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The Good Will as the highest moral ideal: A supplement to the Kantian moral judgement

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Citation

Ramak, A. (2025). *The Good Will as the highest moral ideal: A supplement to the Kantian moral judgement*.

Version: Not Applicable (or Unknown)

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Note: To cite this publication please use the final published version (if applicable).

The Good Will as the highest moral ideal: A supplement to the Kantian moral judgement

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Word count: 19007

Thesis supervisor: Marijana Vujosevic

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1. Introduction

1.1. Kant's Achilles' heel

"That may be correct in theory, but it is of no use in practice".¹ This is the subtitle of one of Kant's works where Kant addresses a common objection to his philosophy: Kant's philosophy would not be practical in the real world. Benjamin Constant, for instance, builds his critique of Kant on the assumption that Kant's moral theory would make society impossible.² Constant thinks of an example: if a murderer at your door tells you that he intends to murder your friend and asks you where he is, should you then lie? Since Kant condemns lying in all cases, Constant argues, Kant would also condemn lying to the murderer at the door. In fact, Kant responded to Constant in *On a Supposed Right to Lie* where Kant defends truthfulness as "human being's duty to everyone, however great the disadvantage to him or to another that may result from it".³ Hegel, too, criticizes Kant for subscribing to a formalistic account of ethics: formalism in ethics is unable to tell us which particular act one should perform.⁴

These two criticisms are both directed toward the practical use (or the supposed lack thereof) of Kantian ethics. Constant's objection arises from the fact that there is Evil in the world: lying, his reasoning goes, is prohibited but the result of this is that people with bad intentions can abuse our information (e.g., we must disclose where our friend is whom the man at our doorstep wants to murder). Hegel's objection, on the other hand, is relevant because of the fact that there is Tragedy in the world: since the world is scarce and we are limited beings, Kant's formalistic morality is unable to perfectly guide our particular actions, let alone make us successfully fulfill all of our duties.

Both criticisms are not necessarily concerned with Kant's theory, but rather with the practical application of it. The question, thus, lies in moral judgement. The topic of this thesis is thus directed towards the mediation of moral conflicts in moral judgement. Moral dilemmas exist and subsequently conflicts occur in moral judgement. Let us therefore first look at the *nature* of these conflicts in moral judgement before venturing into a Kantian response to the problem of *mediation* of these moral conflicts as the main subject of this thesis.

1.2. Conflicts in moral judgement

Before discussing conflicts in moral judgement, it is first necessary to understand what moral judgement is for Kant. According to Kant, actions by moral agents are grounded by maxims that the Categorical Imperative can be applied to. A maxim is "the subjective principle of

¹ Immanuel Kant, "On the Common Saying: That May Be Correct in Theory, but It Is of No Use in Practice (1793)," (TP) in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 277.

² Benjamin Constant, *Des réactions politiques* (1796), 36, <http://dx.doi.org/doi:10.1522/cla.cob.des1>.

³ Kant, Immanuel, "On a Supposed Right to Lie from Philanthropy (1797)," in *Practical Philosophy*, ed. Mary J. Gregor, (Cambridge: Cambridge University Press, 1996), 612.

⁴ Robert Stern, "On Hegel's Critique of Kant's Ethics: Beyond the Empty Formalism Objection," in *Hegel's Philosophy of Right*, ed. Thom Brooks (Blackwell Publishing, 2012), 75. <https://doi.org/10.1002/9781444354256.ch3>.

volition.”⁵ That is, the moral agent acts according to an intention of acting (called a maxim). The moral worth of an action is then evaluated by the application of the Categorical Imperative to one’s maxim. The Categorical Imperative expresses the relation between one’s maxim and the moral law.⁶ It is called ‘categorical’ because it is not reliant upon external factors. The application of the Categorical Imperative to one’s maxim produces a duty which expresses “*the necessity of an action from respect for law*.”⁷ This means that a duty refers to an obligation to act a certain way in order to respect the moral law. This is an extremely brief overview of Kant’s moral theory. More about the Categorical Imperative and the nature of duties will follow later in this thesis.

The practical application of Kant’s moral theory is often called into question. Moral dilemmas, the objection goes, are impossible to be resolved by Kant, for example the moral dilemma of lying to the murderer at the door. What are moral dilemmas or conflicts?

In any case, they cannot be a conflict of duties. Kant explains that duties cannot conflict with each other, because all duties are necessary and two duties cannot cancel each other out because they are both necessary.⁸ Kant thus explains in the *Metaphysics of Morals*:

A conflict of duties (*collisio officiourum s. obligationum*) would be a relation between them in which one of them would cancel the other (wholly or in part). — But since duty and obligation are concepts that express the objective *practical* necessity of certain actions and two rules opposed to each other cannot be necessary at the same time, if it is a duty to act in accordance with one rule, to act in accordance with the opposite rule is not a duty but even contrary to duty; so a *collision of duties* and obligations is inconceivable (*obligationes non colliduntur*).⁹

Yet, in practice conflicts do occur, and Kant does not deny this:

However, a subject may have, in a rule he prescribes to himself, two grounds of obligation (*rationes obligandi*), one or the other of which is not sufficient to put him under obligation" (*rationes obligandi non obligantes*), so that one of them is not a duty. - When two such grounds conflict with each other, practical philosophy says, not that the stronger obligation takes precedence (*fortior obligatio vincit*) but that the stronger ground of obligation prevails (*fortior obligandi ratio vincit*).¹⁰

In Kant’s view, the conflict arises in the “*grounds of obligation (rationes obligandi)*”.¹¹ Onora O’Neill considers these grounds as a part of the maxims, which means that they are the *content* of the moral law (as opposed to the *form* of the moral law that is the Categorical

⁵ Immanuel Kant, "Groundwork of The Metaphysics of Morals (1785)," (*GMS*) in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 56.

⁶ Kant, *GMS*, 67.

⁷ Kant, *GMS*, 55.

⁸ Onora O’Neill, "Instituting Principles: Between Duty and Action," *The Southern Journal of Philosophy* 36, no. 5. (1998): 86.

<https://login.ezproxy.leidenuniv.nl/login??url=https://www.proquest.com/scholarly-journals/instituting-principles-between-duty-action/docview/1307516954/se-2>

⁹ Immanuel Kant, "The Metaphysics of Morals (1797)," (*MS*) in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 378-379.

¹⁰ Kant, *MS*, 379.

¹¹ O’Neill, "Instituting Principles: Between Duty and Action," 88.

Imperative); they play a role in the subjective reasoning of “some particular agent in a particular context”.¹² O’Neill fittingly translates *rationes obligandi* as “obligating reasons” and assigns an “agent-related character” to them.¹³ This means that *rationes obligandi* are normative and at the same time particular and thus are relevant in particular cases of moral judgement.¹⁴

Even though duties cannot conflict, their grounds can. Sometimes it is not possible to act in such a way that both duties are fulfilled in a particular situation. For this to happen, at least one of the concerning duties must be a positive duty.¹⁵ Two negative duties cannot possibly conflict, because refraining from one thing never conflicts with simultaneously refraining from another thing. Imperfect duties demand action and therefore cannot always be fulfilled. Kant recognizes this and explicitly mentions that “if the law can prescribe only the maxim of actions, not actions themselves, this is a sign that it leaves a playroom (*latitudo*) for free choice in following (complying with) the law, that is, that the law cannot specify precisely in what way one is to act and how much one is to do by the action for an end that is also a duty.”¹⁶ This is where O’Neill believes the “agent-related character” can come into play.¹⁷ In times when it is impossible to incorporate all the *rationes obligandi* in one’s maxim, the moral agent must mediate the conflict without being able to appeal to a perfect solution.¹⁸ The moral agent, then, can only base his action on his own agent-related character.

Kant thus allows for the suspension of certain duties if the situation makes it too difficult to fulfill them. For example, the duty to beneficence cannot be fulfilled if the moral agent possesses nothing to give. Furthermore, imperfect duties can conflict with each other in such a way that they cannot simultaneously be fulfilled. For example, the “love of one’s neighbor” can be limited by the “love of one’s parents”.¹⁹ When this happens, the weaker duty is not cancelled by the stronger one, because “it is a matter of necessity, and what is necessary cannot be vanquished.”²⁰ In case of moral dilemmas, it is possible that one is left with some “moral residue”.²¹ Therefore, it is regrettable that my support for my parents was in conflict with supporting my neighbor even though I did not act immorally.²² My duty towards my neighbor, in any case, still exists and must be fulfilled once it is possible.²³

With regards to conflicts between two imperfect duties, the ‘agent-related character’ can justifiably determine the final judgement. After all, there is no objective method for choosing whether you will help your sister or your brother when you can help only one. In such situations, there is no clear right or wrong and the moral agent has some *latitudo* in how to handle the situation. The real problem happens when a perfect duty is in conflict with an imperfect duty.²⁴ Kant suggests that in these cases, the perfect duty trumps the imperfect

¹² O’Neill, “Instituting Principles: Between Duty and Action,” 88.

¹³ O’Neill, “Instituting Principles: Between Duty and Action,” 88.

¹⁴ Jens Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” *Archiv für Geschichte der Philosophie* 95, no. 1 (2013): 48. <https://doi.org/10.1515/agph-2013-0002>.

¹⁵ O’Neill, “Instituting Principles: Between Duty and Action,” 87.

¹⁶ Kant, *MS*, 521.

¹⁷ O’Neill, “Instituting Principles: Between Duty and Action,” 88.

¹⁸ O’Neill, “Instituting Principles: Between Duty and Action,” 90.

¹⁹ O’Neill, “Instituting Principles: Between Duty and Action,” 85.

²⁰ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 41.

²¹ Barbara Herman, “The Practice of Moral Judgment,” *The Journal of Philosophy* 82, no. 8 (1985): 422. <https://doi.org/10.2307/2026397>.

²² Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 58.

²³ Herman, 422.

