles and commitments require of him in the circumstances, *period*. He need not look to a further good or to the results of his actions and wish to bring them about in order to conclude what it is that he should do. Second, these principles and commitments do not seem to be contingent in the appropriate sense. Our contingent, merely discretionary ends are those that we can rationally give up if we determine that the costs of pursuing them would be too high, that it is not worth the price we must pay in order to achieve them.[66] I might decide that building a campfire on a cool night is not worth the price sacrificing the life

[65] *Groundwork*, 4:422.

[66] See Kant's distinction between "dignity" and "price" in *Groundwork*, 4:434-35.

of a 200-year-old live oak. On a much colder night, I might decide that saving the life of the 200-year-old live oak is not worth the price of sacrificing my own. Yet matters seem rather different in the case of Ajax. These comparisons and calculations, in the eyes of Ajax, are inappropriate. He does not judge preserving his honor is good on the condition that it does not require him to give up his life, or that his life is too high a price. Preserving his honor has a value, to him, that is above all price.

If these commitments are not the merely discretionary, freely selected ends we can abandon or change at will when we determine that the costs of pursuing them would be too high, is this fact alone enough to make them rationally necessary in the appropriate sense?

There are two ways of thinking about whether or not ends in question are or are not rationally necessary. First, we might think that ends are rationally necessary if they are the ends that must be adopted by a rational being in virtue of her rationality. By ends, I mean objects that it would be good --that we have reason -- to bring about or must respect. What these ends might be, and whether there are any is controversial. Of course, Kant does think there are ends that fit this description, and derives them from his understanding of the Categorical Imperative that is presupposed by particular categorical imperatives. He thinks the ends that fit this description are the humanity or autonomy in each rational being, the full respect of which requires us not only to never act against it, but also to promote our own natural and moral perfection as well as to help other autonomous beings pursue their freely selected and morally permissible ends.[67] The ends

[67] *Groundwork*, 4:428; *The Metaphysics of Morals*, 6:385; also see Allen Wood, *Kant's Ethical Thought*, pp. 325-26.

of Ajax (or Elizabeth) do not seem to be rationally necessary in this sense. They are not ends that the Categorical Imperative requires any rational agent to adopt.[68]

On the other hand, we might think that ends are "rationally necessary" not in the sense that these are ends *any* individual must adopt in order to be rational, but in the sense that it would be irrational for a particular individual to give them up – perhaps because they are central to his life, and are ends he fully endorses. Furthermore, such ends would be irrational to abandon or give up even if they require an individual to sacrifice his happiness or to do what is less than agreeable to him. Such an individual need not have such ends simply *as a rational being*. But, they are necessary to him as now *this rational being*. First, to abandon them now, at this point in time, would render much of his life up until now incoherent. Ajax has dedicated his life to being a heroic warrior, to being a faithful comrade, to living in accordance with a code of honor. To continue to live when the only means of doing so is dishonorable would make his entire life a waste, it would make all of his actions and sacrifices performed for the sake of honor pointless. Second given their centrality to his evaluational system, he will not find adequate reasons for dismissing them. In fact, questioning them would lead him to a rediscovery of his reasons for endorsing them. Such ends then are rationally necessary – they are ones that an individual cannot reasonably give up and that he has reasons to maintain.

Which of these understandings of rationally necessary underlies the intuitive rational distinction between hypothetical and categorical imperatives? There are a

[68] Although some, like Allen Wood, might argue that they are ways of promoting their own natural and moral perfection. See *Kant's Ethical Thought*, p. 329. I think there might be merit in thinking of these cases as ones in which our personal commitments might be ways of making determinate our indeterminate duties to promote our own perfection as human and moral beings. If this is true, then not only are these "musts" at issue categorical, they are also moral.

number of issues here, not all of which can be solved. I would like to make a couple of points, however. First, at the stage of the argument in the *Groundwork* where Kant introduces the distinction between hypothetical and categorical imperatives, Kant is discussing "popular moral philosophy." His discussion of hypothetical imperatives there clearly focuses on skillful choice of means to one's ends – using reason in a purely instrumental way in order to achieve something agreeable or something one happens to want. But then the relevant contrast within "popular moral philosophy" to such hypothetical imperatives seems to be with actions we simply judge to be good, whether or not they produce desirable results. We do not need to think that there are any rationally necessary ends in the first, strict sense in order to grasp this basic distinction. It is simply the common sense judgment that sometimes it is rational to do what it is not pleasant, or not agreeable, or even hard and scary to do – even if it might never be to our advantage or get us what we want.

