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Published online: 03 Nov 2023.

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REVIEW ARTICLE

Critical discussion of recent work in Kantian ethics: Timmermann, Herman, Timmons

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ABSTRACT
A critical discussion of three recent monographs on Kantian ethics: Jens Timmermann's *Kant's Will at the Crossroads*, Barbara Herman's *The Moral Habitat*, and Mark Timmons' *Kant's Doctrine of Virtue*. I start by laying out some of the main claims of all three works, and then examine some of the main points of contention between them: principally, the issue of moral complexity, the derivation of duties, and the distinction between theoretical and practical reason. I conclude with some remarks on how the insights of all three works might be fruitfully combined to advance the current state of thought on the structure and composition of the Kantian moral system, as well as on the sense in which it might be taken to parallel, or otherwise be related to, Kant's theoretical system.

A critical discussion of three recent monographs on Kantian ethics: Jens Timmermann's *Kant's Will at the Crossroads*, Barbara Herman's *The Moral Habitat*, and Mark Timmons' *Kant's Doctrine of Virtue*. I start by laying out some of the main claims of all three works, and then examine some of the main points of contention between them: principally, the issue of moral complexity, the derivation of duties, and the distinction between theoretical and practical reason. I conclude with some remarks on how the insights of all three works might be fruitfully combined to advance the current state of thought on the structure and composition of the Kantian moral system – in particular, how this structure can be understood to be analogous to the structure of Kant's theoretical system.

Jens Timmermann's work, *Kant's Will at the Crossroads*, provocatively and insightfully claims that Kantian moral theory has gone wrong by focusing unduly on cognition, as borne out by the associated talk of 'reasons'. Opposing the intellectualist model of Kantianism which takes moral failure to be cognitive—the result of error, ignorance, miscalculation, or imperfect reasoning—Timmermann claims that Kant does not view practical reason as a

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matter of cognition, but of volition. Illustrative of this basic tenet, in Timmermann's view, is the fact that Kant never describes his philosophy of action as involving anything like 'acting on a reason', but instead speaks only of *reason* as such, as a direct *determining ground* of action. Instead, Timmermann holds, it is only instrumental rationality, not practical reason, which admits of anything like an extended process of cognition or calculation: "What is moral is clear and easy to understand, if at times hard to enact because of the opposition put up by inclination. By contrast, what is prudent is difficult to ascertain because of the manifold uncertainties of our fate" (*Kant's Will*, 72). Yet, as Timmermann stresses, Kant puts increasing emphasis on instrumental reasoning and hypothetical imperatives as a matter of *theoretical,* not practical, reason (*Kant's Will*, 49–53). Because the two domains are wholly distinct, instrumental rationality can "no longer be used—dressed up as prudential rationality—as a quick and easy way into the realm of practical reason" (*Kant's Will*, 67). Indeed, Timmermann rejects all attempts to soften what he calls Kant's "hedonism"—Kant's view of non-moral practical reasoning as inevitably bottoming out in calculations of optimal pleasure, the sum of which corresponds to Kant's definition of 'happiness'—as wholly unsupported by the texts (*Kant's Will*, 15). Timmermann thus claims that Kant sets up a strict distinction between theoretical reason (instrumental rationality) and practical reason (morality), one which overturns many of the usual ways in which we tend to think about moral reasoning. It is morality that is easy, while instrumental reasoning. It is complicated; we always know what the right thing to do is; indeed, we are pushed into the moral domain because knowing what is best for us, what will make us truly happy in the end, is so complex—and because, so often, we are wholly liable to get it wrong. Morality, on this account, thereby bestows certainty on our extended processes of deliberation: it finally silences the manifold doubts that arise in the instrumental attempt to secure means appropriate to maximizing our subjective ends of pleasure and happiness.