²⁴ O’Neill, “Instituting Principles: Between Duty and Action,” 87.

duty.²⁵ However, Kant also writes that “When two such grounds conflict with each other, practical philosophy says, not that the stronger obligation takes precedence (*fortior obligatio vincit*) but that the stronger ground of *obligation prevails* (*fortior obligandi ratio vincit*).”²⁶ In other words, Kant here seems to imply that one cannot prioritize one obligation over another (*fortior obligatio vincit*) and so the distinction between perfect and imperfect duties is not hierarchical; instead, one must consider which duty has the stronger ground which refers to the maxim in a particular situation (and is thus contingent).

The idea that perfect duties do not necessarily trump is also implied in the “casuistical questions” that Kant provides in the *Metaphysics of Morals*.²⁷ For example, a perfect duty like killing oneself is called into question when the intention is saving one’s country—an imperfect duty.²⁸ Should the self-sacrifice “for the good of all humanity” also “be considered an act of heroism?” Kant wonders.²⁹ Another example: should it be morally allowed for a man to commit suicide because he has hydrophobia and wants to prevent hurting others? What about vaccinating oneself—thereby poisoning oneself *in order to* preserve one’s life? Thus, Kant presents a lot of examples where perfect duties do not automatically prevail over imperfect duties; Kant even allows for lying in certain situations.³⁰ Furthermore, Kant does not provide a method to resolve these moral dilemmas, nor does he pretend to have clear-cut answers to them.³¹ It is exactly this gap in Kant’s works that this thesis would like to supplement.

1.3. Research question and thesis design

Although Kant contributes a lot to the descriptive sense of the understanding of moral conflicts, he does not offer solutions to them. This thesis aims to develop a guide for resolving moral conflicts, thereby assisting moral agents in their moral judgement. The research question of this thesis is therefore: *How can conflicts in moral judgement be mediated in a Kantian framework?*

This thesis intends to answer this question by answering the following subquestions. Firstly, some Kantians, like Korsgaard, Esser and Herman, tried to fill the gap by granting a greater role for the Categorical Imperative. I will attack these attempts and argue for a less prominent role for the Categorical Imperative in moral judgement and a more prominent role for the conscience. The first subquestion to this thesis will therefore be: *What is the role of the Categorical Imperative in moral judgement?*

Secondly, there is the question of prioritization between duties. It is not clear whether perfect duties should be prioritized over imperfect duties, nor is it clear what it means that the stronger ground of obligation should prevail. In this thesis, I will look at the answers by Kantians and subsequently I will argue for the need for a supreme moral ideal. This ideal, I

²⁵ O’Neill, “Instituting Principles: Between Duty and Action,” 87.

²⁶ Kant, *MS*, 379.

²⁷ O’Neill, “Instituting Principles: Between Duty and Action,” 90.

²⁸ Kant, *MS*, 548.

²⁹ Kant, *MS*, 548.

³⁰ Immanuel Kant, “Moral Philosophy: Collins’s Lecture Notes,” (*MPC*) in *Lectures on Ethics*, ed. Peter Heath and J. B. Schneewind (Cambridge: Cambridge University Press, 1997), 204. <https://doi.org/10.1017/CBO9781107049512.004>

³¹ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 38.

believe, should be the Good Will. The second subquestion is: *how can conflicting grounds of duties be balanced against each other according to a staunch Kantian moral ideal?*

Thirdly, this thesis will explain how the Good Will as the highest moral ideal would work in resolving the conflicts between grounds of obligations. This thesis shows that this ideal explains how some conflicts are objectively resolvable and how other conflicts are to be mediated according to one's agent-related character—simultaneously recognizing the Tragedy of the conflict. The third sub question is: *how can the Good Will act as the highest moral ideal in moral judgement?*

2. The role of the Categorical Imperative in moral decision-making

2.1. The rejection of the problem by Esser

The conventional account of the role of the Categorical Imperative in moral decision-making can be illustrated by reading Andrea Esser's chapter 'Kant on Solving Moral Conflicts' in the book *Kant's Ethics of Virtue*. This account is called 'conventional' because it is the interpretation of Kant that is in line with the conventional view that moral conflicts do not exist for Kant—thereby rejecting the problem of moral conflicts posed by this thesis. In his chapter, Esser duly explains that duties of conflicts cannot exist for Kant by analyzing the same passage as O'Neill and this thesis did. O'Neill considers the distinction between 'conflict of duties' and 'conflict between the grounds of duties' to mean that the grounds of duties are based on subjective maxims which can conflict and therefore require an 'agent-related character'. Esser, on the contrary, claims that duties are rather the product of the moral law (i.e., the Categorical Imperative).³² Duties cannot come into conflict, Esser argues, because the conflict will already be resolved before the obligation is given: "By means of the Categorical Imperative, either one of these grounds can be proven to be not actually obliging (to be only "prima facie" reason), or else "the *stronger* ground of obligation" simply "prevails" (*fortior obligandi ratio vincit*)."³³ Esser notes that Kant considers values to become moral only "if employed for morally justifiable or demanded ends."³⁴ This, in turn, is to be decided by means of the Categorical Imperative.³⁵ For Esser, abstract values are irrelevant, because if they conflict in a concrete situation, "this conflict vanishes with the application of the Categorical Imperative."³⁶ Nonetheless, Esser admits that moral agents can feel regret. However, this regret is based on the fact that his act did not produce full happiness for all, instead of pointing towards a real kind of moral failing.³⁷

Surprisingly, by this account of Kant, Esser rejects the idea of moral conflict. For a moral conflict to exist, there must be multiple values that cannot both be fulfilled;

³² Andrea Esser, "Kant on Solving Moral Conflicts," in *Kant's Ethics of Virtue*, ed. Monika Betzler (New York: De Gruyter, 2008), 282. <https://doi.org/10.1515/9783110209655.279>.

³³ Esser, "Kant on Solving Moral Conflicts," 282.

³⁴ Esser, "Kant on Solving Moral Conflicts," 285.

³⁵ Esser, "Kant on Solving Moral Conflicts," 286.

³⁶ Esser, "Kant on Solving Moral Conflicts," 288.

³⁷ Esser, "Kant on Solving Moral Conflicts," 289.

subsequently, they cancel each other out. Esser, however, claims that abstract values do not exist or are irrelevant.³⁸ Moreover, once the moral agent applies the Categorical Imperative, only one duty is the outcome.³⁹ The conflict with other abstract values “only consists in the abstraction of a thought experiment.”⁴⁰

This line of reasoning is not convincing, however. Firstly, Esser remains vague about the ontology of abstract values: “there ‘are’ no set values, but these ‘come into being’ only through applying the Categorical Imperative to concrete cases.”⁴¹ So there are no set values but then Esser asserts that “a morally acting agent should seek to choose the right ones from this ‘set’ of general values and obligations” and that the conflict then “vanishes with the application of the Categorical Imperative.”⁴² How can an abstract value be both nonexistent and capable of vanishing?

Secondly, Esser does not recognize moral residue: after the application of the Categorical Imperative, the conflict between the abstract values vanishes and only one duty remains.⁴³ Since moral residue is the consequence of moral conflict and Esser rejects the possibility of this, moral residue is rejected as well. Be that as it may, Esser claims to be able to explain regret. It refers to the fact that one has not been able to produce a happier outcome for all.⁴⁴ But this, it seems, must be based on the fact that one has duties toward others to fulfill. One feels regret because one is unable to fulfill one’s duty toward all the people involved. For example, if person A gives money to person B but (because of that) cannot give the money to person C, then the regret that person A experiences must be because of the fact that person A is unable to be beneficent (i.e., a duty) toward both person B and C. Yet, this cannot be the case for Esser, because there can be only one duty and all the abstract values vanish. For Esser, the only possibility, then, must be that one experiences regret to someone who is not happy with one’s action even though one has no duty toward them. But this is hardly convincing. For example, if person B wants to murder person C by pushing person C in front of the train, but person A prevents this by pulling person C back, then person A should experience regret in Esser’s view. Person A did what was obligated, but not everyone is happy with this moral act (person B’s ends were hindered). Obviously, this is absurd. One needs to have multiple duties in order to experience regret when these duties cancel each other out. Furthermore, when circumstances later on allow the moral agent to fulfill the duty one could not do earlier, one must fulfill this duty then. If person A has again enough money to be beneficent, then person A should give the money to person C. Obviously, this is not possible in the interpretation of Esser, since the duty to be beneficent toward person C had already vanished. Admittedly, it could be argued that afterwards the duty toward person C then starts to exist. Yet, the fact that the duty must be fulfilled as soon as it is readily possible, is proof that the duty has always been present even when it conflicted with another duty.

Lastly, the previous two points are the result of the role that the Categorical Imperative plays in moral decision-making in Esser’s interpretation. The Categorical Imperative, once applied, produces one duty. Even so, Esser grants that there are special

³⁸ Esser, “Kant on Solving Moral Conflicts,” 288.

³⁹ Esser, “Kant on Solving Moral Conflicts,” 288.

⁴⁰ Esser, “Kant on Solving Moral Conflicts,” 288.

⁴¹ Esser, “Kant on Solving Moral Conflicts,” 288.

⁴² Esser, “Kant on Solving Moral Conflicts,” 288.

⁴³ Esser, “Kant on Solving Moral Conflicts,” 288.

⁴⁴ Esser, “Kant on Solving Moral Conflicts,” 289.

situations where “there cannot be any morally satisfactory solution”.⁴⁵ When two people must be saved but we can only physically save one, this choice is not relevant to moral judgement as long as the definitive action is “performed with a ‘good intention’ and thus was ‘well-meant’”.⁴⁶ This explanation of a moral dilemma feels unnatural. Since there is no ‘morally satisfactory solution’, the Categorical Imperative supposedly does not produce a duty. Yet, in the example of choosing between saving two people, it appears that one does have the duty to save at least one person. Perhaps this is the duty that the Categorical Imperative produces. But then the Categorical Imperative does not provide a duty as specific as Esser earlier claimed the Categorical Imperative would produce, because there are two actions that are completely opposite to each other but still would fulfill the duty. For example, if person A chooses to save person B instead of person C, then person A fulfills his duty. But if person A chooses to save person C instead of person B, then person A also fulfills his duty. Furthermore, this duty would then probably be a duty towards humanity in general, because it could not possibly be a duty toward the humanity in the specific person. Person A’s duties towards person B and C are then completely ignored or are not recognized as duties. Be that as it may, Esser does not actually claim that the Categorical Imperative produces a general duty toward humanity in this moral dilemma. Instead, Esser claims that either action is morally acceptable if the intention was good.⁴⁷ The fact that this example is a case of a moral conflict, where person A’s duty to save person B and person A’s duty to save person C conflict, is unfortunately ignored by Esser.