Furthermore, this basic distinction between two ways in which we commonly think that actions might be reasonable to perform corresponds to a common sense distinction between two ways of valuing.[69] This should come as no surprise because Kant understands what is valuable, or what is good, in terms of what it is that we have reason to do. First, we might value things because we find them pleasant and agreeable, or because they contribute to our own advantage. Second, we might esteem, honor, respect and be in awe of them.[70] Kant sees the latter as the basic phenomenal quality of

[69] This discussion is indebted to Elizabeth Anderson's "Emotions in Kant's Later Moral Philosophy: Honour and the Phenomenology of Moral Value," in *Kant's Ethics of Virtue* (Berlin: Walter de Gruyter, 2008), pp. 125-45.

[70] See for example *The Metaphysics of Morals*, 6:437.

moral value. He thought common sense revealed it to be rational and possible, at times, to sacrifice the former value (the "merely agreeable") to the latter ("the dignified").

> It is the *shamefulness* of vice, not its *harmfulness* (to the agent himself), that must be emphasized above all. For unless the dignity of virtue is exalted above everything else in actions, the concept of duty itself vanishes and dissolves into mere pragmatic precepts, since a human being's consciousness of his own nobility disappears and he is for sale and can be bought for a price that the seductive inclinations offer him.[71]

> For that a man should be able to possess a thing (*i.e.*, honor) and make it an end to be valued more than life itself, and because of it renounce all self-interest, surely bespeaks a certain nobility in his natural disposition.[72]

Kant also thinks that these two basic ways of valuing are best understood in opposition to one another. Dignity is to be found in our ability to tear ourselves away from our sensible attachments.[73] Acting in ways that increase our own individual happiness has no moral content and is not worthy of esteem.[74]

If the distinction between these two ways of valuing is what underlies the basic common sense distinction between hypothetical and categorical imperatives – and I think there are good grounds for thinking it is – then we have good grounds for thinking that in the case of Ajax, the "must" in question is indeed a categorical must. It is what he *must* do even if it is not pleasant, even if he does not want to die, even if he is scared. Such an

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[71] Ibid., 6:483; also see 6:380n.

[72] *Religion*, p. 28.

[73] *Critique of Practical Reason*, 5:152.

[74] *Groundwork*, 4:398.

action might be honorable, dignified, and estimable even if it does not produce agreeable results. Similar points can be said about the modified Elizabeth example as well. She might conclude, given her commitments she cannot abandon because she fully endorses them, she must refuse Mr. Collins – even if it means an uncertain future for her family, even if it means she must work doubly hard to fulfill her promise to her father. She simply can't accept.

While perhaps surprising that these cases fit Kant's pre-theoretical conception of moral value, in fact this conclusion is in line with much of Kant's thought. First, even though Kant may not be fully committed to the view that the only springs of human motivation are morality and self-love, he certainly gives every impression that self-love and morality are some of the primary human motivations and it is this opposition that he most often discusses. The cases of practical necessities are ones in which agents are willing to sacrifice their own interests or well-being for the sake of their principles. Secondly when it comes to the question of the rationality of moral conduct, and how categorical imperatives can be possible for finite rational beings like us, it seems the specter of rational egoism is ever ready to rear its head. For many, both now and then, the question 'Why be moral?' is a question of whether or why it is rational to act in ways other than promoting our own interests. And Kant, rightfully I think, took himself to have an entirely different strategy of answering this question as well as found grounds for dissatisfaction in previous moral theories (like those of Hume or Hobbes) who, it might be thought, ceded the point to the egoist. They were only able to argue that it is – or

could be -- in our (enlightened) self-interest to do as morality requires, not that we ever have good reason to do what is not in our own self-interest.[75]

