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IN DEFENCE OF (KANTIAN) IMPERFECT DUTY

Abstract:

This paper argues for three points. First (*very* briefly): Kant's criteria of perfect/ imperfect duty should not be conflated with other perfect/imperfect distinctions. Second (less briefly): when you reflect on the duties you, as a human being, are under, you find reason to accept Kant's distinction; it tracks important considerations. Third (and not at all briefly): the common objection to Kant's distinction in modern philosophy - that it misclassifies some duties of aid - fails. I argue for this last point on two lines. I show that familiar arguments for reclassification face serious difficulties. I then attempt to undermine the assumption that "directed" duties are all, or almost all, of what matters.

Keywords:

Imperfect duties; beneficence; practical reason; Kant; directed duties; duties of rescue

Word Count: 15,088

IN DEFENCE OF (KANTIAN) IMPERFECT DUTY

1. What is an imperfect duty? Kant's answer and other answers

Immanuel Kant defines his criteria of perfect and imperfect duty as follows: *perfect* duties are contrary to principles which are contradictory in conception; *imperfect* duties are contrary to principles which are consistent in conception and yet contradictory in will (*G* 4:424).[1] My aim here is to offer a two-part defence of this distinction. The shorter part (§2) is a positive argument for taking Kant's distinction seriously. Kant's distinction accurately maps some salient contours of the moral

[1] References to Kant's works are as follows:
G = Groundwork of the Metaphysics of Morals (Timmermann's 2012 CUP translation)
CprR = Critique of Practical Reason
MM = The Metaphysics of Morals (both Gregor's translations in *Kant: Practical Philosophy*, CUP 1996)
Anthr = Anthropology from a Pragmatic Point of View (Louden's 2006 CUP translation).

landscape, considerations that are significant and true for any duty-bearer reflecting on how we should live. The second part of my defence (§3-5) responds to the most common criticism levelled against Kant's distinction: that Kant would incorrectly classify as imperfect duties of aid concerning our most fundamental needs and interests.[2]

My aim, in this second part, is primarily to reject the main moves by which critics argue for reclassification of certain duties of aid as perfect (linkage arguments; appeal to specific scenarios). I will also, more speculatively, attempt to undermine the assumption that appears to drive these arguments: that to think of these duties of aid as imperfect must be to downplay their importance. Consider, for example, Henry Shue's highly influential assertion that '[b]asic rights are the morality of the depths. They specify the line beneath which no one is to be allowed to sink.'[3] Shue does not qualify this claim in any way: the set of basic rights exhaustively captures the most fundamental and important moral considerations. As we'll see, imperfect duties to others cannot be correlative to rights. So if one accepts anything like Shue's assertion, it follows that to classify duties of aid concerning our most fundamental needs and interests is to downplay their importance. In §5, I shall try to put pressure on this assumption by connecting it to recent work on *directed* (apt to be correlative to rights) vs *undirected* duties. Imperfect duties to others are - perhaps surprisingly - neither "directed" nor "undirected".

This paper is not primarily exegetical. In what follows I will be largely arguing *from* rather than *for* a particular interpretation of Kant's practical philosophy, and - I can only apologise for this - will go lightly on points of scholarship as a result. What

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[2] Elizabeth Ashford, "The Duties Imposed by the Human Right to Basic Necessities," *Freedom From Poverty as a Human Right,* ed. Thomas Pogge (New York: Oxford University Press, 2007); Pablo Gilabert, "Kant and the Claims of the Poor," *Philosophy and Phenomenological Research*, 81 (2010), 382–418; Violetta Igneski, "Perfect and Imperfect Duties of Aid", *Social Theory and Practice* 32:3, 2006, 439-466; Thomas Pogge, "O'Neill on Rights and Duties", *Grazer Philosophische Studien* 43:1, 1992; 233-247; Zofia Stemplowska, "On the Real World Duties Imposed on Us by Human Rights", *Journal of Social Philosophy*, 40, 2009, 466–87; Patricia Smith, *Liberalism and Affirmative Obligation* (New York, OUP, 1998).

[3] Shue, *Basic Rights,* (2nd ed. Princeton, PUP, 1996), 18.

matters most to me, here, is not whether you think I've got Kant right (though that does matter!), but whether you think I've managed to defend the distinction I am attributing to him.

Nevertheless, I need to spend a moment on exegesis before my argument gets going. For one thing, I need to get clearer about exactly what I'm going to defend! But before Kant's distinction can be defended from philosophical objections, I also need to defend it from anachronism. The assumption that classifying specific duties of aid as imperfect downplays their importance stems, I think, from a tendency among modern moral and political philosophers to mistakenly assume that there is only one distinction between perfect and imperfect duty in our tradition,[4] or (less commonly) if several that they can be rectified into a single distinction.[5] So to bring Kant's criteria more clearly into view we need to not only zoom in on the particulars, we also need zoom out, contrasting Kant's perfect/imperfect duty distinction with other distinctions using the same labels that pre- and post-date Kant's own.

Zooming in, notice how Kant's criteria are entirely negative. Perfect duties are *contrary* to principles that are contradictory in conception. Imperfect duties are *contrary* to principles that are consistent in conception, but contradictory in will. This is a formal distinction in kind, but it is not a distinction of *opposites* (as e.g. between "positive" vs "negative" duties). The explanation lies in Kant's two tests for contradiction. The test for contradiction in conception entails that the criteria mark a formal distinction in kind: every perfect duty is contrary to a principle that fails this test; every imperfect duty contrary to a principle that *passes* it. But the test for contradiction in will entails that this is not a distinction of opposites, for *both* perfect

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4 This assumption operates in Michael Stocker, "Acts, Perfect Duties, and Imperfect Duties", *Review of Metaphysics* 20, 1967, 507-17; Brad Hooker, *Ideal Code, Real World* (Oxford, OUP, 2002) 160-161; Jeremy Waldron, *Liberal Rights* (Cambridge, CUP, 1993) 14-17; Wallace, *The Moral Nexus* 201ff; Matthew Hanser, "Imperfect Aiding", in S. Luper (ed.) *The Cambridge Companion to Life and Death* (Cambridge, CUP, 2014); Patricia Greenspan, "Making Room for Options", *Social Philosophy and Policy* 27, 2010, 181-205; Allen Buchanan, "Perfecting Imperfect Duties", *Business Ethics Quarterly* 6:1, 1996, 27-42; Smith, *Liberalism and Affirmative Obligation,* 8.

5 E.g. George Rainbolt, "Perfect and Imperfect Obligations", *Philosophical Studies*, 98, 2000, 233-56; and S. Andrew Schroeder, "Imperfect Duties, Group Obligations, and Beneficence", *Journal of Moral Philosophy* 11:5, 2014, 557-84.

duties and imperfect duties are contrary to principles that are contradictory in will: the two sides of the distinction are not opposed in this respect. Being contradictory in conception is one way, but not the only way, a principle may be contradictory in will.

Any explanation of this point quickly gets ensnared in interpretive controversy over the contradiction tests.[6] I here rely on the following interpretation. The two tests capture two different ways in which a principle is incoherent *as a principle all can live by*; unable to guide the thought and action of the universal manifold of subjects. To borrow an apt phrase from Stephen Engstrom, a contradiction in conception lies in *what is willed*, a contradiction in will lies in *the willing itself*.[7] Or, to put it another way, a contradiction in conception lies in what it would be for the manifold of subjects to manifest the principle in action: the *practice* of living by the principle in question is supposedly inclusive yet is in fact necessarily exclusionary. A contradiction in will lies instead in the *reasoning* by which one is to adopt the principle as a maxim to live by: the reasoning by which I adopt the principle is supposedly inclusive (i.e. that others can adopt the principle by the same reasoning) yet is in fact necessarily exclusionary. More detail will follow soon. But here is the abstract point: any contradiction in *conception* generates a contradiction in *will*, because any principle that generates an incoherent practice cannot be reasonably adopted by all as a principle to live by. It is also possible to think of perfectly coherent practices that nevertheless cannot be universally willed: consistent in conception, contradictory in will.

A bigger interpretive claim stands behind these brief observations. I take the many subsequent discussions of perfect/imperfect duty in Kant's practical philosophy to bring out aspects of the complexity of the *G* 4:424 distinction, rather than to supplant

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[6] See, for example, the ongoing exchange between Pauline Kleingeld and Jens Timmermann: Kleingeld, "Contradiction and Kant's Formula of Universal Law", *Kant Studien* 108, 2017; Timmermann, "A Tale of Two Contradictions", *Kant Studien* 109, 2018; Kleingeld, "Self-Contradictions of the Will", *Kant Studien* 112, 2021.