In conclusion, this conventional account of the role of the Categorical Imperative in moral decision-making is problematic. It is unable to account for moral residue, because this Kantian account views the Categorical Imperative as producing only one duty and all the other values are not viewed to exist in the first place or ‘vanish’ once the moral agent applies the Categorical Imperative. If the Categorical Imperative fails to produce one clear duty, then this conventional account is inadequate to explain how this moral dilemma can occur.

In the next section, this thesis analyzes Korsgaard’s account of moral conflicts. Korsgaard’s account of Kantian ethics, unlike conventional Kantian accounts, does not reject the existence of moral conflicts, but rather acknowledges and explains them and attempts to solve them. In the former, it succeeds; in the latter, it unfortunately fails.

2.2. The identification of the problem by Korsgaard

The common objection against Kant’s philosophy was addressed by Kant himself; in modern times, Korsgaard addresses the same objection more specifically with regard to Kant’s moral theory. Korsgaard rightly identifies the problem of Evil in Kant’s moral theory. Korsgaard writes of Kantian ethics: “it seems to imply that our moral obligations leave us powerless in the face of evil.”⁴⁸ Kant requires us to act morally “regardless of what other persons are doing.”⁴⁹ This is most visibly present in the duty to not lie. If the murderer asks you where his future victim is, we are not allowed to lie in order to protect the would-be victim. This

⁴⁵ Esser, “Kant on Solving Moral Conflicts,” 297.

⁴⁶ Esser, “Kant on Solving Moral Conflicts,” 297-298.

⁴⁷ Esser, “Kant on Solving Moral Conflicts,” 297.

⁴⁸ Christine Korsgaard, “The Right to Lie: Kant on Dealing with Evil,” *Philosophy and Public Affairs* 15, no. 4 (1986): 1. <http://nrs.harvard.edu/urn-3:HUL.InstRepos:3200670>.

⁴⁹ Korsgaard, “The Right to Lie: Kant on Dealing with Evil,” 1.

consequence of Kant's moral theory feels unnatural to most people and some reject his theory because of it.

Korsgaard aims to solve this problem. She argues that the three formulas of the Categorical Imperative produce different obligations.⁵⁰ The divergence of obligations between the formulas is explained by the presupposition that the Formulas of Humanity and the Kingdom of Ends are ideal formulas and the Formula of Universal Law is a non-ideal formula.⁵¹ A non-ideal situation arises when one encounters evil. By making this distinction, Korsgaard can allow lying in certain situations by claiming that it is a non-ideal situation and in such a situation, the Formula of Universal Law produces a non-ideal obligation. At the same time, Korsgaard succeeds at recognizing the tragic aspect of the non-ideal situation, since the ideal formulas of the Categorical Imperative still prohibit the non-ideal obligation of lying.

Korsgaard starts her argument by dissecting the Formula of Universal Law. This formula asserts that an act is morally impermissible if the act cannot become a universal law without causing a contradiction.⁵² Such an impermissible act would be "in violation of a strict and perfect duty".⁵³ Lying is such a violation of a strict and perfect duty: if lying becomes a universal law, then the whole point of lying is undermined since nobody would be believed anymore.⁵⁴ Korsgaard then proceeds and applies the Formula of Universal Law to the concrete case of lying to the murderer at the door. Korsgaard argues that the "lie will be efficacious even if universally practiced."⁵⁵ After all, the murderer is not aware of the fact that you actually know what his intentions are. The murderer would thus not think that you would lie, because the murderer believes that you are ignorant and have no reason to lie. Even if this act was a universal law (i.e., everyone lies in this situation), the lie would still be efficacious because the murderer does not know that he is in this situation.⁵⁶ If the murderer was honest about his intentions, the murderer would expect you to lie and so you would not deceive him if you did.⁵⁷ In any case, 'lying to someone who wants to murder your friend but does not know that you are aware of his intentions' could be universalized and so, lying would be morally permissible according to Korsgaard.

Korsgaard then turns to the Formula of Humanity, which asserts that an act must "treat humanity, whether in your own person or in that of another, always as an end and never as a means only."⁵⁸ This concretely means that an act is morally impermissible if the other person could not possibly assent to the act.⁵⁹ Furthermore, Korsgaard notes that "People cannot *assent* to a way of acting when they are given no chance to do so."⁶⁰ The other person must to some extent understand what is going on in order to assent.⁶¹ In the cases of lying to the murderer, the act of lying involves deception of the murderer who

⁵⁰ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 3.

⁵¹ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 3.

⁵² Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 3.

⁵³ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 3.

⁵⁴ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 4.

⁵⁵ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 5.

⁵⁶ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 5.

⁵⁷ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 5.

⁵⁸ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 6.

⁵⁹ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 7.

⁶⁰ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 7.

⁶¹ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 8.

therefore could not possibly assent to this act of yours.⁶² Furthermore, the Formula of Kingdom of Ends requires us to respect the autonomy of others.⁶³ In the case of lying to the murderer, this formula asks us to have trust that the murderer can be convinced by reason not to murder when we provide him with all the true information. Lying in this situation is therefore prohibited by these two formulas of the Categorical Imperative.

Lying, in the interpretation of Korsgaard, is thus prohibited in normal circumstances. But people can be evil and when that happens, “you do not have to passively submit to being used as a means” by others.⁶⁴ Lying, then, is only permissible to liars.⁶⁵ In conclusion, when we have to fight evil, the formula of Humanity becomes “a goal to seek rather than an ideal to live up to” and we must turn to the formula of Universal Law to tell us what to do.⁶⁶ When we lie to a liar, we still regret the act even though it was the right thing to do.⁶⁷

Korsgaard improves on conventional Kantian accounts in a couple of ways. Firstly, Korsgaard correctly identifies the problem, that is the presence of Evil. Without Evil, the common objection against Kant would be baseless. In conventional accounts, the existence of moral conflicts is not acknowledged, because the Categorical Imperative produces only one duty. Secondly, Korsgaard recognizes that moral agents may act differently in non-ideal situations than in ideal situations. In conventional accounts, this distinction does not exist. Thirdly, Korsgaard takes note of moral regret. Sometimes, she rightly remarks, one has to act in such a way that one never would have acted in an ideal situation and one is justifiably regretful about this. In conventional accounts, one acts according to the Categorical Imperative and there is no room for regret about it: “In the concrete situation this conflict vanishes with the application of the Categorical Imperative.”⁶⁸ The conventional account does not explain regret any further than the idea that a moral agent is regretful that not everyone is happy with the outcome of his action—without properly explaining why a moral agent should be regretful about this.

Having said that, Korsgaard’s interpretation of Kant’s moral theory leaves much to be desired. Firstly, it is not self-evident that the Formula of Universal Law is as significantly different from the Formula of Humanity and Kingdom of Ends as Korsgaard claims. If applied without giving extra context, all formulas produce the same obligation. As Korsgaard admits herself, the Formula of Universal Law generally prohibits lying. In order to successfully universalize the maxim of lying, Korsgaard adds an extra variable to the maxim: *lying to someone who unsuccessfully deceives you but does not know this*. By making the maxim more concrete (and thereby more complicated), she separates the Formula of Universal Law from the other formulas. It is not clear however how specific one should formulate one’s maxim. Could it not be possible to justify any form of lying, if one freely adds extra variables to the maxim? Moreover, the introduction of this variable makes Korsgaard vulnerable to further criticism. For example, Korsgaard justifies lying to the murderer because he is (unsuccessfully but unaware of this fact) deceiving us. What if the murderer is completely honest about his intentions of murdering our friend? The murderer is not deceiving us, so what justification is there for us to deceive him? Perhaps Korsgaard or others could think of a new variable in order to rebut this counterexample. Even so, the point still stands that this

⁶² Korsgaard, “The Right to Lie: Kant on Dealing with Evil,” 9.

⁶³ Korsgaard, “The Right to Lie: Kant on Dealing with Evil,” 10.

⁶⁴ Korsgaard, “The Right to Lie: Kant on Dealing with Evil,” 14.

⁶⁵ Korsgaard, “The Right to Lie: Kant on Dealing with Evil,” 15.

⁶⁶ Korsgaard, “The Right to Lie: Kant on Dealing with Evil,” 25.

⁶⁷ Korsgaard, “The Right to Lie: Kant on Dealing with Evil,” 22.

⁶⁸ Esser, “Kant on Solving Moral Conflicts,” 288.

loose interpretation of the Categorical Imperative enables people to think of clever ways in order to justify their moral transgressions.

Secondly, Korsgaard does not leave room for moral decision-making informed by 'agent-related character' that O'Neill explicates. The agent-related character becomes relevant in situations where there is no objective right or wrong answer. For example, there is no right or wrong in choosing between helping your sister or your brother when you can help only one. In these situations, Kant allows for *latitudo*, i.e., some freedom for personal choice. Korsgaard does not recognize these situations. In fact, Korsgaard uses the term 'evil' for both "natural and moral evil"⁶⁹ as if they are equivalent. Yet, it is often the case that natural evil (which arises from the fact that the earth and humans are limited) does not obligate specific actions and moral evil (which refers to humans with evil intentions) commonly does. Non-ideal situations, according to Korsgaard, are supposed to be dealt with by making use of the Formula of Universal Law.⁷⁰ Instead of recognizing the moral conflict, Korsgaard believes that the Formula of Universal Law will produce one uncontroversial duty. Moral residue, then, is not accounted for by Korsgaard. She concedes that there is "Regret for an action we would not do under ideal circumstances" but this is not moral residue because she believes that "we have done what is clearly the right thing."⁷¹

In conclusion, Korsgaard is on the right track by recognizing that there are non-ideal situations. She rightly mentions that natural and moral evil are the causes of these non-ideal situations. However, she does not adequately solve these moral conflicts, because she does not admit that there is a real conflict. Natural evils are not universally solvable and require an agent-related character which Korsgaard does not provide. Furthermore, both evils leave moral residue as the non-ideal situation impedes us from fulfilling all of our duties—Korsgaard ignores this moral residue and attempts to circumvent the conflict by reinterpreting the Categorical Imperative.