> I have a letter from the late excellent Sulzer in which he asks me what the cause might be that the teachings of virtue, however much they contain that is convincing to reason, accomplish so little. By trying to prepare a complete answer I delayed too long. However, my answer is simply that the teachers themselves have not brought their concepts to purity, but since they want to do too well by hunting everywhere for motives to moral goodness, in trying to make their medicine really strong they spoil it. For the most ordinary observation shows that if we represent, on the one hand, an action of integrity done with steadfast soul, apart from every view to advantage of any kind in this world or another and even under the greatest temptations of need or allurement, it leaves far behind and eclipses any similar act that was affected in the least by an extraneous incentive; it elevates the soul and awakens a wish to be able to act in a like manner oneself.[76]

> To behold virtue in her proper form is nothing other than to present morality stripped of any admixture of the sensible and of any spurious adornments of reward or self-love. By means of the least effort of his reason everyone can easily become aware of how much virtue then eclipses everything else that appears charming to the inclinations, provided his reason is not altogether spoiled for abstraction.[77]

When Kant confronts the difficulty of the possibility of a categorical imperative, it is easy to invoke his worries about the possibility of transcendental freedom, and surely he has this in mind as well. But it is worth carefully attending to the literal characterizations of his worries about the possibility of morality. They depict the more mundane worry that people are universally selfish and that even the outward appearance of moral conduct is

[75] The same might be said for the heteronomous moral theories Kant considers at *Groundwork* 4:441-45.

[76] Ibid., 4:411n.

[77] Ibid., 4:426n.

motivated from self-love; and that reason is used "only to look after the interests of the inclinations."

> From love of humankind I am willing to admit that even most of our actions are in conformity with duty; but if we look more closely at the intentions and aspirations in them we everywhere come upon the dear self which is always turning up; and it is on this that their purpose is based, not on the strict command of duty, which would often require self-denial.[78]

I think this coincidence between cases of practical necessities arrived at on considerations of what *honor* and *personal integrity* require of us in the circumstances regardless of what is in our own self-interest, or whatever else we may happen to want reveals the extent to which Kant's own pre-theoretical assumptions about the nature of moral life have much in common with Williams' own conception of the ethical life beyond the narrow understanding of moral obligation.

Moreover, I think this also shows the degree to which Kant's ethics, and contemporary Kantian theories, can be seen as sensitive to the value of acting with personal integrity. We cannot really understand what it is that Kant finds appealing about acting from duty, acting in ways which express our autonomy, unless we recognize the value of acting for the sake of one's principles, or commitments or ideals even if has much to lose by doing so. Acting with personal integrity is one way in which we can express our rational nature as agents that is unlike our ability to set consistent, merely discretionary ends and determine the best means of reaching them. In order to see how these are distinct from one another, it helps to consider our imperfect duty to promote the happiness of others. We have similar reasons to promote the happiness of others as we do

[78] Ibid., 4:407.

our own happiness, but have no direct duty to promote our own happiness because we are naturally inclined to do so. However, we are not simply naturally inclined to act with personal integrity, but instead must constrain ourselves to so act. Acting with personal integrity can express our autonomy. Because acting with integrity is unlike our pursuit of our merely discretionary ends, we have every reason to think that the ways in which it interacts with what we commonly understand to be moral obligations is different.

But, it seems in the cases at issue, what agents stand to lose is not simply their own happiness or advantage, but their own good wills. It seems that acting on the basis of their personal commitments, even if rationally necessary for them to do so, requires them to do what is morally wrong. I think we have good reason to be sympathetic to Williams' point that it might not be rational to for an individual to abandon a commitment central to her life when it conflicts with what is ordinarily taken to be a moral requirement. But, I do not think we should conclude that what follows is that moral requirements are not rationally overriding. Instead, these cases suggest that our common sense views of what is morally required in the circumstances are mistaken because they fail to make room for individual differences of character. However, a Kantian moral theory is fully capable of recognizing how individual differences of character can make a difference to what we morally ought to do. Furthermore, we should think this an improvement over crude conceptions of moral requirements that do not.