[7] Stephen Engstrom, *The Form of Practical Knowledge*, (Harvard University Press, Cambridge MA, 2009), 230-231.

that distinction.[8] Doing so has the effect of de-centring (if that is a word) a contrast that some influential interpretations have taken to be central to Kant's distinction, namely that *perfect* duties prescribe/proscribe specific actions, whereas imperfect duties prescribe/proscribe certain ends.[9] I think it is a mistake to make an action/ends contrast central to Kant's distinction, and while I cannot here provide the detailed argument I'd need to vindicate this claim, I had still better explain myself. Making the actions/ends contrast central is unhelpful in at least two ways. First, in the passage on which the actions/ends interpretation primarily rests (*MM* 6:390) Kant shifts (without explicit acknowledgement) between his perfect/imperfect distinction and his distinction between duties of *Recht*/duties of ethics. Making the actions/ends contrast, which clearly does apply to the *Recht*/ethics distinction, central to the perfect/ imperfect distinction thus risks a problematic conflation of the two distinctions.[10] Secondly - and I'll say more on this point in §2 - the actions/ends contrast is hard to square with how maxims of both perfect and imperfect duty operate in practical thought. Maxims of duty are principles one *acts for the sake of*, and in that sense maxims of both perfect and imperfect duty are ends of practical thought which may be manifest in an indefinite number of possible patterns of action. I accept these brief remarks won't satisfy defenders of the actions/ends interpretation, but I hope it is now clearer which interpretive claims I'll be arguing from.

Now, zooming out, we find that there are at least *three* different distinctions that use the labels "perfect" and "imperfect" in the Western tradition, each serving very different philosophical purposes and none matching up neatly in practice. Pre-dating Kant, early modern natural law theorists distinguish "perfect" duties that are essential to human sociability from "imperfect" duties that aid or improve human sociability.

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[8] Following Simon Hope, "Perfect and Imperfect Duty: Unpacking Kant's Complex Distinction", *Kantian Review* 28:1, 2023, 63-80.

[9] Thomas Hill Jr is perhaps the most influential proponent of this view: see, for example, *Human Welfare and Moral Worth* (Oxford, Oxford University Press, 2002).

[10] See Timmermann, "Good But Not Required?" *Journal of Moral Philosophy* 2, 2005, 9-28 at 18fn; Hope, "Perfect and Imperfect Duty", §6. See also Marcus Willaschek, "Why the Doctrine of Right Does Not Belong in the *Metaphysics of Morals"*, *Jarbuch fur Recht und Ethik* 5, 1997, 205-227, for further acute remarks on the separateness of the two distinctions.

This distinction is drawn in the service of naturalising Thomistic categories of divine and natural law, reframing morality in terms of a conception of humans as social animals instead of souls in a complex movement towards God.[11] Post-dating Kant, modern liberal philosophers commonly distinguish "perfect" duties that are fundamental, precise, and strictly required, from "imperfect" duties that are less fundamental, vague, and over which subjects have permission to decide how often, and to what extent, the duties are enacted.[12] *This* distinction often seems drawn in the service of the value of personal autonomy: of being to a sufficient degree the author of your own life. By denoting a sphere of moral considerations over which agents have significant discretion, the modern liberal distinction ensures that the demands of morality are not *so* demanding they author your life for you.[13]

These philosophical purposes are alien to Kant's practical philosophy. Kant is certainly not in the business of grounding duty in a foundational account of human nature, nor - given that 'Kant never writes of autonomous *selves* or *persons* or *individuals*'[14] - does his division of duties serve the value of personal autonomy. Kant's distinction, tracking two ways in which a principle might be incoherent as a principle all should live by*,* serves instead the recursive question that lies at the heart of his entire philosophical system: *what would have to be true of reasoning for it to guide thought and action?*

Nor do the three distinctions match up in practice. It is no part of Kant's conception of imperfect duty that they are *inessential* for social life: as Onora O'Neill reminds us, without (Kantian) imperfect duties rejecting neglect and indifference social life would

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[11] Following J.B. Schneewind, "Pufendorf's Place in the History of Ethics", *Synthese* 72:1, 1987; 123-155.

[12] In addition to the authors in n.2 and n.4, see Daniel Statman, "Who Needs Imperfect Duties?" *American Philosophical Quarterly* 33, 1996, 211-24; Theron Pummer, *The Rules of Rescue* (Oxford, OUP, 2023), 143-144; Robert Goodin, "Duties of Charity, Duties of Justice", *Political Studies* 65:2, 2017.

[13] Some recent examples: Buchanan, "Perfecting Imperfect Duties", 30; Wallace, *The Moral Nexus*, 206.

[14] Onora O'Neill, *Constructing Authorities* (Cambridge, CUP, 2015), 54.

wither and decline.[15] The permissive element of modern liberal imperfect duty is also no part of Kant's conception, though it is often read into Kant's remarks that imperfect duties exhibit 'latitude' (*MM* 6:390).[16] Recent work by Jens Timmermann on points of consistency between the draft and published versions of the *Doctrine of Virtue* tells, I think decisively, against any such reading.[17] Living up to the requirements of Kantian imperfect duty involves, as we'll soon see, constant judgement ('latitude') about how best to unify the constellation of duties you must live by within your ongoing activity, such that there will be times you can pass up an opportunity to enact an imperfect duty without thereby failing to live by the moral law. But that is *not* to say you have any kind of permission to opt out of the demands of duty for some non-moral end.

Finally, both the natural law and modern liberal distinctions are hierarchical: imperfect duties are beneficial rather than essential; good but not always required. It follows that if some moral consideration is sufficiently important that it is essential for human sociability, or sufficiently important that it cannot belong to the sphere of moral considerations over which agents have significant discretion, we would downplay its importance by characterising it as an imperfect duty. This is not to say, on either distinction, that imperfect duties are unimportant! It is only to say that the distinctions, in serving the philosophical purposes they do, denote a hierarchy of importance *with respect to those purposes*. Kant's distinction is not hierarchical in any

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[15] O'Neill, *Towards Justice and Virtue* (Cambridge, Cambridge University Press, 1996), 194. The point also connects to the ways in which Kant's perfect/imperfect distinction is subtly different to his distinction between duties of *Recht* and duties of *ethics*. On the differences, see the papers in n10 above. To put things a bit crudely, the *Recht*/ethics distinction's structural role in Kant's thought is much closer to the natural law perfect/imperfect distinction.

[16] For example: Waldron, *Liberal Rights*; Stocker, "Acts, Perfect Duties, and Imperfect Duties"; Ashford, "The Duties Imposed by the Human Right to Basic Necessities,"; Gilabert, "Kant and the Claims of the Poor,"; David Cummiskey, *Kantian Consequentialism* (Oxford, OUP, 1996) ch.6; Igneski, "Perfect and Imperfect Duties to Aid".

[17] See especially the connection Timmermann draws between *MM* 6:390 and AK: 23:394: "Autonomy, Progress, and Virtue" *Kantian Review* 23:3, 2018, 379-397 at 386.
The point has been controversial in Kant scholarship due to Thomas Hill Jr's influential "permissive" reading: see e.g. *Human Welfare and Moral Worth*. For careful and powerful objections to Hill's interpretation, see Timmermann, "Good But Not Required?" *Journal of Moral Philosophy* 2, 2005, 9-28; Marcia Baron, "The Supererogatory and Kant's Wide Duties", in R. Johnson and M. Timmons (ed.) *Reason, Value, and Respect* (Oxford, Oxford University Press, 2015); Peter Atterton, "A Duty to be Charitable?", *Kant Studien* 98, 2007, 135-55.

comparable way. Perfect duties are not more important than imperfect duties: there is nothing more central to Kant's practical philosophy than maxims that can be universally *willed* without contradiction. Accordingly, if we conflate Kant's criteria of perfect/imperfect duty, or try to combine it, with very different distinctions drawn to serve very different philosophical purposes, we will not only misunderstand Kant's distinction, we're also likely to wrongly assume imperfect duties are of lesser importance.

2. Kant's distinction maps natural contours of the moral landscape

Well, you might say, this disentangling of Kant's distinction from other distinctions using the same terminology only exposes Kant's distinction as having no life without a prior commitment to the fundamentals of his practical philosophy. If we aren't already thorough-going Kantians, if talk of contradiction tests leaves us cold, why should we be interested Kant's distinction?

In reply, I invite you to forget Kant's criteria for a moment, and simply think of yourself, your finite powers of thought and action, and the moral duties you take yourself to be under. I assume that in taking yourself to be under some duty, you understand that duty to be something you act *for the sake of*. The point is I hope clearest when phrased negatively: if I return your wallet in order to put you in my debt, or if I save you from drowning in order to become a minor internet celebrity, I'm clearly not understanding myself to be under any duty of justice or beneficence. Note also: I'm not doing these things for your sake. By contrast, in acting for the sake of justice I return your wallet *because it is yours*; in acting for the sake of beneficence I assist you *because you are in need.* In each of these cases, I enact the relevant duty for a particular person - for you - and my understanding of why I should is bound up in my understanding of why one should adopt principles of justice and beneficence as maxims to live by. Nothing in the idea of acting for the sake of duty, as I understand

it, entails that action is solely for the sake of a cold abstraction.[18] To enact a duty for someone is to act for the sake of duty, which is one way - a morally conditioned way - of acting for the sake of that person.

I now invite you to think of enacting the moral duties you take yourself to be under. It is possible that some of the duties you have to a domain of others are such that you *can* enact those duties conjunctively for every member of that domain. And it is also possible that, for other duties you have, you cannot enact the relevant duties conjunctively for every member of that domain. Consider, for example, duties of beneficence, care, and concern. 'Nobody', O'Neill observes, 'can avoid being indifferent to and neglecting many, if not most, others to whom they are connected.'[19]

Duties to oneself obviously fall into the first of these two categories (a domain of one!). But as one aspect of our finitude is that each of us is, to some extent, opaque to ourselves, it is possible that some of the duties we have to ourselves exhibit a certain elusiveness in their completion, whereas others do not. A duty to perfect one's character, for example, concerns internal states that are to some extent opaque in a way that a duty to refrain from suicide does not.