The position defended in Barbara Herman's work, *The Moral Habitat*, could be seen as in some ways the polar opposite of Timmermann's. Morality, for Herman, is a complex affair: indeed, the moral system of duties is the culmination of all of human history, comprising the development of political institutions as well as social norms and practices, etiquette, and individual moral character. Thus, Herman understands morality as importantly hermeneutical and epistemic, hence cognitive, encompassing practices of deliberation not only restricted to individual agents, but also extended across history, culture, and politics. While Timmermann claims that Kant rejects any foundational value as determining the will to moral action (*Kant's Will*, 30–44), and instead takes him to defend a "purely formal foundation of value" (31), Herman stresses the importance of final value-terms, and of principles as conditioned on these values, in Kant's moral theory. (Herman uses the term

'value' to refer to what Kant calls 'ends' or 'purposes', such as the final end(s) aimed at by the Kantian moral and theoretical system; this usage seems to be slightly different than the metaethical conception of foundational value that Timmermann has in mind, but Herman still takes these final ends to ground our particular moral endeavours). Herman derives this interpretation from an insightful analysis of Kant's *Metaphysics of Morals* as comprising a doctrine of right as well as a doctrine of virtue (or what Herman calls a "doctrine of ethics", rejecting the Aristotelian resonances of "virtue" (*Habitat,* 86)). Herman argues that implicit in Kant's own understanding of morality as not just a matter of atomistic rules but as a comprehensive *system* of duties is the idea that any given moral obligation cannot be understood in isolation from its relation to all other duties which comprise the system. If the political context that ought to guarantee a right to housing (which, Herman argues forcefully in Chapter 10, ought to be a duty accorded to the public rather than the private sphere) has broken down, it may not in fact be appropriate at all, much less supererogatory, to take in the homeless rather than agitate for political change. Thus, understanding what I ought to do in such a case calls for a prior understanding of how my action fits into a broader, and much more complex, ecosystem of norms, practices, rights, and duties: I cannot understand what the duty of beneficence consists in for me, whether my action would count as a successful application of it, without understanding the way this duty fits into a broader political context of right. As such, Herman's view moves us away from an understanding of moral quandaries in Kant as restricted to isolated conflicts between two competing duties to a picture on which *all* duties are necessarily interconnected, hence not fully understood in isolation from their place in the broader system.

As such, Herman also rejects one of the operative premises of Mark Timmon's work, *Kant's Doctrine of Virtue.* Timmons offers an extended analysis of the Doctrine of Virtue, part II of the *Metaphysics of Morals,* in terms of what Timmons calls Kant's "grounding project" or Kant's "foundationalism" (*Doctrine of Virtue*, 16): namely, of how Kant's ethical system of duties can be shown to be derived from the categorical imperative as its first principle. As Timmons writes, "Kant's project in DV … is to derive and thus justify a system of duties and associated virtues from this principle [the supreme principle of morality]," where "the categorical imperative is the foundation, and the system derivable from this single principle is the superstructure" (*Doctrine of Virtue,* 16). The idea of a derivation of Kantian duties is one Herman explicitly contests. As she writes, "Commentators switch back and forth between the *Groundwork* and the *Metaphysics of Morals* … in search of arguments that can explain or generate duties, but the efforts have not, to my mind at least, yielded up an account that is not ad hoc, riddled with cherrypicking strategies, ultimately relying on the results one wants the arguments to

provide" (*Habitat*, 80). Instead, she advocates a view of the arguments in the two parts of the *Metaphysics of Morals* as "supplying something like the categories or first principles for duties and exhibiting some stretch of what they look like *in concreto*, as Kant likes to say. Just as the categories of understanding supply a priori concepts that make our ordered experience of nature possible, so also do the moral categories introduce order", even though, she continues, some results of this introduced "order" will remain "permanently contestable" (Herman, *Habitat*, 85). I find the analogy to the categories illuminating, but do not yet see how, on the basis of Herman's account, this avoids pushing us back into the 'derivation of duties problem', as Herman calls it. The categories of understanding call on schemata *in concreto* in order to be applied in experience, but Kant calls these schemata transcendental rules for the power of judgement (A136/B175, A141/B180). Can't Kant be read as saying that we can *derive rules* of application from the categories, via the schemata, and analogously, derive duties (akin to the schemata as rules of application) from the categorical imperative?