VI.) Practical Necessities and Moral Requirements Revisited

We saw in section IV that hypothetical and categorical imperatives cannot rationally conflict. Hypothetical imperatives leave us with rational options. They advise

us to either take the necessary means to our discretionary ends, or to abandon our ends. In the event that their advice conflicts with what is unconditionally, categorically rationally required, we can abandon our discretionary end.

But then we saw in section V that there is a way of distinguishing between two kinds of categorical imperatives with respect to two different kinds of rationally necessary ends. Some ends are rationally necessary because they are the ends that must be adopted or respected by a rational agent in virtue of her rationality. These are the humanity or autonomy in each rational being, the full respect of which requires us to promote our own perfection as well as to help others achieve their (morally) permissible, discretionary ends. It might also initially *appear* that imperatives with these ends are the clearly moral ones, so I will call these "moral categorical imperatives."[79] Other ends are rationally necessary not because they are ends that *any* individual must adopt in order to be rational, but because they are rationally necessary for *this* particular individual. I will call imperatives with these rationally necessary ends "personal categorical imperatives." If these imperatives are both truly categorical, then it is not true that they could rationally conflict.

We might then wonder why it is that it seems like personal categorical imperatives can potentially conflict with what we ordinarily take to be moral requirements. Kant famously thought that moral requirements as we ordinarily think of them are categorical imperatives. If they truly are, then how are these apparent conflicts possible? Bernard Williams thought that the potentiality for conflict between our deep commitments and what are ordinarily taken to be moral requirements helped to reveal what is a matter of common sense – moral requirements, as ordinarily conceived, are not

[79] But see note 67.

in fact rationally overriding, and not truly categorical. The only truly categorical imperatives arise on account of the deep commitments that constitute our characters. I think Williams was right to think that Kant was mistaken that all (or most) of our common sense judgments about what is morally required are categorical. Nor are moral requirements, as commonly conceived, the *only* considerations which function as categorical imperatives in our reasoning. Nevertheless, I do not think we should conclude, as did Williams that moral requirements are not rationally overriding. This reaction seems to me to rely on a needlessly crude conception of moral requirements. Instead, personal categorical imperatives reveal why it is that moral requirements should be sensitive to the relevance of personal commitments to what it is we morally should do. Furthermore, there is room on a Kantian view to allow for legitimate exceptions to what, ordinarily, might be morally required, but is not if an agent has unconditional reason to do otherwise. Such exceptions are not made on unprincipled grounds – for the sake of one's mere inclinations.

In order to illustrate, I will use the example of Ajax. It is clear that Kant thought we have a duty to refrain from suicide. One of Kant's examples used in defense of the first two formulations of the Categorical Imperative, is our duty to refrain from suicide.[80] However, while it is true that Kant thought the supreme moral principle (the Categorical Imperative) applies to all agents at all times, the specific moral duties derived from it need not.[81] The casuistical questions that follow Kant's discussion of our perfect duty to refrain from killing ourselves demonstrate that there may in fact be legitimate exceptions

[80] *Groundwork*, 4:422, 4:429. Also see *The Metaphysics of Morals*, 6:422-23.

[81] See Hill "Meeting Needs and Doing Favors," esp. p. 209.

to this general prohibition.[82] The question is then whether or not Ajax's circumstances, circumstances in which he judges he has unconditional reason to fail to act as duty requires of him, might be one of these legitimate exceptions. Does the duty apply in circumstances in which an agent judges he has unconditional reason to do otherwise?