This is to bring into view a fourfold classification of types of duty. Some duties to *others* I can conjunctively enact *for all*, some I cannot. Some duties to *self* exhibit a particular elusiveness regarding their completion, others do not. It may turn out that one (or more) of these categories is in fact empty – if, for example, we reject the very idea of duties to oneself.[20] Nevertheless, the fourfold classification maps something significant: it maps considerations that cannot reasonably be denied when one reflects, as a finite subject, on what it would be to live morally and justly.

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[18] In saying this I owe a debt to points Barbara Herman makes in "Obligation and Performance" (in Amelie Rorty and Owen Flanagan, (eds), *Identity, Character, and Morality,* MIT Press, 1993, 311-337), esp. 331ff.

[19] O'Neill, *Towards Justice and Virtue* 194.

[20] But see Jens Timmermann, "Duties to Self, Explained and Defended", *Philosophy* 81, 2006, 505-530.

Kant's perfect/imperfect distinction precisely maps this fourfold classification. Yet because the objections I'll be responding to in §§3-5 concern only duties to *others*, duties to self are here a digression. So I shall only give half the map here, arguing the point with respect to duties to others. When it comes to perfect/imperfect duties to self, I hope the Kantian pedigree of my examples is enough to suggest *that* half of the map works out just as neatly.

Consider first a principle permitting false promises, which both subverts (I am not bound by my promise) and upholds (you should take my promise as genuine) the commitment to keeping promises. If we are all committed to living by this principle then what we do, when we manifest this principle in action, constitutes a distinctive shared practice.[21] But as *my* manifestation of the principle of false promising necessarily *excludes someone*, the practice is incoherent as a practice for *all* to live by. Varying the example may make the point clearer. The principle of theft as a mode of acquisition contains the same contradiction: if I can take *your* stuff to make it *mine*, you can't be a participant in the practice of ownership (your stuff didn't belong to you in the way that it now belongs to me - if it did, I couldn't take it). The practice is incoherent as a practice for *all*, because it is necessarily exclusive. This is what it means to say the contradiction in conception lies in *what is willed.*

Because perfect duties are *contrary* to that which is contradictory in conception, the relevant principle of duty, here, is the principle of *rejecting* theft as a mode of acquisition.[22] The practice constituted by this principle has to be one that is genuinely inclusive, where no one is excluded by a manifestation of the principle in action. Here we find an exact match with one of the categories we encountered a moment ago,

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[21] Michael Thompson expresses the general point well: 'Where agents keep promises from fidelity, their actions have different sources only in the sense that they have made different promises. Apart from that, they act not just on similar or parallel grounds, but on the same ultimate ground and not just on principles with the same content, but *on the same principle*.' *Life and Action* (Cambridge MA., HUP, 2012), 210. See also Adrian Moore, "Maxims and Thick Ethical Concepts", *Ratio* 19:2, 2006, 129-147.

[22] O'Neill, *Towards Justice and Virtue*, 164-66.

reflecting on how we should live. Because the manifestation of a perfect duty constitutes an inclusive practice - no one excludes anybody - each can conjunctively enact the duty for all. (I'll come back to potentially complex cases in a moment).

We cannot say the same about *imperfect* duties to others, for here the relevant contradiction lies in the willing itself. To will a principle as a maxim is to adopt that principle as a principle to live by. The idea of willing a maxim *without contradiction* must pick out something about the reasoning by which a subject adopts the principle as a principle to live by (after all, 'the will is nothing other than practical reason' *G* 4:412). Suppose I judge that a principle of never assisting anyone is a principle all should live by. As a needy and interdependent subject, I would have to rationalise a maxim of never assisting others through some sort of special pleading, which forecloses the possibility of others adopting the principle as a maxim by the reasoning that I adopt it (*G* 4:423; *MM* 6:453). The principle in question is one all should live by, but can only be adopted by exclusive reasoning that contradicts the principle's inclusive scope. The contradiction, here, lies not in what is willed - the practice itself is not exclusionary in the relevant way - but in the reasoning by which each can will the principle. The relevant principle of duty is the principle of *rejecting* non-assistance, and if one is to live by this principle one must help others 'where one can' (*G* 4:398).

Now, nothing in the commitment to inclusive reasoning, rather than an inclusive practice, entails that the relevant principle of duty can be conjunctively enacted by each for all. It entails only that the practice constituted by this principle is one I commit to by reasoning others can also commit to it by. It does not entail that the practice *itself* is inclusive in the way a practice constituted by a principle of perfect duty must be inclusive. In this way, Kant's criterion of imperfect duty does not foreclose that the duty bearer will have to choose who to enact imperfect duties (to others) for.

It follows that imperfect duties to others exhibit extra demands *on* judgement that perfect duties to others lack. Kant marks this difference by noting that imperfect duties exhibit 'latitude' that perfect duties do not (*MM* 6:390; 6:411). I must use my talents and resources to assist as best I can those who are in need, but - finite subject that I am - this is not something I can do for an *unbounded domain* of others, and this is just one of the many principles of duty I must attempt to bring into a unity in the shape of my life. There are multiple demands on judgement here: I must constantly judge, for any imperfect duty, not only how best to manifest it in action given the constellation of other duties I must also live up to, but also who to enact the relevant duty for.[23] For my purposes, it is the latter of these demands on judgement that is crucial, for here we find another match with our earlier categories arising from reflection on the duties you take yourself to be under. For imperfect duties to others, the duty-bearer always faces a question of who to enact the duty for. Sometimes, that question will have a straightforward and obvious answer. But for perfect duties to others, it doesn't make sense to even ask the question.

So when we think of what it would be to enact duties to others - e.g. for me to be honest with you, or to offer you assistance - we see that some principles of duty place extra demands on practical judgement that other principles of duty do not. And when we dig into Kant's contradiction tests, we find the same considerations registering in the account of how the contradictions are located in either practice (what is willed) or reasoning (the willing itself). Kant's distinction thus tracks the classification of duties that arises when you think of the duties you're under.

Now hang on a minute, you might reply, isn't there is a problematic sleight-of-hand here? Whether or not I can enact a duty for all is a contingent matter: it is easy to think of cases where I have to judge who to enact a perfect duty for, or cases where I don't have to judge who to enact an imperfect duty for.[24] Contingent empirical

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[23] See further Jens Timmermann, "Kantian Dilemmas?", *Archiv fur Geschichte der Philosophie* 95:1, 2013, 36-64; Timmermann, "Good But Not Required?"; and Hope, "Perfect and Imperfect Duty".

[24] Hope appears misled by this thought in "Subsistence Needs, Human Rights, and Imperfect Duties", *Journal of Applied Philosophy* 30:1, 2013, 88-100.

considerations appear to be covertly determining what is supposed to be a formal distinction in kind.

One side of this objection (the "who to enact a perfect duty for" side) dissolves once we're clearer about what the question of selection is supposed to be. Consider the possibility of a tragic dilemma with respect to some perfect duty: whatever you do, you do something wrong, so even the least-problematic course is something for which you must make amends. Now, the situation certainly requires you to choose! But the question that arises in the tragic case is: *what is to be done given that whatever I do I violate a duty?* This question clearly presupposes that the demands of duty are already settled. There is no latitude in Kant's sense here. Kantian latitude concerns judgements about what it would be to successfully live by the principle of duty in question, whereas in tragic cases you must select precisely because it *is* clear what it would be to live up to the demands of duty and, unfortunately, also clear you cannot do so in this case. For this reason tragic cases are not counter-examples to the claim that for perfect duties the (relevant!) question of selection cannot arise.

The other side of this objection (the "there's no question who to enact an imperfect duty for" side) will take longer to dissolve. I've just said that Kantian latitude concerns judgements about what it would be to successfully live by the principle of duty in question. Think, for example, of the (imperfect) duty to use your talents and resources to aid as best you can those in need. Successfully manifesting the duty in your ongoing activity *must* involve constant judgements concerning who you will assist, who you will enact the duty for. Now, you certainly would wrong someone you don't assist if you selected in a way prejudiced towards him, or disregarded some special obligation you had to him. But then the wrong lies not in the non-assistance just as such, but in the violation of some other duty. When you select in a way that is mindful of all the other principles you should live by - i.e. you do not select in a prejudiced way, and so on - *you are doing exactly what morality requires of you*. In this way, the extra demands on judgement imperfect duties exhibit are demands of the duty itself, not - as in tragic cases - demands the situation creates.

Well, you might reply, isn't it a contingent matter that there are more people in need than you can successfully assist? Suppose the world's population is reduced to a tiny band of survivors. Or suppose the world was so prosperous that virtually no one was in need. We could imagine scenarios – perhaps, following current convention, giving each a capitalised and italicised label, *Survivors* and *Abundance* etc. etc. – where you can successfully assist everyone.