Indeed, Timmons points to several key passages in which Kant relies heavily on the formula of humanity in order to generate arguments for specific duties (*Kant's Will*, 140, 239, citing *Metaphysics of Morals* 6:395, 6:462). For her part, Herman agrees that humanity figures much more prominently in the *Metaphysics of Morals* than the formula of universal law, autonomy, or kingdom of ends—albeit "humanity spelled out in richly empirical anthropological and social terms which would seem to violate the 'no empirical grounds' strictures the *Groundwork* makes central to the Kantian idea of duty" (*Habitat*, 81). Both authors thus take the categorical imperative to importantly inform Kant's conception of substantive duties, but propose very different accounts of the precise nature of this relation. One illuminating point of comparison between Timmons' and Herman's discussions emerges in their respective analyses of Kant's argument for there being two, and only two, obligatory ends for human agents, which together structure the system of ethical duties: the imperfect duty of self-perfection, and the imperfect duty of the happiness of others, or beneficence. Both authors raise the same question: why do we have obligatory ends at all, and why does Kantian ethics need them? (Herman, *Habitat*, 124; Timmons, *Doctrine of Virtue*, 96–7). And both consider Kant's argument for this claim in the *Metaphysics of Morals*' Introduction, where Kant claims that there could be no categorical imperative at all without obligatory ends, since free actions cannot exist without being directed at corresponding (thus free) ends: if some of these ends were not obligatory—thus, unconditional or final ends—"all ends would hold for practical reason only as a means to other ends and a categorical imperative would be impossible, eliminating any doctrine of morals" (Kant, *Metaphysics of Morals*, 6:385).

Timmons suggests that this argument is unsatisfactory, since Kant does not address the possibility of categorical imperatives marking out merely negative rather than positive ends—zones of moral constraint—as sufficient to ground a moral system (*Doctrine of Virtue*, 95). He elaborates on this prospect by taking recourse to an argument raised in the *Groundwork*, where the dignity of humanity—humans' standing as ends-in-themselves, or unconditional or final ends—serves as a "limiting condition of all merely relative and arbitrary ends" (4:436). If this standing establishes only a negative end, Timmons asks, why can't such negative ends, ruling out domains of impermissible action and setting boundaries of moral constraint, be enough to ground "a system of negative categorical imperatives that rule things out, and only by logical implication yield positive duties"? (Timmons, *Doctrine of Virtue*, 96). Timmons goes on to propose that Kant's later arguments for the two obligatory ends, where Kant refers to the categorical imperative, can help to supplement the unsatisfactory argument raised at 6:385, helping us to see it "as an extension of the claim that morality is about respecting humanity as an end-in-itself" (*Doctrine of Virtue*, 96). In one of the later arguments for beneficence, Timmons reads Kant as grounding it as a positive duty in the formula of universal law. Kant argues that, "every human being who finds himself in need wishes to be helped by others", such that, for any such agent, the maxim of being unwilling to help others would contradict itself if willed as a universal law (*Metaphysics of Morals* 6:453; Timmons, *Doctrine of Virtue*, 214). But this argument, too, raises problems for "'lone wolf' individuals" who do not share this wish (Timmons, *Doctrine of Virtue*, 217). In response to this objection, Timmons draws on Kant's account of happiness as a universal desire of human beings (*Critique of Practical Reason,* 5:25); given that human beings are not fully self-sufficient and will sometimes require others' help to achieve their ends in order to attain happiness, they necessarily can only consistently will a maxim of helping others, too (*Doctrine of Virtue*, 217–8). The problem is, as Timmermann takes pains to point out (*Kant's Will*, 81), Kant does not hold that human beings usually *know* how best to make themselves happy, and often claims that achieving some end associated with happiness will only make people *un*happy once more. So our own happiness cannot serve as a stable premise in any valid practical syllogism: although happiness is an inevitable end for human beings, we can never be sure exactly which means to take to actually realize this end. And indeed, Kant does not himself invoke any discussion of happiness in the passage of the *Metaphysics of Morals* under discussion (6:453).