2.3. The failed solution to the problem by Herman

Barbara Herman explains that Kant's supposed rigidness originates from the fact that moral rules ignore "details (particular facts about individuals and cases) that are morally relevant."⁷² The solution to this is to interpret the Categorical Imperative not as a "moral rule" but as "an abstract formal principle."⁷³ This means that the Categorical Imperative does not produce duties but rather is used to assess one's maxim. But Herman remarks that the moral agent must first formulate a maxim before it can be assessed by the Categorical Imperative.⁷⁴ In normal circumstances, when there is no moral dilemma: "Normal moral agents do not question the permissibility of everything they propose to do".⁷⁵ Indeed, Herman believes that the moral agent who is about to act immorally knows that his act may be prohibited before the Categorical Imperative is applied.⁷⁶ Herman rightly concludes that this means that there must be moral knowledge before the application of the Categorical

⁶⁹ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 23.

⁷⁰ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 25.

⁷¹ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 22.

⁷² Herman, "The Practice of Moral Judgment," 415.

⁷³ Herman, "The Practice of Moral Judgment," 415.

⁷⁴ Herman, "The Practice of Moral Judgment," 416.

⁷⁵ Herman, "The Practice of Moral Judgment," 417.

⁷⁶ Herman, "The Practice of Moral Judgment," 418.

Imperative—an insight which is foreign to the conventional account of Kantian ethics. Herman calls this moral knowledge before making moral judgments ‘rules of moral salience’ (RMS).⁷⁷ Herman explains that the usage of the Categorical Imperative is still possible without RMS.⁷⁸ Instead, RMS is useful for knowing *when* it is important for a moral agent to use the Categorical Imperative. The source of RMS is moral education according to Herman.⁷⁹ In conclusion, RMS is the moral knowledge one acquires during one’s upbringing, which helps one to identify moral conflicts in concrete situations.

It must be stressed, however, that Herman does not attribute moral value to RMS.⁸⁰ It is merely a descriptive explanation of the roots of moral decision-making, but it does not possess normative value. More specifically, RMS explains the existence of the conscience.⁸¹ Once the moral agent is aware of the possibility that his act is prohibited (i.e., his conscience warns him), he will apply the Categorical Imperative to judge whether this is indeed prohibited in this specific situation.⁸² Similar to Korsgaard, Herman claims that the moral agent must first add morally relevant information to the maxim before the Categorical Imperative is applied to it.⁸³ In the discussion of Korsgaard, this thesis objected that this loose interpretation of the Categorical Imperative incentivizes moral agents to formulate his maxims in such a way as to always allow the action of the moral agent. This objection is not resolved by Herman; in fact, Herman opens the door for justifications on cultural grounds.

Herman contributes to Kantian ethics in numerous aspects. Herman is right that the moral agent must be aware of his duties before applying the Categorical Imperative. Accordingly, the presupposition that duties exist before the moral agent begins with moral reasoning is correct. In addition, duties do not ‘vanish’ once the Categorical Imperative is applied. If a duty remains unfulfilled because it conflicted with another duty, this duty must be fulfilled once it is again possible.⁸⁴ So, at least in a certain sense, Herman acknowledges the possibility of moral residue.

Yet, some problems remain unresolved. Against Korsgaard, this thesis objected that the Categorical Imperative is an easy target for insincere moral reasoning. Herman does not address this issue. Furthermore, an emphasis on the Categorical Imperative results in believing that there is a right answer for every moral conflict, but this is often not the case—which is why O’Neill remarks that Kant allows for individual practical reasoning that requires an ‘agent-related character’.

Then, the introduction of RMS may cause more problems than it solves. If RMS is produced by education and culture—which is what Herman claims—then Kantian ethics becomes vulnerable to cultural relativism. A defective RMS (who is to say what a defective RMS is?) as a result of a bad upbringing could undermine the moral responsibility that moral agents have. According to Herman, this is not a serious problem for her theory. “We will want to distinguish cultures with defective RMS from those whose rules of moral practice are deviant or blatantly invalid.”⁸⁵ In other words, Herman admits that RMS reduces moral responsibility to individuals with a defective RMS, but this does not apply to obviously

⁷⁷ Herman, “The Practice of Moral Judgment,” 418.

⁷⁸ Herman, “The Practice of Moral Judgment,” 419.

⁷⁹ Herman, “The Practice of Moral Judgment,” 418.

⁸⁰ Herman, “The Practice of Moral Judgment,” 418-419.

⁸¹ Herman, “The Practice of Moral Judgment,” 419.

⁸² Herman, “The Practice of Moral Judgment,” 418.

⁸³ Herman, “The Practice of Moral Judgment,” 416.

⁸⁴ Herman, “The Practice of Moral Judgment,” 422.

⁸⁵ Herman, “The Practice of Moral Judgment,” 434.

immoral conduct. It is not clear how one is to make this distinction, especially since Herman asserts that we should not automatically condemn those who “do things that violate our strongest moral prohibitions.”⁸⁶

Lastly, Herman discusses the source of RMS. The source cannot be the Categorical Imperative, she argues, because RMS is to “provide the descriptive moral categories that permit the formulation of maxims suitable for assessments by the CI procedure of judgment.”⁸⁷ Subsequently, Herman assigns the source to education and ends up with cultural relativism. The confusion about the source of RMS arises because of the fact that RMS seems to have two roles in Herman’s text. On the one hand, it judges what (contextual) information is morally relevant. Herman’s own example: “the fact that an action is to be performed on a Tuesday is rarely a condition of anyone’s acting, and so will rarely have a legitimate place in any maxim.”⁸⁸ In this role, RMS indeed probably does not originate from the Categorical Imperative because RMS tells us what information is morally relevant to include in the maxim that the Categorical Imperative is applied to. On the other hand, Herman seems to imply that RMS refers to moral rules a priori. Herman’s own example: “The agent who proposes a deceitful promise to extricate himself from financial difficulties knows, without appeal to the CI, that what he proposes may be impermissible.”⁸⁹ This example refers to a moral rule (‘do not propose a deceitful promise’) that is known to the moral agent before applying the Categorical Imperative. Even though this moral rule is known beforehand, the source could still be the Categorical Imperative. The moral agent in this example knows that it is *generally* forbidden to propose a deceitful promise. The Categorical Imperative, too, says that this is *generally* forbidden: if one takes the maxim ‘I propose a deceitful promise’ (i.e., without any context) and applies the Categorical Imperative to it, then the result will be that this cannot be done without willing a contradiction. In conclusion, the Categorical Imperative *can* produce moral rules a priori and therefore *can* be the source of RMS—if interpreted in the role as producing moral rules a priori. Cultural relativism, in this respect, is therefore disarmed but then Herman must first make the distinction between RMS as judging what is morally relevant and moral rules that are a priori (which should not be a part of RMS).

This last point is precisely the core of the question. There are moral rules that are a priori and they are not RMS nor culturally determined. RMS supposedly is descriptive and not normative but is this the same with moral rules and what is exactly their role in moral decision-making? Herman mentions that it is closely related to the conscience,⁹⁰ which will accordingly be the subject in a later section of this thesis. Moreover, the Categorical Imperative, in these three interpretations of Kantian ethics, causes significant problems for the question of moral conflicts. In the remainder of this chapter, this thesis will provide a different account of the role of the Categorical Imperative.

⁸⁶ Herman, “The Practice of Moral Judgment,” 434.

⁸⁷ Herman, “The Practice of Moral Judgment,” 426.

⁸⁸ Herman, “The Practice of Moral Judgment,” 416.

⁸⁹ Herman, “The Practice of Moral Judgment,” 418.

⁹⁰ Herman, “The Practice of Moral Judgment,” 419.

2.4. The reinterpretation of the Kantian moral decision-making

So far, the Kantian accounts that are discussed have interpreted the Categorical Imperative as duty-producing or at least as obligation-inducing. Once a moral agent finds himself in a moral dilemma, he must apply the Categorical Imperative to his maxim and evaluate whether the act is permissible. The problem with this is that it is unclear what is morally relevant to add to the maxim as well as the problem of how to do this without bias. Herman tries to solve this by introducing the concept of RMS, but this leads to cultural relativism.

Paradoxically, the Categorical Imperative is both too rigid and too flexible. The Categorical Imperative is too rigid because it is a universal principle that cannot tell us what action should be performed (an objection that Hegel also raises). Indeed, the Categorical Imperative can only produce duties but cannot determine which duty prevails over the other duties. On the other hand, the Categorical Imperative is too flexible, because one could add as many variables to one's maxim as needed (or even ignore variables if needed) in order to produce the desired outcome.

One can conclude that the Categorical Imperative brings many problems if applied to specific moral conflicts. The solution is to limit the role of the Categorical Imperative in actual moral decision-making. After all, the Categorical Imperative is not actually used in everyday life by normal people. This does not mean, however, that moral decision-making is not based on the Categorical Imperative. In fact, Kant notes that the Formula of Universal Law is always in the mind of everyday people.⁹¹ In the interpretation by this thesis, the Categorical Imperative produces general duties and these duties eventually could come into conflict in certain circumstances. The circumstances in which duties could come into conflict are rightly identified by Korsgaard: in the presence of Evil (this phenomenon will be elaborated further later in this thesis).