But if this is how we think, we must again misunderstand Kant's perfect/imperfect distinction. Notice how, in this way of thinking, we're reading the duty off the scenario. And notice how, when I asked you earlier to reflect on the duties you understand yourself to be under, I wasn't asking you to think of any specific scenario. I was asking you to think about your life, your ongoing and open-ended activity as it plays out across an indefinite number of possibilities for interaction with an indefinite number of other natural and artificial agents. I was asking you, if you like, to think of a way of being in the world. This is to think of how *principles of duty orient your ongoing and open-ended activity* - something you sustain and extend into a largely unpredictable future; something not reducible to any particular local or global state of affairs. It is to understand principles of duty - both perfect and imperfect - as exhibiting a generality that transcends any particular scenario, operating in practical thought as a specific sort of end: an end that is *time-general.*

This wants some more explaining, and an example clarifying what is distinctive about a *time-general* end would surely help. So here you are, at the supermarket buying butter. What is your end? Part of the answer is, obviously, *acquiring butter*. *That* end is something discrete and completable: if, in future, you decide to acquire butter again, you'd be setting yourself a new end. But it would be very odd to say that this is your only end. Ask yourself: Have you gone to the closest shop? Are you checking which brands are on special? Are you *paying* for the butter? Your pattern of action, here, is such as to bring a number of different ends together: your pattern of action must not only *acquire butter*, but do so *efficiently, cost-effectively,* and *legally*. A thief

might also exit the shop with butter, but he won't have done what you did. His pattern of action brings a different constellation of ends together.

Now, suppose that you passed over the TrumpButter, should such an abomination exist, because you judge your pattern of action must be not only *efficient* etc., but also *just*. And suppose further that, later in the day, you attend a protest outside the Russian embassy. You're no longer acquiring a condiment. Yet there is a genuine sense in which you haven't set yourself a new end, because in each case you act for the *same end*, the *same principle*: you act for the sake of justice. I'm not saying in each case your only end is justice. It would be an implausibly monomaniacal picture of practical thought that insisted every pattern of action only has one end. Rather, as I suggested a moment ago, practical judgement is far more often a matter of unifying a constellation of ends within a single pattern of action - and when that is difficult or impossible, one faces a hard case.[25] What I hope my example illuminates is that these ends admit of *more than one type*. Some ends are discrete, coming to completion in the pattern of action to be done. But not all ends are like this. Justice, as an end, is not something that comes to completion in a specific pattern of action. It is, rather, an end that can be successfully manifest in an indefinite number of patterns of action.[26] It is, for want of a better phrase (all suggestions welcome!), a *time-general* end.

When I earlier asked you to think about your life, one thing I was driving at was the idea that all principles of duty, both perfect and imperfect, operate in practical thought as *time-general* ends. Principles of duty orient - guide, shape - the ongoing, open-ended activity of life, your way of being in the world. It is no accident that you are both passing over the TrumpButter *and* protesting outside the embassy: you are doing these things because you have embraced principles of justice as maxims to live by. All principles of duty, both perfect and imperfect, are thus ends one acts for the sake of.

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[25] Here I am drawing on a point O'Neill has insisted on in a number of papers: see, especially, "Modern Moral Philosophy and the Problem of Relevant Descriptions" and "Normativity and Practical Judgement", both reprinted in O'Neill, *From Principles to Practice* (Cambridge, CUP, 2018).

[26] Following Sebastian Rödl, *Self-Consciousness* (Cambridge MA, HUP, 2007), ch 2.

When you pass over the TrumpButter, you act for the sake of justice; when you check in on your elderly neighbour, you act for the sake of beneficence.

Kant, if I understand him, marks the point that principles of duty are time-general ends in several ways. One expression lies in his portrayal of granular maxims as specifications or concretisations of more general maxims (e.g. *Anthr* 7:281).[27] Kant also, in his late philosophy (*MM* 6:222), marks the point by speaking of *obligations* as the tokens of *duties,* where an obligation is just a particular manifestation of the duty in question.[28] (This is one reason why I find the actions/ends contrast unhelpful as a characterisation of Kant's perfect/imperfect distinction: all principles of duty are ends one acts for the sake of).

I am emphasising how principles of both perfect and imperfect duty are time-general ends in order to make sense of how they are principles to *live by*, ends that orient - shape, guide - the ongoing and open-ended activity of life, and that are capable of an indefinite number of possible manifestations in that activity. It follows that principles of duty cannot be read off any particular scenario, because they are something the duty-bearer *brings to* any specific scenario, orienting her approach to it. They have a generality that transcends any scenario.

Thinking of principles of duty in this way, there can only be *one* guarantee that in manifesting the duty in action you can conjunctively enact the duty for all. The *only* guarantee, here, is that for such a duty, the question of who you should enact it for cannot arise. This is not something we read off the state of the world. It is, rather, something we read off the principle of duty itself - as we did earlier, when thinking through the idea of a duty to others that is contrary to what is contradictory in conception. Latitude, or its absence, is an aspect of the duty in question, rather than the scenario in question.

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[27] I have been helped on this point by Patricia Kitcher, "What is a Maxim?", *Philosophical Topics* 31: 1-2, 2003, 215-243; Adrian Moore, "Maxims and Thick Ethical Concepts"; and the papers by O'Neill in n.25 above.

[28] For discussion see Timmermann, "Kantian Dilemmas?", 42-43.

Well, you might reply, isn't this still to read the duty off a certain aspect of the world, namely an aspect of me, the duty-bearer? A duty's having latitude seems contingent on the particular configuration of my finite powers of thought and action (or perhaps that characteristic of the life-form I bear). If we're thinking about Superman, the list of duties *he* cannot conjunctively enact for all is going to be a lot shorter than the list of duties you or I cannot conjunctively enact for all.

We can certainly contrast our finitude with possible life-forms that are finite in different ways: in addition to Superman, you might imagine a creature with a holy will (*G* 4:414), or perhaps Martians who are biologically incapable of not saying what they're thinking (*Anthr* 7:332). Such contrasts are intelligible as pieces of purely theoretical speculation. But this doesn't lead us back to any "reading off" picture, because the crucial thing about Superman, and the Martians and the angels, is that they are all alternatives *to* us, not alternatives *for* us.[29] In my practical judgements about about what should be done, the life-form I bear doesn't feature as one item in nature's rich taxonomy of creatures. It features, rather, as part of the boundary of practical possibility. To think e.g. "Telepathy would convey my argument well" is mere wishful thinking, and as such is nonsense as a practical - action-guiding - thought. 'Mere wishful thinking', as Kant reminds us, 'is not willing' (*G* 4.394).[30]

To sum up: when you - finitely rational subject that you are - reflect on the duties you should live by, a fourfold classification of duties naturally arises. This fourfold classification is mapped exactly by Kant's division of *perfect* and *imperfect* duties to *others* and *oneself*. Kant's distinction thus tracks some salient contours of the moral landscape, something significant and true. To think of duties in this way is not to read them off specific scenarios, but rather to think of principles of duty as time-general

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[29] I owe this phrase to Bernard Williams, *The Sense of the Past* (Cambridge, CUP, 2009), 312.

[30] This is not to naturalise Kant's practical philosophy. Because our finite powers partially set the boundary of practical possibility, they must figure in a recursive inquiry into what must be true of reasoning if it is to guide thought and action. But they do not figure in a way that determines what our ends are. They figure, rather, in the form those ends take (i.e. as *duties* in contrast to how a holy will understand them; and at a more granular level, in the distinction between *perfect* and *imperfect* duty).

ends that orient the ongoing and open-ended activity of life itself. In making the argument, I have focussed solely on duties to others. Imperfect duties to others place extra demands on practical judgement that perfect duties to others do not: chiefly, for my purposes, judgements concerning who to enact the relevant duties for. This concludes the initial, positive, argument for Kant's distinction advertised in §1.

3. An Initial Response to the Reclassification Objection

I turn now to the most common objection levelled against Kant's distinction in modern moral and political philosophy. By Kant's criteria, my duty to assist those in need, excluding certain *in personam* duties of care,[31] is invariably imperfect. The most common objection argues that duties of aid concerning certain fundamental human needs and interests - typically those corresponding to the welfare rights enshrined in various United Nations declarations - should instead be properly classified as perfect duties. I'll call this the *reclassification objection.* The objection takes several forms, as we'll see.

I shall consider the reclassification objection as an internal critique: it aims to show that *Kantians* should accept the reclassification. I do so for two reasons. First, and most importantly, this is often how the reclassification objection is framed.[32] Second, and more hubristically, if the argument of §2 shows we have good reason to take Kant's distinction seriously, the reclassification objection *should* be an internal critique. It won't do to argue that we abandon a distinction we should take seriously.

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[31] E.g. parental duty (*MM* 6:281).

[32] This is a common feature of all the critics mentioned in fn2 above. My impression is that *external* critiques of Kantian resistance to seeing certain duties of aid as correlative to rights tend to frame the issue differently, as about the existence conditions of a right - more precisely, whether "claimability" is one such existence condition. For representative examples see John Tasioulas, "The Moral Reality of Human Rights", in T. Pogge (ed.) *Freedom From Poverty as a Human Right* (Oxford, OUP, 2007); James Griffin, *On Human Rights* (Oxford, OUP, 2008), 108.