Herman, analyzing many of the same textual resources, takes a very different tack. She, too, compares Kant's argument for obligatory ends in the Doctrine of Virtue to the argument for humanity as end-in-itself in the *Groundwork*. However, Herman draws attention to a passage of the *Groundwork* where Kant claims that taking the principle of humanity as a mere limiting condition

or constraint is not sufficient: "Now, humanity could indeed subsist if no one contributed anything to the happiness of others while not intentionally detracting anything from it; but this is still only a negative and not a positive agreement with *humanity, as an end in itself*, if everyone does not also try, as far as he can, to advance the ends of others. For if that representation is to have its full effect in me, the ends of a subject that is an end in itself must, as much as possible, also be *my* ends" (4:430; Herman, *Habitat*, 125). In effect, Kant argues, already in the *Groundwork*, that merely negative ends are not enough to ground morality; he already asserts the need for positive ends, mentioning both ends that are also duties—the happiness of others as well as self-perfection—which will later structure the system of ethical duties of the Doctrine of Virtue.[1]

Herman argues, however, that these two obligatory ends should not be conceived as *derived* from the argument for humanity in the *Groundwork*. Instead, she suggests that each discussion—the *Groundwork*'s argument for humanity as end-in-itself and the Doctrine of Virtue's argument for ends that are also duties—should be taken as drawing from the same shared argument: that humanity is *itself* a positive, not a negative, end, one which must be actively advanced, not merely ignored or preserved (hence, not merely a zone of moral constraint). Rather than a derivation of duties, Herman claims that the two texts are better understood as making "parallel claim[s]" (*Habitat,* 125), with the two obligatory ends "situated in both arguments as marking conditions of free rational agency in us as finite rational beings" (*Habitat,* 126). Both texts, in other words, operate at the same (transcendental) level, but have different functions. As I take this discussion to figure into Herman's larger argument, if humanity is itself an end to be actively furthered, the progressive construction and improvisation—rather than the mere derivation—of new duties is an important moral task in its own right. (Importantly, the two obligatory ends are also both *imperfect* duties: duties that can be enacted only progressively, calling, Herman suggests, on the improvisation of new, lower-level duties, including perfect duties, in the process). Of course, one could still read this account as conceding that the system of duties is in some way derived from the arguments of the *Groundwork*, albeit from its argument for positive rather than negative ends. Nevertheless, this allows us to precisify the sense of derivation at issue: if positive duties are themselves transcendental conditions for a categorical imperative, as *Metaphysics of Morals* 6:385 suggests, derivation actually inverts the true

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[1]The argument for self-perfection parallels the one for others' happiness: "Now there are in humanity predispositions to greater perfection, which belong to the end of nature with regard to the humanity in our subject; to neglect these would perhaps be consistent with the *preservation* of humanity, as an end in itself, but not with the *advancement* of this end" (4:430). Both arguments thus conclude the insufficiency of a conception of morality in terms merely of limiting conditions.

relation between them. Positive duties ground the categorical imperative, rather than the other way around.

By contrast, Timmermann sidesteps the derivation of duties issue entirely. He claims that the two positive, imperfect duties present more complexity than perfect duties of omission (*Kant's Will,* 72–3), but argues that this complexity is no different in kind than that of means-ends reasoning in general. Obtaining the positive end of the happiness of others, as a technical matter, presents only the same problems that obtaining your own happiness would:

> Seeing that one ought to be a helpful person may well be easy. It is directly required by the categorical imperative. But a maxim of helpfulness needs to be applied, i.e. it needs to be enacted in the complicated world we live in. It does not differ in that from a maxim—suitably qualified to be legitimate—to pursue one's own happiness; and we will face many of the same cognitive hurdles in both pursuits.
>
> (*Kant's Will*, 73)