Let's look at Kant's two examples in the *Groundwork* which describe why it is that the agent in question proposes to act in a morally impermissible manner. When discussing the Formula of Universal Law and the Formula of the Universal Law of Nature, the principle on which the suicidal man proposes to act is, "from self-love I make it my principle to shorten my life when its longer duration threatens more troubles than it promises agreeableness."[83] When discussing the Formula of Humanity, Kant says, "If he destroys himself in order to escape from a trying condition he makes use of a person *merely as a means* to maintain a tolerable condition up to the end of life." In both of these cases, killing oneself is seen as a mere means to something further that the agent regards as good. Killing oneself is a means to promote one's end of self-love, or to maintain a tolerable, enjoyable existence while one lives. I think that it is clear that killing someone else because we think doing so will make our own lives more enjoyable, or because it will promote our own interests is obviously morally impermissible. To do so fails to treat them with the minimum respect we owe to them simply as persons – in particular, it fails to respect their humanity. But, if there is a minimum of respect owed to other persons simply because they are persons, and if I too am a person, killing myself for this reason fails to treat myself with the minimum amount of respect I owe to myself. It too is impermissible, according to Kant.

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[82] *The Metaphysics of Morals*, 6:423-24.

[83] *Groundwork*, 4:422.

But, as discussed above, neither of these descriptions is an apt characterization of Ajax and his reasons for wishing to die. He doesn't wish to die in order to promote his self-love or his interests. He does not propose to sacrifice what is of unconditional worth – his own humanity or autonomy – for the sake of what has merely conditional value – an agreeable existence. He proposes to die because there is something that is worth more to him than preserving his own life, or promoting his own welfare. As Kant repeatedly reminds us, it is not life itself that has an unconditional value. So it seems there may be cases in which suicide is justifiable.

> A man might find himself so placed that he can continue living only under circumstances which deprive life of all value; in which he can no longer live conformably to virtue and prudence, so that he must from noble motives put an end to his life. The advocates of this view quote in support of it the example of Cato . . . He thought it was necessary for him to die. He thought if he could not go on living as Cato, he could not go on living at all. It must certainly be admitted that in a case such as this, where suicide is a virtue, appearances are in its favour.[84]

It does seem that there might be legitimate exceptions to our duties.[85] Furthermore, Ajax might have one. He might not be morally required to preserve his life when to do so would destroy his reason for living. We might not think he is morally *required* to value things in this way, but given that *he* does, it might be morally *permissible* for him to kill himself. It does not violate the usual grounds we have to refrain from ending our own lives and the lives of others.

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[84] *Lectures on Ethics*, p. 149.

[85] We might disagree with Kant about the frequency of such exceptions. While allowing that Cato might be a legitimate exception to the prohibition against suicide, Kant claims, "It is the only example of its kind and there has been no similar case since," ibid.

Let's turn now to the case of Elizabeth. There are two grounds of obligation at issue – a duty to keep her promises, and a duty to promote the welfare of others. Elizabeth made a promise to her dying father to look after her family after his death. It is clear from Kant's writings that he thought a lying promise one of the most deplorable of moral offenses. It is one of the clearest cases of treating a person's capacity to set her own ends and to determine for herself what is in her own interests as a tool to be manipulated for one's own benefit. But while impermissible to make promises we never intend to keep, it might not be impermissible to fail to fulfill sincerely made promises on the basis of principled reasons.[86] The question is, does Elizabeth have principled reasons to fail to fulfill her promise in these circumstances? First, to refuse Mr. Collins' offer is not to fail to fulfill her promise to her father entirely. It is possible, though unlikely that she can fulfill it in some other way. Should we, nevertheless think she is morally required to fulfill her promise in this way and go against not simply her mere inclinations but her own deep commitments and principles? I do not think she is strictly *required* to do so. Given that there are other potential ways of fulfilling her promise to her father, and no other way of living in accordance with her own commitments, we might think it *permissible* for Elizabeth not to take these available means of fulfilling her promise. Given the circumstances, it is not clear that it is necessarily rational for her to keep her promise in this particular way.