I think it a great shame that Onora O'Neill's position has so often been taken as a paradigm of the "claimability objection". This ignores how her most sustained argument concerning the problems of prioritising the perspective of recipience - *Towards Justice and Virtue* ch.5 - occurs in the middle of a longer discussion of what would have to be true of practical principles if they are to be action-guiding. O'Neill is making a point about practical thought, not about the existence conditions of rights. To the best of my knowledge, Tasioulas, "Moral Reality" 99-100, is the only critic who acknowledges this point.

Two strategies for reclassification are typically employed. One is to invoke scenarios in which the relevant duty appears to satisfy the criteria of perfect duty: as Pablo Gilabert asserts, 'it is not difficult to find compelling examples in which basic positive duties entail perfect, strict, requirements'.[33] The second is to invoke a *justificatory linkage argument*, whereby the relevant duty of aid is claimed to be perfect because of its essential connection to other perfect duties.[34] Strikingly, proponents of either strategy, despite arguing that *Kantians* should accept the reclassification, typically do not engage with Kant's criteria of perfect/imperfect duty.[35]

To reject the reclassification objection, I shall make four moves. My first two moves diagnose problems with either strategy: linkage arguments mistake connection for reclassification; the duties in scenario-based arguments are not obviously duties without latitude. This second objection is not decisive against every scenario-based argument, however: the strongest version of the reclassification objection emerges as one that argues non-assistance, in the scenario, *wrongs* the unaided. My third move (§4) is to show how common arguments along this line either involve problematic epicycles, or presuppose what needs to be vindicated. My final move (§5) is to offer

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[33] Gilabert, "Kant and the Claims of the Poor", 394. See also Ashford, "The Duties Imposed…"; Igneski, "Perfect and Imperfect Duties of Aid".

[34] Ashford, "The Duties Imposed…" 213; Gilabert, "Kant and the Claims of the Poor", 388ff.

[35] Indeed, when Kant's *G*4:424 criteria are mentioned it is only to set them aside. Two examples:

Igneski notes the *G*4:424 criteria, but immediately invokes instead the actions/ends contrast as the defining feature: "Perfect and Imperfect Duties of Aid", 443fn10. As noted, I think that is a problematic interpretation: see also Hope's argument - "Perfect and Imperfect Duty" §6 - that the contrast can only signal a difference of degree, so signals no formal distinction in kind. I suspect Igneski misses this because she assumes the classification of a duty to be determined by features of the scenario rather than features of the principle.

Gilabert notes but simply dismisses the *G*4:424 criteria as 'arbitrary': "Kant and the Claims of the Poor", 397 fn17. He does so because he claims (correctly) that all duties of *Recht* are perfect duties, and then asserts (incorrectly) that duties of *Recht* are determined by "the Contractualist Standard" - legal norms must be rationally accepted by all subjects they bind - a version of the contradiction in will test. See Gilabert, 409. I cannot square Gilabert's collective "Contractualist Standard" with Kant's explicit insistence that duties of *Recht* presuppose an 'omnilateral' will which is neither individual *or collective* (MM 6:263 cf 306-7). For an acute account of the distance between Kant's account of *Recht* and standard liberal contractualism, see Katrin Flikschuh, "Justice Without Virtue", in L. Denis (ed.) *Kant's Metaphysics of Morals: A Critical Guide* (Cambridge, Cambridge University Press, 2010).

some speculative remarks against the assumption that apparently animates all versions of the reclassification objection.

So here is the first of my advertised four moves: failure to engage with Kant's criteria must be fatal to any linkage argument. Links between duties - that *this* duty is entailed by/effectively essential to *that* duty[36] - will not show that both duties are contrary to principles that are contradictory in conception, so will not allow us to reclassify the duty by Kant's criteria. At most, a linkage argument could tell us that if some perfect duty is important, some linked imperfect duty is also important. Consider, for example, O'Neill's observation that '[i]ndifference and neglect are not unjust. Nobody can avoid being indifferent to and neglecting many, if not most, others to whom they are connected.' O'Neill then sounds a remarkably Hobbesian note of doom:

> no vulnerable agent can coherently accept that indifference and neglect should be universalised, for if they were nobody could rely on others' help; joint projects would tend to fail; vulnerable characters would be undermined; capacities and capabilities that need assistance and nurturing would not emerge; personal relationships would wither; education and social life would decline.[37]

Clearly, duties rejecting indifference and neglect have an essential connection to duties of justice here - there can be no just society if there is no social life. But that doesn't make *them* duties of justice. All the link shows is that if you think justice is important, you should also think these imperfect duties are important. More technically, the contradiction contained in principles of universal neglect and indifference lies, as we've seen, in the reasoning by which such principles are to be adopted as maxims to live by. Recognising how these imperfect duties to others connect to perfect duties to others does not allow us to locate the contradiction in practice, in what is willed, instead: universal non-assistance, and thus universal

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[36] I have been greatly helped in understanding linkage arguments by James Nickel, "Linkage Arguments For and Against Rights", *Oxford Journal of Legal Studies* 42:1, 2022

[37] *Towards Justice and Virtue* 194. See also Barbara Herman, *The Moral Habitat* (Oxford, OUP, 2021), for a more recent detailed argument for attending to the links between the constellation of duties we're under that insists on the importance of preserving, rather than reclassifying, imperfect duties to others.

neglect and indifference, are all *consistent* in conception. Accordingly, I set the linkage argument strategy for reclassification aside as a non-starter.

I turn now to the scenario-based strategy. On this strategy, a scenario is invoked to model how the relevant duties of aid are perfect duties. That we can differentiate duties of aid by invoking their conditions of application appears to be a widely accepted claim. Consider, for example, the common assumption that a *duty of rescue* - that is, a duty of aid under conditions of urgency - is a perfect duty, a duty of justice.[38] Indeed, the scenario used to model why the duties of aid in question should be reclassified as perfect is uniformly structurally equivalent to the famous drowning-child-in-a-pond scenario: it is clear who both duty-bearer and recipient are, such that the duty admits of no latitude with respect to whom it is enacted for.[39] I'll refer to this type of case as a child-in-the-pond case, even though not all formulations mention children or ponds. Shortly, I'll argue that constructing the scenario in this way is not helpful with respect to the duties of aid proponents of the reclassification objection want to reclassify. But for the moment, I'll accept the scenario for the sake of argument. The scenario-based strategy does not try to show that the relevant principle of duty is contrary to that which is contradictory in conception rather than contrary to that which is consistent in conception yet still contradictory in will. But if this strategy works, it leaves us with a conclusion that seems impossible by Kant's criteria: an "imperfect" duty to others that exhibits no latitude.

The scenario-based strategy is also a non-starter *if* aspects of *the scenario itself* are invoked to show the duty in question exhibits no latitude: if we say, with Violetta Igneski, that 'when a situation is morally determinate, the agent has no latitude to

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[38] See David Miller, "The Nature and Limits of the Duty of Rescue", *Journal of Moral Philosophy* 17:3, 2020, for a helpful overview.

[39] Some examples: Gilabert, "Kant and the Claims of the Poor", 394-396; Ashford, "Obligations of Justice and Beneficence to Aid the Severely Poor", 37, 40; Ashford, "The Duties Imposed...", 211; Igneski, "Perfect and Imperfect Duties to Aid", 445; Cummiskey, *Kantian Consequentialism* 118-119. See also Cecile Fabre, "Good Samaritanism: A Matter of Justice", *Critical Review of International Social and Political Philosophy* 5:4, 2002, 128-144 at 128.

decide how to fulfill her duty […] we should understand the duty as a perfect duty.'[40] Inattention to the details of Kant's distinction - in particular, to how principles of duty have a generality that transcends any particular scenario - is again fatal here. As I put it in §2, principles of duty cannot be read off particular scenarios, because they are something agents bring to particular scenarios.

To see this, consider how the child-in-the-pond scenario looks from the point of view of the duty-bearer. Here you are, at the pond's edge. There is only one correct practical judgement for you to make: *the child must be rescued*. In so judging, you understand that you must rescue the child, either on your own or in cooperation with others. Anything else would be a gross dereliction of duty! On a venerable Kantian line of argument, the explanation as to why there is only one correct practical judgement for you to make here lies not in the form of the duty, but in considerations that apply equally to both perfect and imperfect duties: in an account of what it is to adopt a principle as a maxim *of duty*, as a time-general end that orients your ongoing and open-ended activity. No one, as Marcia Baron and others have argued, who ignores pressing and convenient opportunities to assist others can be said to have adopted the principle of beneficence as a maxim to live by.[41]

Well, you might say, doesn't that effectively concede the point of the reclassification objection? I don't think so. It is to agree that there is only one thing for you to do: you must rescue the child, either on your own or in cooperation with others. But nothing in this thought entails or even implies that your thinking has to be oriented by a principle of perfect rather than imperfect duty. To put the point in the technical language of Kant's distinction between *duties* and *obligations*, it is always possible, without failing to live rightly, to pass over opportunities to manifest a principle of imperfect *duty* in the course of the ongoing and open-ended activity of life. But this is not true of *every* token *obligation* of the duty. A token manifestation of the duty to aid

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[40] Igneski. "Perfect and Imperfect Duties to Aid", 445; see also Smith, *Liberalism and Affirmative Obligation,* 62.