The interpretation of the Categorical Imperative presented above solves a couple of issues. Firstly, the Categorical Imperative no longer provides us with specific obligating action. It may produce one duty at a time but this duty is only one of the duties that the Categorical Imperative produces in a moral conflict. If person A lends money to person B but thereby no longer has enough money to lend to person C, then the Categorical Imperative produces one duty (of beneficence) to person B and subsequently produces one duty (of beneficence) to person C. These grounds of duties then come into conflict. Since this interpretation no longer expects the Categorical Imperative to induce concrete actions, the objection that it is too rigid and/or too flexible becomes completely irrelevant. Secondly, multiple duties exist and do not vanish after moral decision-making which means that moral residue is accounted for. Thirdly, this thesis' interpretation allows for playroom (*latitudo*) in cases when there is no clear right or wrong answer. For example, there is no clear answer whether person A should lend his money to person B or to person C. The 'agent-related character' in Kantian ethics is integrated into the interpretation.

After the production of the duties by the Categorical Imperative, the question arises: if not the Categorical Imperative, what else determines our course of action? The simple answer is our faculty of practical judgement. After all, the Categorical Imperative is universal in the sense that it is independent of the subject but it is not independent of the situation. Thus, in every moral conflict, the practical judgement of the moral agent must determine on its own its course of action. It is therefore warranted to refrain from judging others, since we never know what the exact circumstances were. Admittedly, the practical judgement must

⁹¹ Kant, *GMS*, 58.

have some sort of ideal that guides it to the right course of action. This ideal will be found and explained later in the thesis. Be that as it may, there is still the question of sincerity in acting. How should we tackle the problem of insincere application of the moral law? This thesis argues that the moral value of the action must not be based on the Categorical Imperative (or any other formalistic principle for that matter), but rather on the conscience which is infallible for Kant. This thesis shall look more closely at the conscience in the next section.

2.5. The Kantian conscience

The Kantian interpretations so far emphasize the importance of following the Categorical Imperative. This formalistic principle, it is believed, is universal and objective. However, the moral agent has the responsibility to formulate a maxim to insert into the Categorical Imperative. This gives the moral agent a lot of freedom to manipulate the outcome. What's more, once this outcome is given, the moral agent can justify his own desires without condemnation. Despite these manipulations, the moral agent will still be bothered by his conscience because the conscience cannot be fooled. In this section, the workings of the conscience will be explained and the question of whether the conscience can ever falter will be discussed.

In *The Metaphysics of Morals*, Kant envisions the conscience as the "Consciousness of an *internal court* in the human being".⁹² Kant begins his discussion of the conscience by postulating that duties belong to the "practical understanding, which provides a rule."⁹³ But, Kant continues, the evaluation of the actual moral value of a deed in a specific case is conducted by the "*faculty of judgment*".⁹⁴ The result of this evaluation is a conscience that keeps following his subject. The moral agent cannot escape the conscience.⁹⁵

The conscience works in two ways. Firstly, "the human being thinks of conscience as *warning* him (*praemonens*) before he makes his decision."⁹⁶ The conscience identifies certain duties that are threatened to be violated and thus warns the moral agent that his course of action might be immoral. This 'first-order judgement' by the conscience does not help with solving moral conflicts; it is only useful in situations where there is little time to contemplate.⁹⁷ The 'first-order judgement' by the conscience identifies the duties that are involved in a specific situation. But this does not mean that it can actually judge whether the moral agent is acting morally. For this, one must turn to the 'second-order judgement' by the conscience.

Secondly, the conscience judges the moral value of the deed after the deed has occurred.⁹⁸ Kant portrays this 'second-order judgement' by the conscience as an internal court with a "*prosecutor*", a "*defense counsel*" and a judge.⁹⁹ The question at hand is not what the duties were (that is already a given), but whether the moral situation was "*diligently*

⁹² Kant, *MS*, 560.

⁹³ Kant, *MS*, 559-560.

⁹⁴ Kant, *MS*, 560.

⁹⁵ Kant, *MS*, 560.

⁹⁶ Kant, *MS*, 561.

⁹⁷ Matthew S. Ward, "Conscience in Kantian Ethics," *Aporia* 13, no. 1 (2003): 60. https://aporia.byu.edu/pdfs/ward-conscience_in_kantian_ethics.pdf.

⁹⁸ Kant, *MS*, 562.

⁹⁹ Kant, *MS*, 562.

examined".¹⁰⁰ Since humans have a tendency to make an exception for themselves, the second-order judgement is concerned with the sincerity of the formulation of the maxim. In *On a Supposed Right to Lie from Philanthropy*, Kant examines lying in juridical terms. Here, too, Kant talks about a court that must examine a case of lying.¹⁰¹ In that case, Kant is concerned with *public court* which addresses the *act* of lying instead of the *intention* of lying.¹⁰² With regards to conscience, however, the act itself is less relevant; rather, the goodness of the Will is the main subject. The second-order judgement by the conscience is directed towards the inner experience of the moral situation (i.e., truthfulness) and because of this, this judgement can never be mistaken. One can doubt whether one has applied the moral law correctly, but one cannot doubt whether one's intentions to apply the moral law correctly were sincere.

This last point should be of greater importance in moral life. One should not ignore the fact that one is perfectly capable of manipulating the moral law. And if the conscience objects to the deed after it has occurred, then the moral agent should not ignore this. Rather, the moral agent should acknowledge that this must mean that his intentions were insincere and that the moral law was not respected, even if the moral agent could rationalize his actions perfectly well.

The idea of a second-order judgement by the conscience also explains why Kant does not offer answers to the 'casuistical questions'. In the *Metaphysics of Morals*, Kant discusses 'casuistical questions', that is, concrete situations where the moral agent has to weigh various (conflicting) grounds of duties. The concrete situations are often not resolved by Kant and he does not offer any structural method to adhere to. One explanation for this is assuming that it is not possible to construct a coherent method. Indeed, Kant mentions that the power of judgement "is a peculiar talent, which does not, and cannot require tuition, but only exercise."¹⁰³ This suggests that the moral agent cannot preconceive of a coherent method but will adapt one naturally by practice. What's more, Kant believes that "ethics, because of the latitude it allows in its imperfect duties, unavoidably leads to questions that call upon judgment to decide how a maxim is to be applied in particular cases" and thus there is no method to direct one's actions.¹⁰⁴ In fact, Kant asserts that ethics "falls into a casuistry" which is "neither a *science* nor a part of a science".¹⁰⁵ In conclusion, one can only depend on one's conscience. Viewed this way, the conscience is a kind of safeguard for evaluating whether one is practicing the *peculiar talent* well.

It is now established that the Categorical Imperative is the source of morality, but that it does not play the primary role in moral conflicts. Rather, a moral conflict arises when the first-order judgement by the conscience warns the moral agent that one or more duties will possibly be violated. Afterwards, the second-order judgement by the conscience brings a verdict of whether the moral agent has acted morally. It evaluates one's intentions. But

¹⁰⁰ Franz Knappik and Erasmus Mayr, "“An Erring Conscience is an Absurdity”: The Later Kant on Certainty, Moral Judgment and the Infallibility of Conscience," *Archiv für Geschichte der Philosophie* 101, no. 1 (2019): 96. <https://doi.org/10.1515/agph-2019-1004>.

¹⁰¹ Helga Varden, "Kant and Lying to the Murderer at the Door . . . One More Time: Kant's Legal Philosophy and Lies to Murderers and Nazis," *Journal of Social Philosophy* 41, no. 4 (2010): 413. <https://doi.org/10.1111/j.1467-9833.2010.01507.x>

¹⁰² Varden, "Kant and Lying to the Murderer at the Door . . . One More Time: Kant's Legal Philosophy and Lies to Murderers and Nazis," 410-411.

¹⁰³ Immanuel Kant, *Critique of Pure Reason (KrV)* (Cambridge: Cambridge University Press, 1998), 268.

¹⁰⁴ *Metaphysics of Morals*, 538.

¹⁰⁵ *Metaphysics of Morals*, 538.

before that happens, a choice must first be made. Two or more grounds of duties are in conflict and one cannot resort to the Categorical Imperative nor to the conscience (the first-order judgement merely states what duties there are and the second-order judgement comes afterwards). To some extent, there is playroom for 'agent-related character' but this cannot be sufficient in moral conflicts. There must be some sort of guideline on how to solve a moral conflict between duties. In the next chapter, the mediation of conflicting grounds of duties will be discussed.

3. The mediation of moral conflicts

3.1. The conventional Kantian answer

When grounds of duties come into conflict with each other, it is not clear which duty should prevail. One must be able to distinguish between duties in order to be able to prioritize one duty over another. In Kantian ethics, such a distinction can be made between perfect and imperfect duties. Perfect duties are narrow in the sense that they "immediately stand under the law of actions."¹⁰⁶ Imperfect duties, on the other hand, demand positive action. The moral agent should strive to fulfill the imperfect duties but he has some "playroom (*latitudo*) for free choice in following (complying with) the law".¹⁰⁷ The fulfillment of imperfect duties is meritorious "but a failure to fulfill them is not in itself *culpability* [...] but rather mere *deficiency in moral worth* [...] unless the subject should make it his principle not to comply with such duties."¹⁰⁸

There are three types of conflicts possible: a conflict between two perfect duties, between a perfect duty and an imperfect duty and between two imperfect duties. O'Neill states that a conflict between two perfect duties is impossible, because they demand refrain from positive action.¹⁰⁹ The duty 'do not murder your neighbor' cannot possibly come into conflict with the duty 'do not lie to your neighbor'.

A conflict between two imperfect duties is, according to O'Neill, not a big issue because imperfect duties "do not have to be fulfilled on every occasion."¹¹⁰ In cases of moral conflict between imperfect duties, it suffices to fulfill either one according to one's 'agent-related character' and postpone the fulfillment of the other duty once that is again possible.

Lastly, there is the conflict between a perfect duty and an imperfect duty. O'Neill asserts that this could become a difficult conflict if the ground of the imperfect duty is particularly urgent.¹¹¹ The conventional Kantian answer is that "Imperfect duties are always secondary to perfect ones."¹¹² Indeed, Kant also seems to adhere to this: in *A Supposed Right to Lie out of Philanthropy*, Kant recognizes "a simple priority rule" that perfect duties prevail over imperfect ones.¹¹³ Furthermore, Kant mentions in *On the Common Saying* the

¹⁰⁶ Timmermann, "Kantian Dilemmas? Moral Conflict in Kant's Ethical Theory," 44.