Is she nevertheless required in these circumstances to accept Mr. Collins' offer in order to promote the welfare of her family? As discussed in chapter 2, promoting the welfare or happiness of others is an imperfect, wide duty. We are required to adopt the

[86] As discussed in chapter 2, section VIII.

happiness of others as an end, but this need not require particular actions of us – so long as we are genuinely committed to promoting the happiness of others as a life-long project and we in fact do promote the happiness of others on other occasions. Nevertheless, we also saw in chapter 2 how having the happiness of others as an end might require particular actions of us in a given set of circumstances – to act in a contrary way is to reveal that one does not take the happiness of others to matter *at all* and so is morally impermissible. Is this such an instance?

It would only be such an instance if one has no good reason at all to refrain from helping, such as when promoting the welfare of others requires very little sacrifice, and when the help is desperately needed. It is clear that in this scenario, the help is needed quite badly. It is not true that promoting their welfare requires little sacrifice on behalf of Elizabeth, nor even simply the abandonment of her freely chosen, discretionary ends. In a case such as this, promoting the welfare of others would require her to live, *for the rest of her foreseeable life*, in a matter opposed to her ideals and principles (ideals and principles for the sake of which she was willing to sacrifice one's own advantage). We might then think that she is not *required* to promote the welfare of her family in this way. It might be *permissible* for her to do so, but her deep commitments and principles certainly are not irrelevant to determining what it is that she should do.

We have seen that there is room within Kant's framework to account for unconditional rational necessities that need not be understood as moral necessities. Furthermore, in the event that these unconditional rational requirements conflict with what, in ordinary circumstances, would otherwise be one's duty, we have seen that such commitments can provide legitimate grounds for permitting agents to refrain from acting

in ways that might otherwise be morally required of them. It also seems this is what a moral theory needs to do if it is to fully respect the ways in which acting with personal integrity reflects the powers of human agents.

Conclusion

In this dissertation, I hope to have shown how it is that a Kantian moral theory has room to be sensitive to the rational and moral importance of a person's character -- her morally permissible personal projects and preferences as well as her deep commitments. By deep commitments, I mean the commitments she cannot change because she can see no good reason to change them -- she sincerely, fully endorses them, and will often (but not always) have structured her life around them, especially when they are commitments to people she loves, or they are her life-guiding ideals and projects. They are commitments for the sake of which she could (rationally, it seems) sacrifice her own interests, perhaps even her own life.

In order to illustrate this, I defended a Kantian view against one of the most influential critics of Kant, Bernard Williams. According to Williams' reading of Kant, one of Kant's central theses was that an action is unconditionally rational for an agent to perform if and only if that action is morally required of her. Any other actions can only be conditionally rational for an agent to perform – they are rational for her to do only on the condition they do not conflict with what is morally required of her. Kant called the phenomenon of recognizing oneself to be bound by a moral requirement, and thereby taking oneself to be unconditionally rationally necessitated and compelled to act in accordance with it, practical necessitation.

Williams then presents his own cases of practical necessitation as a counterexample to his reading of Kant. Practical necessities, on Williams' view, are actions that are unconditionally rationally required of an agent given central features of her character – in particular her deep commitments. In some of these cases of practical necessities, it is not true that the agent is responding to what she sees to be, nor what we recognize to be, a moral requirement. Therefore, Kant was wrong to think the only kinds of unconditional rational necessities were those that depend upon what is morally required of an agent. Furthermore, sometimes practical necessities conflict with what is morally required of an agent. Therefore, Kant was wrong to think that if an action is morally required of an agent, it is unconditionally rationally necessary for her to do it. Kant's mistaken views of practical necessitation, according to Williams, were the result of failing to recognize that we cannot ever understand what a person has reason to do in abstraction from the particular features of her character.

I hope to have provided a convincing, Kantian response to challenge. The general theme of my response is that Kant's conception of what it is for an action to be morally required of an agent not the same as Williams'. Most importantly, a Kantian conception of moral duty, in contrast to Williams' conception of moral requirements, is sensitive to individual differences of character, both with respect to one's freely chosen, discretionary ends and with respect to one's deep commitments, which it is misleading to describe as "freely chosen" or "merely discretionary." Personal features of agents can make a difference to our Kantian duties in many ways, two of which are especially relevant to Williams' criticisms.