[41] Hope, "Perfect and Imperfect Duty", reports the point from conversations with Baron. O'Neill, *Towards Justice and Virtue*, makes the same point in passing at 195.

can be both *imperfect* (contrary to that which is contradictory in will) and *essential* (I cannot act rightly if I pass it over) when failure to act is so egregious it is inconsistent with adopting the principle of duty as a maxim.[42] It does not follow that the duty in question has no latitude, for whether a token obligation is 'essential' in this way is something determined in the chain of practical judgement that is guiding, shaping, the pattern of action that is to manifest the time-general end of beneficence in this particular situation.

That last remark wants more explaining. I'm relying here on (at least) one controversial claim about practical thought. I am assuming that because any pattern of action or activity takes time to do, the practical thinking which guides, shapes, that pattern of action or activity must also be temporally extended, an unfolding chain of practical judgement as the doing of what is to be done unfolds.[43]

If you'll allow the point, then chains of practical judgement oriented by time-general ends accordingly have very complex temporal extensions. Here you are, lifting the child from the pond. And now there you are, later in the day, checking in on old Mrs Hewitt, your increasingly forgetful neighbour, to make sure she has remembered to switch off her gas cooker after dinner. As I noted earlier, *it is no accident you're doing both these things.* You're doing them because how you live is oriented by the duty of beneficence.[44] This is to think of activity that transcends any scenario: as ongoing and

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[42] Cf *CprR* 5:159, and Hope, "Perfect and Imperfect Duty" §5. Hanser, "Imperfect Aiding", 313-314, offers a non-Kantian alternative account of the same rough idea: we have second-order reasons to do our share in helping others. In urgent cases where you are the only person who can assist, the only way to do your share is to assist. This strikes me as too narrow - the idea of an essential imperfect *obligation* has the advantage of covering cases beyond those where I am the *only* agent in a position to help.

[43] The main opposing view, as I see it, emphasises instead an all-things-considered judgement about what to do. But that is to index practical thinking to a particular moment in time. At a different moment in time, there will be other things to consider. I accordingly do not know how to square this alternative with the idea that practical thinking is action-guiding: guiding, shaping, a *temporally extended* pattern of action. For helpful discussions see Rödl, *Self-Consciousness*, ch.2; and O'Neill, "Modern Moral Philosophy…".

[44] None of this is to say that lifting the child to safety and check in with old Mrs Hewitt are morally equivalent in every respect. You may, for example, be more worthy of blame when failing to manifest the duty on one occasion than another. Accounting for the various salient considerations that bear on the situation you find yourself in just is part of what it is for a chain of judgement to become increasingly specific and concrete.

open-ended, a *way of being in the world*. The chain of judgement that orients a particular, discrete pattern of action you're carrying out in a particular time and place is itself part of a much longer chain of judgement that runs on long after you reunite the child with its parents or say goodnight to Mrs Hewitt, *sustaining and extending* a beneficent way of being in the world.

I said a moment ago that whether a token obligation is 'essential' is something determined by the chain of judgement shaping your pattern of action. This determination is as an aspect of Kantian latitude. Here you are, confronted with the imperilled child. You understand that you must assist. You must also be aware there are many others, elsewhere, also in need of assistance. *This is not to think*: I could assist the child just now, or perhaps someone else in need. The understanding of others' plight cannot feature in your judgement in that way when faced with the easy and urgent case: failure to assist the child is inconsistent with having adopted the principle of beneficence as a maxim to live by.

It *is,* however, to be aware that in assisting the child there are others in need elsewhere who you cannot at the same time assist. To be stepping into the pond is to not be, for example, carrying out a shift as a volunteer in a foodbank. You can of course go to the foodbank later (to think "I helped the child, I need do no more today" is to be in grip of the modern understanding of imperfect duty, not Kant's). But in doing so, you would still be passing up some other opportunities to assist someone else. You are constantly making judgements about *who to assist* if you are to live by the principle of beneficence. Factors such as proximity, urgency, personal connection, and efficiency might all be relevant considerations in such judgements, though I doubt any algorithmic weighting can be assigned to them in the abstract. The principle on which you act, in assisting the child, is a principle that orients how you live in such a way that places a constant demand on practical judgement.

Cases of the child-in-the-pond sort are not, accordingly, cases in which the duty of assistance has no latitude. There *is* a requirement on judgement here, it is just that *in*

this case the question of who to assist has an easy answer, at least for anyone who has genuinely adopted the principle of assistance as a maxim to live by. This shifts to the background, but does not remove, the latitude exhibited by the principle on which one acts: to say that a question has an easy answer is *not* to say the question cannot arise.[45] The generality of the principle on which one acts, coupled with one's finite powers of thought and action, reveal the duty of assistance, in the imperilled child case or indeed in any other scenario, to be an imperfect duty.

Another way to put the point is to say that child-in-the-pond type cases only appear to involve perfect duties if we do not attend to the wider context. My judgement "I must assist" is one of a constant sequence of judgements involved in living up to the duty to help 'where one can'. Attending to the wider context should also call into question whether this type of case is appropriate for aid regarding our most fundamental needs and interests - the focus of the reclassification objection. When we think of what it would be to aid our fellow human beings who are struggling to meet their most fundamental needs and interests, it should strike us that child-in-the-pond cases are of next to no relevance, because they present only a chance encounter with a single individual, with both the individual's plight and your response having no apparent connection to either your or others' wider patterns of action. All I need to do is open a newspaper to know that there are many, many people in desperate need of assistance: I don't encounter each in isolation from any other.

Leif Wenar has memorably complained, with respect to the relationship between the global affluent and impoverished, that:

> You are not in a situation analogous to knowing you can save a child drowning in a shallow pond. Closer is this: if you hand cash to a stranger he may - along with other strangers hired by other people - try to save some children who have fallen into a lake. Yet it looks like these strangers

[45] Compare: "What is your child's name?" is a question, you, if you are a parent, can (I hope!) easily answer. But before you became a parent, it wasn't a question that could even arise.

> can only get to the lake by pushing through a crowded rave on a pier with no railings.[46]

If you're wondering about the image of a rave here (it threw me at first), I understand it to convey a manifold of individuals engaged in only extremely loosely coordinated, thus somewhat chaotic, activity - I think Wenar has hit on an appropriate if unconventional image for human life itself. What I want to take from Wenar's objection is that the wider context of any particular instance of assistance is crucial, and completely elided by pond-scenario construction. Wenar's own primary concern is awareness of the possibility that some ways of manifesting my duty for *this* person may have serious impact on *others* (the hapless ravers nudged off the pier). But a longer list of elided considerations is possible.

Here are just two more. I must also be aware of how it is unavoidable that in enacting my duty for *this* person I cannot enact it for others who face the same or similar plight. I must also attend to the contingent complexities of the particular political context of action in which my enacting the duty for *this* person takes place: the obstacles that may frustrate manifestation, and the particular other agents I must or should interact with. These considerations may appear especially salient when we think of duties of aid concerning globally distant people in dire need. But they also apply when we think closer to home, of the ways in which individuals in dire need fall through the cracks that inevitably exist in any institutional scheme.

Now, many of these considerations apply as much to action for the sake of perfect as well as imperfect duty - this awareness is just good practical thinking. My point in raising them is twofold. First, Wenar's calling our attention to the complexities in the wider picture is germane to the Kantian understanding of principles of duty as time-general ends. To understand duties as shaping, guiding, my way of being in the world must be to keep the wider picture - the world - in view. And second, the *extra* demands imperfect duties to others place on practical judgement emerge in thinking

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[46] Wenar, "Poverty is No Pond", in P. Illingworth, T. Pogge, and L. Wenar (eds) *Giving Well: The Ethics of Philanthropy* (Oxford, OUP, 2010), 25-26.

through these considerations: in our case, what it would be to live by the principle of beneficence. It might be easy enough, armed with the statistics and a basic mathematical ability, to calculate the percentage of global GDP that would need to be redistributed in order to lift everyone above the $1 USD poverty line. But what would it be for me to assist someone in, say, a severely neglected Aboriginal community in outback Australia, or in the Gaza Strip, or in rural Afghanistan, or - closer to home - an isolated elderly neighbour or an acquaintance with a heavy amphetamine addiction who are both invisible to the relevant institutions? Even if my assistance is indirect in all such cases, it involves such a considerable amount of time and knowledge and interaction with others that I must choose who I enact the duty for.

The scenario-based strategy thus cannot appeal to aspects of the scenario itself to show the duty in question lacks latitude. Such an approach wrongly tries to read the duty off the scenario, and also typically relies on a scenario of highly questionable relevance to the concerns that motivate the reclassification objection.

4. Rejecting the Reclassification Objection

Yet there is more to be said for the scenario-based reclassification strategy. A proponent of this strategy can instead appeal to how the scenario models some normative relation constitutive of the duty in question. Suppose we ask, of the duty-bearer faced with the drowning child: if she culpably fails with respect to the duty, has she wronged the child? You might reply: obviously "Yes", because not only does the question of who to assist in this case have an easy answer, it has *only one answer*.[47] In not assisting, I not only do wrong, I also *wrong the child*.