¹⁰⁷ Kant, *MS*, 521.

¹⁰⁸ Kant, *MS*, 521.

¹⁰⁹ O'Neill, "Instituting Principles: Between Duty and Action," 87.

¹¹⁰ O'Neill, "Instituting Principles: Between Duty and Action," 87.

¹¹¹ O'Neill, "Instituting Principles: Between Duty and Action," 87.

¹¹² Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 16.

¹¹³ O'Neill, "Instituting Principles: Between Duty and Action," 87.

example of a shipwreck.¹¹⁴ If there is a shipwreck and the only way to save one's life is to push another survivor from his plank, then Kant believes one should not do this: "For to preserve my life is only a conditional duty [...] but not to take the life of another who is committing no offense against me and does not even lead me into the danger of losing my life is an unconditional duty."¹¹⁵ In this example, Kant implies that unconditional duties prevail over conditional duties.

Yet, there are also examples in Kant's works where Kant does not seem to adhere to the hierarchical distinction between perfect and imperfect duties. For example, killing is a clear violation of a perfect duty but Kant implicitly permits killing in the context of defending the homeland with a military army¹¹⁶ which appears to be an imperfect duty. Similarly, suicide is explicitly condemned by Kant since it is a violation of a perfect duty.¹¹⁷ But self-sacrifice for the sake of the common good is allowed. Ironically, Kant again uses the example of a shipwreck but in this example, it is about a moral agent that rescues others from a shipwreck and thereby endangers his own life and perhaps even dies because of it.¹¹⁸ Kant believes that such an act is meritorious, albeit "weakened by the concept of *duty to himself*".¹¹⁹ Even lying, the most popular example critics use to object to Kant's 'rigidness', is allowed for Kant in certain situations. In his lectures, Kant mentions the concept of the "*necessary lie*" in the face of evil.¹²⁰

The question subsequently arises how these examples can be harmonized according to a coherent framework. First of all, it must be stressed that this thesis will accept the outcomes that Kant defends in these examples but this thesis will not necessarily accept Kant's reasoning behind it. This is because Kant does not use coherent reasoning when in one example perfect duties prevail over imperfect duties and then they do not in another example. Nevertheless, this thesis will defend the same conclusions that Kant made in these moral dilemmas. The distinction between duties (or rather the grounds of obligation) must be found elsewhere. Someone could argue that these dilemmas are incorrect because the act itself was not prohibited to begin with. For example, it is not killing when one does it in order to defend one's country; it is not suicide when one does it as a sacrifice for the common good; nor is it lying if it is for the sake of self-preservation. However, the act itself is the same regardless of one's intention. After all, suicide and self-sacrifice result in the same outcome; that is, one does not live anymore by its own doing. Be that as it may, there is definitely some truth in this argument. After all, Kant writes that "not that the stronger obligation takes precedence (*fortior obligatio vincit*) but that the stronger *ground of obligation* prevails (*fortior obligandi ratio vincit*)."¹²¹ The answer is somewhere to be found in this realization. The strength of the ground of the obligation must determine one's course of action. How this works exactly, will become clear later in this thesis.

¹¹⁴ Kant, *TP*, 299.

¹¹⁵ Kant, *TP*, 299.

¹¹⁶ Immanuel Kant, "Toward Perpetual Peace (1795)," (*EF*) in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 318-319.

¹¹⁷ Kant, *MS*, 546.

¹¹⁸ Immanuel Kant, "Critique of Practical Reason (1788)," (*KpV*) in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 266.

¹¹⁹ Kant, *KpV*, 266.

¹²⁰ Kant, *MPC*, 204.

¹²¹ Kant, *MS*, 379.

3.2. The more nuanced Kantian answer by Timmermann

In his paper on moral conflicts in Kantian ethics, Timmermann stumbles upon the same problem that this thesis has encountered. Timmermann notices that the Categorical Imperative is identified by Kant as “the supreme principle of morality” but this does not deny the possibility of moral conflicts as other Kantians sometimes do.¹²² This is because the Categorical Imperative does not resolve conflicts between duties. Timmermann refers to Kant, claiming that Kant was also aware of this fact.¹²³ In *The Metaphysics of Morals*, Kant discusses “casuistical questions” or moral ambiguities. Timmermann notes that Kant does not methodically analyze these ambiguities, nor does Kant resolve the moral conflicts—and more importantly, Kant “does not employ the categorical imperative.”¹²⁴ Timmermann rightly identifies this gap in Kantian ethics that should be explored more closely.

Indeed, Timmermann is correct that moral conflicts should not be resolved according to a formalistic rule. And Timmermann is subsequently correct that conflicts do not vanish after employing a rule such as the Categorical Imperative. That is because conflicts arise between duties and the resolution of the conflict would mean that the “lesser duty would have to cease to exist” but this cannot be the case because duties are necessary (a priori) “and what is necessary cannot be vanquished.”¹²⁵ Obviously, since all duties are necessary, it cannot be the case that duties *eo ipso* could possibly conflict.¹²⁶ Rather, the *grounds* of obligations conflict.¹²⁷ But how is one to determine which ground is stronger than the other?

Firstly, Timmermann argues that perfect duties cannot conflict since they are “strict negative laws of omission” and are therefore “valid without qualification.”¹²⁸ Secondly, imperfect duties could be defeated by other duties on the basis of “grounds or reasons when applied correctly to particular circumstances.”¹²⁹ Thirdly, Timmermann concludes that imperfect duties “apply only when the action does not violate a command of [a perfect duty].”¹³⁰ After all, imperfect duties are “contingent”: if nobody needs my help, then my duty to help others is not relevant at the moment.¹³¹

Conversely, it is also very much possible that more than one person needs my help and my duty to help person A prevents me from fulfilling my duty to help person B.¹³² In such cases, “the weaker ground of obligation is not invalid” and one should fulfill the duty once it is again possible.¹³³ Timmermann thus allows for moral residue.¹³⁴ Choosing between the two duties happens according to one’s ‘agent-related character’ as Timmermann concurs with O’Neill.¹³⁵ After all, Timmermann notes that Kant does not provide a “clear criterion to decide

¹²² Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 36-37.

¹²³ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 38.

¹²⁴ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 38.

¹²⁵ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 40-41.

¹²⁶ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 42.

¹²⁷ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 43.

¹²⁸ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 45.

¹²⁹ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 45.

¹³⁰ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 45.

¹³¹ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 46.

¹³² Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 46.

¹³³ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 46.

¹³⁴ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 55.

¹³⁵ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 48.

conflict cases”.¹³⁶ Kant entrusts the moral agent with the task to mediate moral conflicts (aside from perhaps moral education).¹³⁷

Timmermann brings this thesis closer to its destination. Firstly, Timmermann rightly asserts that the Categorical Imperative is insufficient for resolving moral conflicts. In fact, the Categorical Imperative has an indirect role in moral decision-making. This is a significant deviation from conventional Kantian accounts. Secondly, Timmermann acknowledges that this diminishing role of the Categorical Imperative results in a gap between the moral law and practical judgement. Kant may write that the stronger grounds of obligation must prevail, but how is one to determine this? Timmermann emphasizes that “Kant trusts that a virtuous person will reach the right conclusion.”¹³⁸ The agent-related character, partly formed by moral education, should determine the right course of action according to Timmermann. Lastly, Timmermann correctly understands duties to be necessary and thereby continuously present. Therefore, when circumstances prevent the moral agent from fulfilling his duty, this duty does not vanish. Moral residue is thus acknowledged by Timmermann.

Despite his many contributions, there are some shortcomings in Timmermann’s account of Kantian ethics. Firstly, Timmermann gives a lot of freedom to the individual choice of moral agents. Timmermann acknowledges the gap that Kant leaves open and believes this to be the correct choice by Kant. Timmermann believes that trust in the moral agent means that there should be no guidance whatsoever in the moral decision-making. This thesis attempts to provide an ideal that can guide the moral decision-making by the moral agent without always determining the right course of action. Secondly, despite not pretending to provide a guide on how to determine which duty to prevail, Timmermann reiterates the idea that perfect duties prevail over imperfect duties. As this thesis has shown so far, this contradicts some of Kant’s judgements on moral conflicts.

The relation between perfect duties and imperfect duties, whether there is a hierarchical distinction between them, must become clear. Even the distinction itself must become clear, as it is often not clear whether a certain duty should be considered a perfect duty or an imperfect duty. Moreover, Kant also uses other terms such as wide obligations and narrow obligations; conditional duties and unconditional duties; ethical duties and juridical duties; strict laws and wide laws; etc. In the next section, this thesis discusses Rainbolt’s view on this. Ultimately, this thesis argues that the distinction between perfect duties and imperfect duties—while certainly relevant to some extent—is not as determining a factor in moral conflicts as is often thought.

3.3. The identification of a more profound problem by Rainbolt

Rainbolt remarks that the distinction between perfect and imperfect duties is explained in at least eight different ways.¹³⁹ Like all other accounts of Kantian ethics, Rainbolt notices that this distinction suggests a hierarchy between duties.¹⁴⁰ By means of action theory, Rainbolt

¹³⁶ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 52.

¹³⁷ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 54.

¹³⁸ Timmermann, “Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory,” 55.

¹³⁹ George Rainbolt, “Perfect and Imperfect Obligations,” *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 98, no. 3 (2000): 233.
<https://www.jstor.org/stable/4321031>.

¹⁴⁰ Rainbolt, “Perfect and Imperfect Obligations,” 234.

analyzes the nature of duties. The traditional interpretation of the perfect/imperfect distinction views the distinction as two categories rather than a degree.¹⁴¹

One possible interpretation is to say that imperfect duties give “latitude” and perfect duties do not.¹⁴² But this cannot be the case. For example, if I owe you ten dollars, then this is a perfect duty; yet, I can decide how I pay the ten dollars (“a ten, two fives, ten ones, etc.”).¹⁴³ Since both perfect and imperfect duties allow for latitude, this cannot be the defining distinction.