Indeed, Timmermann claims, drawing from *Groundwork* 4:401, that "neither" my own happiness nor others' happiness "can be morally good" (*Kant's Will*, 73), since both can be results of purely natural causes, and hence are both a matter of theoretical calculation rather than practical reasoning. As a result, however, and granted his focus on practical *irrationality*, it is not clear how Timmermann would account for a system of substantive, positive duties as a *moral* system. His conception of practical reason seems to be predominantly a negative one, on which the stirrings of inclination come to be ruled out by the constraints imposed by practical reason. Much of the complexities that arise among the more open-ended duties do not give rise to moral failures on Timmermann's account, but merely to instrumental ones. Herman's examples, laid out painstakingly throughout Parts One and Three of *Habitat*, would presumably also be read as instrumental rather than moral failures: repaying your loan with a check on the day you needed the money, but after the banks have closed, does not count as having done my duty to pay off my debts (*Habitat,* 53); giving a gift of alcohol to a recovering alcoholic can count as doing the *wrong* thing (*Habitat,* 35).

Some of the distance between these two views might be chalked up to a difference in moral perspective. Timmermann presupposes a moral perspective internal to the agent, one thus restricted to the nature of one's motivation (the nature of the action's *source*), while Herman takes up an external, third-personal, perspective (the action's *expression*, as it affects others), where, no matter the quality of one's maxim or one's self-understanding of what one has done, a moral wrong of some kind may still have been committed (*Habitat,* 87, 90, 92). Timmermann claims that the "the scoundrel does *not* take himself to act

on universal maxims; he does not confer rational value upon his actions; he knows his actions to be wicked; he does not regard them as good or even permissible overall" (*Kant's Will,* 105). On such an account, we know what the right thing to do is; we just somehow choose not to do it, a choice which thus ultimately "cannot be explained … . If we go wrong, it is not because we judge the wrong thing to be right. It is because we opt for the wrong thing; and we know it" (*Kant's Will,* 117). Yet many of Herman's examples, taking up an external rather than an internal perspective on the action in question, could be taken to show that there *are* cases in which we judge the wrong things to be right. Timmermann's claim that such cases count as errors of theoretical reasoning rather than failures of volition is persuasive, but still leaves open the question of how to account for the normative or moral valence of such errors, themselves part and parcel of ordinary practical deliberation.

Although Timmermann insists repeatedly that there is no "halfway house" in moral matters (*Kant's Will,* 122), there is an intriguing prospect, I think, of integrating the key insights of all three works, despite their considerable points of disagreement. After all, Timmermann claims to be defending a more textually accurate and parsimonious account of Kant's moral theory, while Herman refers to her "moral habitat project" as a "revisionary interpretation of Kant's ethics" (*Kant's Will,* 73), a project which could hence be read as symptomatic of exactly the kind of contemporary Kantian ethical theory Timmermann is contesting. Herman even introduces new imperfect duties altogether which Kant did not himself countenance, such as the duty of due care (*Habitat,* 50) or the duty to be an agent of moral change (*Habitat,* 217). Yet there are textual grounds, ones she does not always marshal, for the Kantianism of some of Herman's key claims. In fact, more resources emerge, in my view, if we take onboard Timmermann's justified insistence that many of the complicated aspects of practical deliberation are a matter of *theoretical*, not moral, reasoning. In doing so, however, we need not relegate all theoretical reasoning to merely instrumental reasoning; morally motivated theoretical reasoning can be isolated as distinct in kind. While, as Timmermann notes, some of the root calculations may be the same as those operative in purely instrumental or hedonistic deliberation, actions directed at positive ends are aimed, as Herman and Timmons insist, at necessarily *moral*, not instrumental ends, since Kant's ethics is positive, not merely negative, in structure. Indeed, as discussed above, Kant goes so far as to claim that, without such ends, there couldn't be anything like practical reason in the first place. There is then a question about the extent to which modes of reasoning, when morally necessitated, are transformed or shaped by their source in practical reason, rendering the comparison to merely hedonistic reasoning inapt.