If we accept this answer, the duty in question is - to use currently popular terminology - a *directed* duty (owed to someone, apt to be correlative to a right) rather than an *undirected* duty (expressing no relation between the duty-bearer and anyone else,

[47] Thanks to both my anonymous reviewers for this very effective formulation of the point.

culpable failure is *wrong* but wrongs no one).[48] It follows that the duty in question cannot be an imperfect duty. The latitude imperfect duties to others exhibit means they cannot be *directed*: because I must select who I e.g. assist, I do not wrong those I do not aid, and neither they nor anyone I do aid can have a claim that I assist *her/him*. Perfect duties to others, by contrast, can be thought of as *directed* - I wrong anyone I exclude from the relevant practice. (I set aside for a moment whether it follows that *imperfect* duties to others are *undirected* - but my answer in §5 will be "No").

Thomas Pogge, Zofia Stemplowska, and R. J. Wallace have all independently argued that scenarios of the relevant sort model directed duties because I would *wrong* the person in need if I do not assist.[49] As Pogge puts it: 'Any person, B, has a right to be helped by any other person, A, just in case B is destitute and A is affluent and A is not already doing enough for other destitute person(s).'[50]

In response, I accept that a subject's past conduct with respect to a principle of duty may justify variation in some respects: for example, the appropriate costs of manifesting the duty in action.[51] But Pogge and Stemplowska are making a much stronger claim than this (I'm less sure about Wallace). By their lights, if a subject is not adequately living up to the requirements of the duty of aid, others' requests for assistance have the form of a directed duty claimed against her: the duty is *owed to* the recipient and the recipient is *wronged* if the duty is not discharged. The conditional here, I now argue, ultimately renders the claim implausible.

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[48] See, especially, Michael Thompson, "What is it to Wrong Someone?", in Wallace et. al. (ed.) *Reason and Value* (Oxford, Clarendon, 2004). For some developments of the point see Ariel Zylberman, "Why Human Rights? Because of You", *Journal of Political Philosophy* 24:3, 2016, 321-343; Rowan Cruft, *Human Rights, Ownership, and the Individual* (Oxford, OUP, 2019); and Wallace, *The Moral Nexus*.

[49] Zofia Stemplowska, "On the Real World Duties…" 482; Pogge, "O'Neill on Rights and Duties"; Wallace, *The Moral Nexus* (Princeton, PUP, 2019), 206-8. See also Karen Stohr, "Kantian Beneficence and the Problem of Obligatory Aid", *Journal of Moral Philosophy* 8:1, 2011, esp. 66, for a strikingly similar move. As Stohr wants a more technically Kantian solution (a composite of perfect and imperfect duties) than either Pogge or Stemplowska, I shan't discuss her position in detail here. For a response to Stohr, see Hope, "Perfect and Imperfect Duty".

[50] Pogge, "O'Neill on Rights and Duties", 241. Compare the almost identical phrasing in Stemplowska, "On the Real World Duties...", 481-2. See also Wallace, *The Moral Nexus,* 207.

[51] See Chiara Cordelli's wonderful "Prospective Duties and the Demands of Beneficence", *Ethics* 128:2, 2018.

To see this, let me start by noting a strength of this version of the reclassification argument. It allows us to keep in view some of the considerations Wenar rightly complains are elided in child-in-the-pond cases: the existence of a manifold of agents in need, and that effective assistance is often sufficiently complex that beneficent agents must select who they assist. The claim, as I understand it, is that *any* of the manifold of agents in need has a claim, correlative to a directed duty, against any agent who can assist *just so long as the latter is not already sufficiently assisting others*.

The problem with this position emerges when we think of someone who *is* living up to the demands of the duty in question. In living beneficently, you're constantly making judgements about who to assist. None who you fail to assist, when you're living beneficently, can say: "You should have assisted *me.*" And so none you *do* assist can say: "In assisting *me*, I am getting what I'm owed". So none can claim: "You must assist *me* rather than no one". This is the crucial point. The duty you're living up to, when you *are* living beneficently, is not correlative to anyone's right. What each can say is: "You must help where you can. You must do your duty!" But to do your duty, here, involves making judgements about who to assist. Pogge and Stemplowska thus appear committed to the conclusion that the *form* of the duty of assistance somehow changes, depending on whether the duty-bearer is properly living up to the requirements of the duty or not. I cannot see how this can be correct. The normative relation of "directedness" is constitutive of a *directed* duty's form, not contingent on how this or that duty-bearer chooses to behave. If none have a claim that they be assisted when you act rightly, none can have a claim that they should have been assisted when you do not act rightly.

Pogge, anticipating something like this response, attempts to foreclose it by invoking Kant's distinction between *duty* and *obligation*: between the general principle I act for the sake of and the particular pattern of action that, in the case at hand, manifests the principle in action. In Pogge's terms, a subject can be under a duty but no obligation: I

have a duty to keep my promises, but if I make no promises I am not obligated to do anything. Pogge asserts that this distinction opens the possibility that an imperfect duty can generate perfect obligations.[52] I must confess I cannot see what justifies this assertion. Kant's duty/obligation distinction, as we've seen, is between time-general ends (principles of duty) and their token manifestations (obligations). A token of a principle rejecting that which is consistent in conception but contradictory in will cannot instead reject that which is contradictory in conception.[53]

Indeed, the duty/obligation distinction helps make clear what is problematic in the claim that a person in need has a right to aid from anyone capable of assisting who *is not already living up to the demands of beneficence.* As I understand it, the normative relation of "directedness" is the idea of a specific connection between duty-bearer and the person to whom the duty is owed.[54] This relation might be something constant (our fellow humanity; a parent to a child, etc.), but it need not be: a directed *obligation* can be created by an act of will, as Pogge's example of making a promise helpfully shows. It does, however, seem essential that such an act of will, on my part, concerns *me and you*. That essential element is missing on the argument I am resisting. On the Pogge/Stemplowska line, you can only claim a right to my assistance if I am *not* already living beneficently. This directed obligation is created by specific acts of will on my part, namely my un-beneficent patterns of action. But these patterns of action don't concern *me and you* at all, they concern who else I might or might not be helping, and so don't change the relation between you and I. Such patterns of action cannot create directed obligations to assist.

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[52] Pogge, "O'Neill on Rights and Duties", 234, 238; also Gilabert, "Kant and the Claims of the Poor", 395-396.

[53] Igneski's stipulation that a duty of aid can be both individually imperfect and collectively perfect - "The Human Right to Subsistence and the Collective Duty to Aid", *Journal of Value Inquiry* 51, 2017, 33-50 - falls to the same line of argument: the principle of duty would then be contrary to what *is and isn't* consistent in conception.

[54] Compare Michael Thompson's simile of 'opposing poles of an electrical apparatus' with 'an arc normative current' passing between them. "What is it to Wrong Someone?" 335.

To think otherwise is, I suspect, to assume that the relevant case is a child-in-the-pond case, where a single duty-bearer encounters a single person in need of assistance in isolation from other considerations.[55] But precisely because we do not encounter any one individual in need in isolation from any other, that assumption is misleading at best.

Wallace, for his part, takes a subtly different line. Claims of assistance have the form of directed duties against agents who are not living up to the principle of beneficence, he argues, because 'affluent agents who do little or nothing to help out will be unable to justify their conduct to any of the individuals who are in the class of potential beneficiaries.'[56] If I understand Wallace, the claim here is that I not only do wrong, but I *wrong you,* if my conduct towards you is unjustifiable.

This line of argument presupposes the key claim it needs to vindicate. *If* we assume a perfect duty is already in play, perhaps something like a 'right to justification' advanced by Rainer Forst,[57] then yes, I wrong you when I cannot justify my action to you. But the claim that we mustn't act in ways we cannot justify to others can be vindicated without invoking any *right* to justification. Suppose we ask, recursively: what would have to be true of a principle of duty if it is to be a principle for all to live by?

Kant's criteria of perfect/imperfect duty, I noted in §1, speak directly to this question. A principle of duty could not be a principle for all to live by if the reasoning by which *I* adopt it cannot be reasoning by which *you* adopt it (a contradiction in will). This is to say that a principle all should live by must be vindicated by reasoning all can follow and adopt. It is very unclear to me that a *right* to justification needs to be

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[55] I think Stemplowska falls into this assumption with her claim that non-assistance, when I am not living up to the demands of beneficence, signals to the needy person that you do not think she should be helped. "On the Real World…", 482. The force of that claim rests on an image of a single individual encountered in isolation being refused help. But that isn't the relevant image, and the force of the claim dissipates once I recognise a manifold of others all in need of assistance.

[56] Wallace, *The Moral Nexus,* 208.

[57] Forst, *The Right to Justification* (NY, Columbia University Press, 2014).

invoked in saying so. The heavy lifting is instead done by the thought that the principles in question are principles all should live by. This thought raises the recursive question of what would have to be true of a principle for it to be one all can live by. If you like, this is just an application of *ought implies can.* Because duty-bearers are reflective individuals, not robots awaiting programming, they will see no reason to adopt a principle of duty as a maxim to live by if the reasoning by which *I* adopt it is not reasoning by which *they* could also adopt it. It thus seems too quick to conclude I *wrong* you if I act in an unjustifiable way toward you.