Rainbolt used to have his own distinction but that he now rejects. The distinction would be that perfect duties demand “a particular act” and imperfect duties demand “a considerable number of acts from a set.”¹⁴⁴ The adjective ‘considerable’ cannot be true because imperfect duties give latitude; it should therefore be ‘at least one’.¹⁴⁵ But then the distinction is again defeated by the example of owing someone ten dollars.

Stocker attempts to explain the distinction by asserting that imperfect duties can be divided by subtypes of actions and perfect duties cannot.¹⁴⁶ For example, the imperfect duty to give to charity does not specify *which* charity one should donate to.¹⁴⁷ However, it is unclear why perfect duties should not have multiple subtypes as well. For example, if I promise to give ten dollars to two of your three children, then there are multiple subtypes of actions that would fulfill this duty.¹⁴⁸ I could give five dollars to child A and five dollars to child B or I could give three dollars to child A and seven dollars to child C, etc.

Lastly, Rainbolt discusses Thomas Hill’s attempt to explain the distinction between perfect and imperfect duties. According to Hill, the distinction lies in the fact that there are two types of latitude.¹⁴⁹ The latitude in perfect duties refers to the latitude to choose the specific action in order to fulfill the duty.¹⁵⁰ This latitude can also be found in imperfect duties, but imperfect duties also have the latitude to choose whether or not to do a specific act in a specific situation.¹⁵¹ Unfortunately, this distinction does not hold up under scrutiny. In the example of giving money to two of your three children, it is not clear which type of latitude is present.¹⁵² For example, I could choose whether I give five dollars to child A or not—thus it could be considered an imperfect duty. Yet, I could also reinterpret it as choosing whether I give five dollars to child A and child B, or to child B and child C—thus it could be considered a perfect duty.¹⁵³

The distinction between perfect and imperfect duties is, as Rainbolt argues, not binary but rather a degree. For example, one may feel shame when one’s duty to be charitable (an imperfect duty) is not fulfilled. Even though it is not wrong not to give to charity X, it is wrong not to do any type of charity.¹⁵⁴ Similarly, it is not wrong not to give a ten-dollar

¹⁴¹ Rainbolt, “Perfect and Imperfect Obligations,” 238.

¹⁴² Rainbolt, “Perfect and Imperfect Obligations,” 239.

¹⁴³ Rainbolt, “Perfect and Imperfect Obligations,” 239.

¹⁴⁴ Rainbolt, “Perfect and Imperfect Obligations,” 239-240.

¹⁴⁵ Rainbolt, “Perfect and Imperfect Obligations,” 240.

¹⁴⁶ Rainbolt, “Perfect and Imperfect Obligations,” 240.

¹⁴⁷ Rainbolt, “Perfect and Imperfect Obligations,” 240.

¹⁴⁸ Rainbolt, “Perfect and Imperfect Obligations,” 241.

¹⁴⁹ Rainbolt, “Perfect and Imperfect Obligations,” 241.

¹⁵⁰ Rainbolt, “Perfect and Imperfect Obligations,” 241.

¹⁵¹ Rainbolt, “Perfect and Imperfect Obligations,” 241.

¹⁵² Rainbolt, “Perfect and Imperfect Obligations,” 241-242.

¹⁵³ Rainbolt, “Perfect and Imperfect Obligations,” 242.

¹⁵⁴ Rainbolt, “Perfect and Imperfect Obligations,” 246.

bill if you owe someone ten dollars, but it is wrong not to do anything to repay your debt.¹⁵⁵ Even though the type of latitude is the same for both perfect duties and imperfect duties, Rainbolt still believes that it is relevant to make the distinction.¹⁵⁶ In some situations, the latitude is wider than in other situations. “The more imperfect an obligation is, the more space it allows for the exercise of moral latitude, moral freedom.”¹⁵⁷ And when the duty is imperfect, there is a lot more playroom for ‘agent-related character’. For example, if three people are drowning and I can physically save only two, I have quite some freedom to choose who I will save.¹⁵⁸ As a rule, “The more imperfect an obligation, the more it allows us to express our individuality.”¹⁵⁹

Furthermore, Rainbolt doubts that perfect duties should always prevail over imperfect duties. Since the distinction is a matter of degree, the importance of perfect duties is a matter of degree as well. For example, if I promise a billionaire to give him ten dollars within a week, but this would prevent me from being able to play with my child that whole week, then my duty to my child prevails because, Rainbolt argues, this duty is more important than my duty to the billionaire who does not need the ten dollars.¹⁶⁰

Rainbolt’s account of perfect and imperfect duties is very convincing. His account is in accordance with the examples of Kant that deny the hierarchy between perfect and imperfect duties. Indeed, latitude can be measured in degrees. However, for Rainbolt, perfect duties can produce positive actions and because of this, latitude is introduced in perfect duties. But if one is to hold the view that perfect duties are always negative duties, then there could not be an issue of latitude. The duty to not lie cannot be divided into multiple subtypes of actions because it is not an action but rather a refraining from action. This could prove to be a fruitful distinction. However, it must be admitted that the duty to not lie is very similar to the duty to be truthful. This is a discussion that goes beyond the scope of this thesis. This thesis does not necessarily defend Rainbolt; rather, this section is supposed to show the ambiguity of the concept of duty.

Having said that, this thesis argues that moral decision-making should not be merely determined by the Categorical Imperative nor by a hierarchy of duties. Rather, the moral agent is entrusted with the task of deliberating between the grounds of duties. For this, the moral agent may need a moral ideal to guide his deliberations. This is the subject of the next section.

3.4. The need for a highest moral ideal

This thesis has shown that the Categorical Imperative is insufficient for moral decision-making. Instead, this thesis argues that practical judgement plays a determining role in the mediation of moral conflicts. However, such a judgement must be grounded by some sort of ideal to guide the judgement. In moral conflicts, the Categorical Imperative produces multiple duties but the prioritization among these duties must be handled by the moral agent himself. Some Kantian scholars argue that perfect duties prevail over imperfect duties and this would

¹⁵⁵ Rainbolt, “Perfect and Imperfect Obligations,” 246.

¹⁵⁶ Rainbolt, “Perfect and Imperfect Obligations,” 247.

¹⁵⁷ Rainbolt, “Perfect and Imperfect Obligations,” 248.

¹⁵⁸ Rainbolt, “Perfect and Imperfect Obligations,” 248.

¹⁵⁹ Rainbolt, “Perfect and Imperfect Obligations,” 249.

¹⁶⁰ Rainbolt, “Perfect and Imperfect Obligations,” 251.

then guide the moral agent in his decision-making. This thesis has shown, however, that perfect duties cannot always prevail over imperfect duties. But then, the moral agent must be guided by a different principle. One thing is clear: there must be some sort of ideal. Because if there is no such ideal, then the practical judgement must be random or entirely subjective. If that is the case, then the final moral decision would not have any moral value. That is why there must be an ideal to guide one's actions.

How should one find such an ideal? The ideal should accord with at least the following criteria. Firstly, the ideal must be found a priori. If not, then one would venture into the field of subjectivism and consequently relativism. A Kantian ideal for morality can only be loyal to Kantian ethics if it is a priori. Secondly, the ideal must always demand active participation by practical judgement. An action can only be moral if the moral agent acts autonomously on the basis of his own practical judgement. So, an ideal that demands blind obedience and does not require that one thinks for oneself, is unsuitable. Lastly, the ideal must not allow for exceptions. Though it might seem that this thesis attempts to justify exceptions to the moral law, this is not actually the case. This thesis does not believe that these 'exceptions' are exceptions to the rule (which Kant despises) but rather an actual part of the rule. That is, the rule itself produces these 'exceptions'. At least, this is the kind of ideal that this thesis aims to find.

The highest moral ideal should promote the good, because the good is the aim of morality for Kant.¹⁶¹ If the realization of the good is the aim of morality, then moral decision-making should be guided by the promotion of the highest good.¹⁶² What is the highest good, then? Kleingeld believes that "the idea of the highest good is constructed on the basis of the Categorical Imperative itself" because the promotion of the highest good is a duty according to Kant.¹⁶³ However, Kleingeld simultaneously asserts that "one cannot derive the notion of the highest good by analyzing the Categorical Imperative itself."¹⁶⁴ The highest good, Kleingeld argues, is synthetic and therefore goes beyond the Categorical Imperative. Indeed, the aim of the Categorical Imperative itself is precisely the promotion of the highest good; the latter must therefore come first. One first posits the highest good and then one formulates the Categorical Imperative to achieve this highest good. Doing so does not make the Categorical Imperative 'hypothetical'. The Categorical Imperative *categorically* produces duties that cannot be ignored and are independent of one's inclinations but these produced duties are in the service of the highest good.

What, then, is the highest good? The good that comes before the Categorical Imperative? Perhaps the *intention* to apply the Categorical Imperative. One should be reminded of Kant's famous words: "It is impossible to think of anything at all in the world, or indeed even beyond it, that could be considered good without limitation except a **good will**."¹⁶⁵ This is indeed what the highest moral ideal should revolve around. The Good Will, the intention to produce the good, is the highest good and the aim of morality. The autonomy of the Will is for Kant "the *subject of the moral law*" and can be called "holy."¹⁶⁶ Even though the Will needs reason in order to be good (and therefore must not be considered "the sole

¹⁶¹ Pauline Kleingeld, "Kant on 'Good', the Good, and the Duty to Promote the Highest Good," in *The Highest Good in Kant's Philosophy* ed. Thomas Höwing, 37. Boston: De Gruyter, 2016. <https://doi.org/10.1515/9783110369007-006>.

¹⁶² Kleingeld, "Kant on 'Good', the Good, and the Duty to Promote the Highest Good," 38.

¹⁶³ Kleingeld, "Kant on 'Good', the Good, and the Duty to Promote the Highest Good," 43-45.