Indeed, one of the main places in which Kant expounds at length on the theoretical nature of hypothetical imperatives, the First Introduction of the

Critique of Judgement, which Timmermann relies on extensively in developing his own account (*Kant's Will,* 52–54), is also where Kant claims to have found an a priori source for moral feeling as practical incentive in the power of judgement, a cognitive power which he also situates as the "mediating" faculty between the theoretical and practical domains (*Critique of Judgement* 5:298). It seems to me, then, that the argument Kant advances there for an expanded theoretical domain, where the practical is now restricted to the moral, is situated in a broader account of the way in which moral incentive can *transform* theoretical reasoning. It is also no accident, in my view, that these claims figure in a broader account of the systematicity of nature as purposive or end-directed, with each natural purpose figuring into an interconnected system grounded in the idea of the purposiveness of the whole, which serves in turn as an important analogy helping us to grasp a viable conception of a *moral* system.[2] Where the final purpose Kant thinks we must ascribe heuristically to the theoretical system is a moral idea of reason—the idea of practical freedom (*Critique of Judgement* 5:426, 5:453, 5:469)—Kant also refers throughout the Doctrine of Virtue to many of the imperfect duties, including the two positive ends, as ideas of reason (6:446–7, 6:451, 6:469, 6:473; compare *Critique of Judgement* 5:316, 5:343). Both systems, Kant suggests, are similarly regulative in nature. In the moral case, such elements arguably regulate not only our conformity to particular actions, but also, we might think, our conception of the duties themselves.

In other words, we could grant Timmermann's point that patterns of reasoning can pertain only to the theoretical domain, while the practical is restricted to volition. But we could carry the point further; indeed, we could apply some of Timmermann's key insights in the service of a project akin to Herman's. Kant does insist repeatedly on a distinction between the theoretical and practical domains that has often been neglected—but not, as I see it, in order to stress the simplicity or ease of morality. Instead, I see Kant as stressing this distinction in order to open up new space in his theory for a cognitive dimension of the moral, through a morally motivated conception of theoretical reasoning. Given that, as Timmons notes throughout his own study (e.g. *Doctrine of Virtue,* 207–8), analogies to the Kantian metaphysical system of science abound throughout the Doctrine of Virtue,

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[2]"The imagination (as a productive cognitive faculty) is, namely, very powerful in creating, as it were, another nature, out of the material which the real one gives it. We entertain ourselves with it when experience seems too mundane to us; we transform the latter, no doubt always in accordance with analogous laws, but also in accordance with principles that lie higher in reason (and which are every bit as natural to us as those in accordance with which the understanding apprehends empirical nature); in this we feel our freedom from the law of association (which applies to the empirical use of that faculty), in accordance with which material can certainly be lent to us by nature, but the latter can be transformed by us into something entirely different, namely into that which steps beyond nature" (5:314). Compare Kant's positing of a teleological "kingdom of nature" as necessary in order to arrive at the formulation of a kingdom of ends (4:436n).

itself a "moral science", it seems to me that a project like Herman's, given its defense of a *systematic* conception of morality, can only be enhanced by further extending the analogy to the Kantian theoretical system, aimed as it is at regulative ideas of reason. There, the idea of the system, the "idea of the form of the whole of cognition" (*Critique of Pure Reason,* A657/B685), grounds more specified ideas (the transcendental ideas of God, soul, and cosmos), which in turn ground increasingly restricted ideas as guiding particular domains of knowledge ("basic force", "mental powers", chemical elements such as "pure air" or "pure water", "gravity", "organism") (A648/B677, A649/B677, A645-6/B674-5, A662/B690; *Critique of Judgement* 5:405). These "midlevel ideas", which strike me as akin to the "mid-level duties" which the Doctrine of Virtue takes as its object, are directed in turn towards some greater purpose of the moral enterprise as a whole: perhaps the moral idea of a kingdom of ends, the "idea of humanity", or what Herman calls "a cooperative venture" (*Habitat,* 15) or "a larger collective moral project" (*Habitat*, 81). If the first principles of Kantian ethics are then really to be likened to the categories' role in structuring science, they must be understood to take on a determinate meaning only when subjected to restricting conditions in experience—their intelligibility secured, that is, through the determinate ways in which they are applied, through their improvisations in experience. In turn, these instances of application would then be regulatively governed by ideas of reason, as what coordinate any particular action or any particular discursive representation as figuring into some greater field of meaning: as having their place in a 'system', as a broader conception of our idea of the (moral) whole.

Disclosure statement

Funding

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