I hope I can be briefer regarding other strategies for bringing a *directed* duty into the picture. One familiar move is to assign the duty in question to a collective agent (variously, *humanity* or *the global rich*) which cannot obviously act as such.[58] Proponents of this move are aware of the difficulty here, and follow the large literature on uncoordinated collectives in insisting the duty is, in the first instance, a duty to coordinate. But a duty to coordinate looks to be an *imperfect* duty to others, for two reasons we've already encountered. It is contrary to a principle of non-assistance that generates no contradiction in conception. And the contexts of political activity through which coordination must unfold are so complex and varied that any individual duty-bearer is forced to select who they coordinate with others to help.[59]

An alternative move is to bring a directed duty into the picture by radically watering down its requirements. Wallace, for example, at one point asserts that the claims correlative to a directed duty to aid those in need

> are not even claims that agents should do anything to help the claimholder in particular, since they could fully be discharged through discretionary

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[58] Respective examples: Cruft, *Human Rights*… 153-156, and Igneski, "The Human Right… "; Ashford, "On the Duties Imposed…" 201.

[59] Hope "Kantian Imperfect Duties and Modern Debates Over Human Rights", *Journal of Political Philosophy* 22:4, 2014, at 411-414. (And see n53 above for a further comment on Igneski's position).
Moves of this sort can also appear ad hoc. Thus Schroeder, "Imperfect Duties, Group Obligations…" stipulates *all* imperfect duties should be thought of as collective, leaving it impossible to make sense of imperfect duties to oneself.

> efforts that end up assisting completely different members of the class of potential beneficiaries.[60]

I must admit I struggle to see the appeal of this. Here you are, dying in front of me, and here I am, telling you "I am giving you exactly what you, as a bearer of the right to assistance, are due", as I save the life of the person next to you. For all I owe *you* is that I assist *some of those who have the needs you have* – which need not concern *you* at all. Talk of an entitlement here seems little more than mockery of your plight.

So I submit that the most promising versions of the *reclassification objection*, that use scenarios to model how some duties (or obligations) of aid are *directed* and so cannot be imperfect, are still problematic. They either presuppose what they must vindicate, or they involve moves that, if not merely ad hoc (why is it only *these* duties of aid that have contingently shifting forms, or are collective, or are so watered-down?) should strike us as problematic epicycles. These epicycles are easily avoided if we instead say, with Kant, that the duty to help where one can is an imperfect duty to others.

5. Imperfect duties to others: neither directed nor undirected

At this point, I find myself facing a puzzle I do not know how to answer. On the argument given so far, to classify duties of aid as Kantian imperfect duties is *not* to relegate such duties to a lesser status than perfect duties. Kantian imperfect duties to others can be of the most vital importance within a holistic conception of the moral demands we are under, as O'Neill's Hobbesian note of doom concerning principles of neglect and indifference makes clear. And, as Baron's observation reminds us, we can condemn culpable failure with respect to Kantian imperfect duties to others in the strongest possible terms, terms that impugn not just an agent's particular pattern of action but their outlook as a whole. What we cannot say, if my argument stands up, is that the duties in question are correlative to rights - but it should also be unclear why that matters, given that the duties in question can be accorded the most vital significance and culpable failure condemned in the strongest terms. The puzzle that

[60] Wallace, *The Moral Nexus* 207-8.

emerges is this: why *do* proponents of the reclassification objection appear to think if a duty is of vital importance it must be correlative to a right?

I'm not sure what the answer is. I suspect there is no one answer. But, to go out on a limb, a possible answer emerges in recent work on directed duties, in the recurring claim that we should primarily (or perhaps exclusively) think in terms of directed duties. Thus Rowan Cruft insists that 'it should be controversial whether there are any genuinely undirected duties', gesturing to how the obvious examples of such – he gives a duty not to blow up an uninhabited planet – are thoroughly artificial; thus Wallace insists undirected duties have no place in an account 'of right and wrong'.[61] This assumption isn't confined to the directed duty literature. To give just two examples, Martha Nussbaum's confident assertion that all 'duties and entitlements are ultimately correlative'[62] assumes that we should think of the demands of morality and justice in terms of directed duties. Shue's famous claim about the morality of the depths is - at least regarding the "line below which no one is allowed to sink" - another example.

My impression is that this emphasis on directed duties may be driven by the other side of the contrast. An *undirected* duty is defined as something that isn't done for anyone at all, something concerning a wholly impersonal state of affairs one has a duty to bring about (e.g. the continued existence of Cruft's uninhabited planet). To use a phrase of Michael Thompson's, undirected duties involve no *practical nexus,* no salient connection to another subject or subjects.[63] As Cruft (borrowing a different phrase of Thompson's) has it, if duties regarding others are undirected, then those others are mere materials for wrongdoing rather than beings who can be wronged by

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[61]Rowan Cruft, *Human Rights, Ownership, and the Individual* (Oxford, OUP, 2019), 93; Wallace, *The Moral Nexus,* 3.

[62] *Frontiers of Justice* (Cambridge MA., HUP, 2006), 281.

[63] Thompson, "What is it to Wrong Someone?", in Wallace et. al. (ed.) *Reason and Value* (Oxford, Clarendon, 2004), 335.

our actions.[64] So, perhaps the thinking goes, given that we don't want to say *that,* duties to others must be directed.

Yet it would be mistaken to think that imperfect duties to others are wholly impersonal as just described. To see this, let us think through the idea of a *practical nexus* in a little more detail.

As I understand the notion of a practical nexus, it signals the normative salience of a relation or connection between two or more subjects: I must think of my action as relating, in some way, to theirs. Thompson himself has a specific kind of practical nexus in mind: a 'bilateral' nexus, whereby certain actions on my part are not merely wrong but *wrong others*. But nothing Thompson says entails, or even suggests, that a 'bilateral' practical nexus is the *only* kind of practical nexus that might exist. (It is just the only kind of nexus relevant to his inquiry into what it is to wrong someone).

The duty to assist those in need, I suggest, involves a practical nexus that is not 'bilateral'. When I check on old Mrs Hewitt, I do not understand her as the mere materials for doing what is right. I assist my neighbour *because she is in need*: I understand the alleviation of her plight as my end. To act for the sake of beneficence, here, *just is* to act for her sake. But this is not something I *owe* to my neighbour: as we've seen, the latitude the duty exhibits places extra demands on judgement that foreclose this.

To assist my neighbour because she is in need is to make her ends my own. This is a distinctive sort of practical nexus - my ends and her ends are joined - but it is not a Thompson-esque bilateral one. It is not constituted by the duty which I act for the sake of. Rather, it is constituted by the specific practical judgement on which the reality of *this* manifestation of the duty of beneficence depends. When I assist my neighbour, because she is in need and I am able to assist, I judge that I must make her

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[64] Cruft, *Human Rights*.... 11, following Thompson, "What is it to Wrong Someone?", 372.

ends my own, at least for the duration of the pattern of action that, in this particular time and place, manifests beneficence.

Now, some directed duties (e.g. promises) can also be created and sustained by the duty-bearer's practical judgement. What is different about the sort of practical nexus I create when I assist my neighbour for the sake of beneficence is that the judgement creating and sustaining the nexus *is a result of the latitude the duty in question exhibits*. This sort of practical nexus may be temporally circumscribed, as when you assist a stranger you'll never meet again. But it need not be. Think, for example, of Aristotle's description of a true friend as *another self*.[65] Sometimes, making another's ends your own lasts a lifetime.

If all that sounds right, we should conclude that the directed/undirected distinction, as standardly drawn, *is not exhaustive*. Imperfect duties to others are certainly not directed duties, because their latitude entails I do not wrong those I do not enact them for. Nor do imperfect duties to others fit the wholly impersonal characterisation given to *undirected* duties, for any manifestation of such a duty involves one kind of practical nexus between subjects.

This conclusion should put some pressure on the assumption that directed duties capture all, or almost all, of what really matters. Admittedly, "some pressure" is a weaselly phrase, and I use it in recognition of how commitment to the primacy of directed duties may stem from philosophical commitments too deep to be touched by anything I've argued here. Yet I find striking the convoluted nature of the moves to get a directed duty into the picture. The unfortunate implications of such manoeuvres perhaps seem worth living with if you assume the *only* alternative is to think of the relevant duties as wholly impersonal, or merely beneficial rather than essential, good but not required, and so on.

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[65] *NE* 1166a. See Herman, *The Moral Habitat*, ch.7, for a detailed examination of the general point.

Yet Kantian imperfect duties, I hope is now clear, are none of these things. That should put some pressure on convoluted manoeuvres to cast duties of aid as directed duties, because there *is* another alternative. To say the duty of aid is a Kantian imperfect duty is to say the duty concerns some of the most fundamentally important moral considerations, failure with respect to which we can condemn in the strongest terms; a duty that should not be thought of as wholly impersonal, nor merely beneficial, nor otherwise trivial, nor directed or correlative to rights. And this alternative naturally emerges when we reflect, as finite subjects, on what it is to live rightly and well. At this point, my response to the reclassification objection comes together with my complaints about anachronism in §1 and my positive argument in §2. That, I hope, is a good place to end.