First, as argued in chapter 2, there are many cases in which Kantian moral principles simply articulate that certain considerations are morally relevant in the circumstances, yet underdetermine what it is that we should do. For instance, our imperfect duties morally require us to adopt certain policies, but not necessarily to perform particular actions. In such instances where moral considerations by themselves do not determine what it is that we should do, the personal and particular can make determinate which of our options are better to do than others, or even that we simply *must* act in a given manner. Such a "must" can be a moral "must" for Kant, even if others could not demand the action of the agent nor blame her for failing to perform it as they would need to be able to do if the action were morally required in Williams' sense. Therefore, it is possible for many – if not most --cases of practical necessities to be cases in which agents sincerely judge it to be a moral duty for them to act as they do.

Personal features of agents, in particular our deep commitments, can make another important difference to our Kantian duties. It is well-known that in Kant's ethics, the morally permissible, freely selected ends of individuals morally make a difference to how we should treat one another. A failure to take either into account *at all* in our treatment of a person shows a lack of respect for the individual as another person who is fully capable of determining for herself what she wants and what sort of life she would like to lead. Furthermore, any attempt by me to manipulate you into setting ends as I think you should (perhaps because I think it would be good for you, but – more likely, as Kant sees things – because I think it would be good for *me*) shows a fundamental lack of respect for your own rational agency and your capacity to freely set ends.

But there is room for a Kantian to think that our deep, character constituting commitments can make a difference to our moral duties that is distinct from the role played by our merely discretionary ends. There are reasons for thinking that the actions that are rationally necessary with respect to our deepest commitments are unlike the actions that are rationally necessary with respect to our merely discretionary ends. Actions that are necessary only with respect to our merely discretionary ends are only conditionally rationally necessary – they are necessary only on condition we do not abandon the end and furthermore, the end is one that we could rationally give up. However, it seems possible that our deepest commitments could make some actions unconditionally rationally necessary – not only are necessary not only with respect to the end, but the end itself is not one we could rationally abandon. Unlike the kinds of unconditionally rationally necessary ends that Kant most often discusses however, they are ends that it would be irrational for her to give up not simply because she is a rational person, but because she is *this* rational person. It seems that such rationally necessary ends are distinct from the morally necessary end (our humanity or autonomy in each rational being, the full respect of which requires us to promote our own natural and moral perfection and the happiness of others) envisioned by Kant. In other words, there are good reasons for thinking that it is false that if an action is unconditionally rationally required for an agent, it must be morally required of her. It is true that not every rationally unconditional "must" is a moral "must".

Nevertheless, we need not think that we should reject the view that every moral "must" is a rationally unconditional "must" on account of this. Contrary to Williams' contention, there are good reasons for maintaining that if a moral requirement applies to

an agent in the circumstances, it is unconditionally rationally necessary for her to comply. Actions that are unconditionally rationally necessary for agents to perform on account of a person's deep commitments reflect a person's agency – even her autonomy -- in a manner that actions prompted by one's mere inclinations do not. They are what an agent *must* do, even if she must sacrifice her own interests, even if she must sacrifice her merely discretionary ends. Because they reflect our agency in a different way than actions prompted by our merely discretionary ends, we have every reason to think that the way they should interact with moral requirements will also be different. Instead of thinking that moral requirements apply to situations without regard to these differences, we should think that sometimes our deep commitments can make a relevant difference to what we are morally required to do. Deep commitments may, occasionally, give agents moral permission to refrain from doing (or to do) what might otherwise be morally required (or impermissible). These are not illegitimate exceptions made on the basis of one's mere inclinations, but principled exceptions based on what one must do independently of considerations of advantage or self-love. We morally should not demand of agents, nor should agents demand of themselves, that they act in ways that would not merely make their lives disagreeable or unpleasant to them, but that would deprive their lives of value, or make themselves contemptible in their own eyes.

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