¹⁶⁴ Kleingeld, "Kant on 'Good', the Good, and the Duty to Promote the Highest Good," 45.

¹⁶⁵ Kant, *GMS*, 49.

¹⁶⁶ Kant, *KpV*, 246.

and complete good”), Kant writes that the Will “must still be the highest good and the condition of every other”.¹⁶⁷ One’s action should therefore be guided by the promotion of the Good Will.

This thesis thus finds the highest moral ideal in the ideal to promote the ends of the Good Will. Herein lies the highest good and this should therefore be considered the highest moral ideal that prevails over simple duties. In the next section, this thesis analyzes more closely what the Good Will entails as well as contrasts it with the Evil Will. Subsequently, the next chapter develops the ideal of the Good Will as the highest moral ideal more elaborately.

3.5. The Good Will and the Evil Will

If the highest moral ideal is the promotion of the Good Will, then it is relevant to understand what the Good Will is. Firstly, it is *not* a personality trait: “good or evil is, strictly speaking, referred to actions, not to the person’s state of feeling”.¹⁶⁸ One cannot be called a Good Will in everyday life as how one could be called a good person. The world is not divided into two types of people. In fact, Kant claims that every person has a propensity to evil.¹⁶⁹ Be that as it may, this thesis is not concerned with human nature but with moral conflicts. These types of conflicts arise in particular situations where the moral agent is required to make a moral decision. In these situations, the moral agent must decide whether he aims to follow the moral law or reject it. Precisely this decision is where the distinction between the Good Will and the Evil Will lies.

Firstly, the Will in general must be explained. According to Kant, rational beings have a “faculty of desire”, that is, “a faculty to *do or to refrain from doing as one pleases*.”¹⁷⁰ On its own, “its act is called a *wish*.”¹⁷¹ If this faculty is joined with one’s consciousness, then its act is called “*choice*.”¹⁷² The Will is the “inner determining ground” of the faculty of desire.¹⁷³ In other words, the Will determines the intention towards what end one acts. Kant thus writes: “Laws proceed from the will, *maxims* from choice.”¹⁷⁴ In conclusion, ‘choice’ refers to the action and the Will refers to the determining ground for this choice. Free choice means that the choice is determined by reason. Humans can be “*affected* but not *determined* by impulses” which distinguishes them from other animals.¹⁷⁵

Put simply, the Will in general is “a capacity to determine itself to acting in conformity with the *representation of certain laws*.”¹⁷⁶ The Good Will, then, is the Will of the moral agent that has the intention to follow the moral law. Kant explains that it is the *intention* to do the good that makes his action moral: “in the case of what is to be morally good it is not enough that it *conform* with the moral law but it must also be done *for the sake of the law*”.¹⁷⁷ The

¹⁶⁷ Kant, *GMS*, 52.

¹⁶⁸ Kant, *KpV*, 188.

¹⁶⁹ Immanuel Kant, “Religion within the boundaries of mere reason,” (*RGV*) in *Religion and Rational Theology*, ed. A. W. Wood and G. di Giovanni (Cambridge: Cambridge University Press, 1996), 77.

¹⁷⁰ Kant, *MS*, 374.

¹⁷¹ Kant, *MS*, 375.

¹⁷² Kant, *MS*, 374-375.

¹⁷³ Kant, *MS*, 365.

¹⁷⁴ Kant, *MS*, 380.

¹⁷⁵ Kant, *MS*, 375.

¹⁷⁶ Kant, *GMS*, 78.

¹⁷⁷ Kant, *GMS*, 45.

Will acts from duty when “there is left for the will nothing that could determine it except objectively the *law* and subjectively *pure respect* for this practical law,” that is, not to be determined by inclination.¹⁷⁸ The intention to follow the moral law is the only thing that “could be considered good without limitation” as was quoted earlier.¹⁷⁹ Since following reason is considered as ‘free choice’, Kant accordingly connects this with the “**autonomy** of the will.”¹⁸⁰ However, if the Will is “exposed also to subjective conditions (certain incentives)” then its actions are “subjectively contingent” and therefore “not thoroughly good”.¹⁸¹ Kant refers to this as “**heteronomy**.”¹⁸²

This is, then, the reason that the Good Will is not a personality type. One’s intentions differ from time to time. Only the intention in the specific situation is relevant. Consider the trolley problem: a trolley is going to kill five people unless the moral agent diverts the track, thereby killing one person. Kleingeld rightly argues that the intentions of the moral agent are crucial.¹⁸³ If the moral agent decides to divert the track because he wants to kill the one person, then the moral agent qualifies as an Evil Will. If the moral agent decides to divert the track because he recognizes the moral conflict and decides that saving five people is the least tragic option available, then the moral agent qualifies as a Good Will. One should also note that the six people on the track could all be bad people in everyday life but are in this specific situation all Good Wills as long as they do not wish to commit suicide by getting run over by a trolley.

An Evil Will is one that does not aim to follow the moral law. Kant thus writes: “If the will seeks the law that is to determine it *anywhere else* than in the fitness of its maxims for its giving of universal law [...] *heteronomy* always results.”¹⁸⁴ Since moral actions are found in the autonomy of the Will, immoral actions must be found in heteronomy. Indeed, Kant envisions “evil will as a member of the world of sense” in contrast to a Good Will that is “a member of the world of understanding”.¹⁸⁵ The world of sense refers to the inclinations; in other words, the Evil Will is determined by the inclinations that the sensible world presents. According to Kant, even the “most hardened scoundrel” is “cognizant” of the moral law “even while he transgresses it.”¹⁸⁶

A possible objection to this thesis is to assert that it is impossible for humans to know their intentions and therefore it would not be possible to assign the Good Will or Evil Will to a person. With regards to the intentions of oneself, it is less complicated. One must not necessarily *know* one’s intentions but rather one must *do one’s best to be honest with oneself*. This is where the conscience comes into play: it is not about *knowledge* but about *truthfulness*. What’s more, Kant considers it to be a duty to oneself to self-examine one’s moral intentions.¹⁸⁷ This also ties in nicely with the infallibility of the conscience that is discussed earlier. With regards to the intentions of others, it is a bit more problematic. There are different types of Evil Wills, as Kant explains in *Religion within the boundaries of pure*

¹⁷⁸ Kant, *GMS*, 55-56.

¹⁷⁹ Kant, *GMS*, 49.

¹⁸⁰ Kant, *GMS*, 83.

¹⁸¹ Kant, *GMS*, 66.

¹⁸² Kant, *GMS*, 83.

¹⁸³ Pauline Kleingeld, “A Kantian Solution to the Trolley Problem,” *Oxford Studies in Normative Ethics* 10 (2020): 3-4. <https://doi.org/10.1093/oso/9780198867944.003.0010>.

¹⁸⁴ Kant, *GMS*, 89.

¹⁸⁵ Kant, *GMS*, 101.

¹⁸⁶ Kant, *GMS*, 101.

¹⁸⁷ Kant, *MS*, 562.

reason. But Kant's discussion is too broadly scoped for the sake of this thesis. Instead, this thesis limits the conception of an Evil Will to the intention to reject the moral law in a specific situation. Kant accordingly writes: "if I deviate from the principle of duty this is quite certainly evil".¹⁸⁸ If, for example, an overall good person decides to commit suicide, then in that specific situation the person is an Evil Will. This is not a condemnation of the person, but rather an objective evaluation of the situation. This person wishes himself ill and aims to violate his duty towards himself to not commit suicide.

Perhaps the reader by now starts to understand what this discussion means for the mediation of moral conflicts. If someone is standing on top of a bridge and intends to commit suicide, the moral agent is obligated to prevent this from happening because the moral agent has the Good Will that expresses the intention to follow his duty to preserve life of himself and others. The ends of the Evil Will must be stopped in favor of the ends of the Good Will. Coercion, a violation of a perfect duty, is warranted in order to save someone, an imperfect duty.

This chapter has suggested that imperfect duties must be able to prevail over perfect duties in some situations. The guidelines for resolving moral conflicts, this thesis argues, lie in the distinction between the Good Will and the Evil Will. The Good Will is the highest moral ideal of Kantian ethics and should guide the moral agent in both everyday life and moral conflicts. In the next chapter, this ideal is explained more elaborately. The chapter is divided into three sections. The perfect world discusses moral situations with only Good Wills, the imperfect world as Evil discusses moral situations with an Evil Will present, and the imperfect world as Tragedy discusses tragic situations. The next chapter aims to clarify in which situations there are morally obligatory actions and in which situations there are morally permissible actions. It is now that this paper delves into the concrete and practical side of morality.

4. The Good Will as the highest moral ideal

4.1. The perfect world

By *the perfect world*, this is referring to the situation where there are no moral conflicts. A perfect world has clear-cut answers and there exists no ambiguity. Neither moral residue nor moral dilemmas are present and the moral agent can feel at ease. This sort of situation, the perfect world, is only possible in a situation where there are only Good Wills. In other words, the perfect world arises when all moral agents involved in the situation intend to follow the moral law. A situation where there are only Good Wills, Kant calls a 'moral world': "I call the world as it would be if it were in conformity with all moral laws (as it **can** be in accordance with the **freedom** of rational beings and **should** be in accordance with the necessary laws of **morality**) a **moral world**."¹⁸⁹ Although the two terms are closely linked, the moral world is not the same as the perfect world, since the perfect world is concerned with the question of whether there are moral conflicts and not necessarily whether all agents are well-meaning. Having said that, the perfect world can exist in a moral world but it could also exist in an

¹⁸⁸ Kant, *GMS*, 57.

¹⁸⁹ Kant, *KrV*, 678.

amoral world, that is a situation where there are no moral agents involved. The amoral world does not further concern this thesis.

What also must be noted is that the term 'world' does not refer to an ontological universe or any such thing. This thesis previously explained that the Good Will arises only in specific moral situations and that it is not a characteristic or personality type of a person. The same applies to 'world'. It refers to the specific moral situation and can change just as easily as the nature of the agent's Will can change. For example, if John is eating an apple because he is dying of hunger, the situation can be called a part of the perfect world because there are no moral conflicts; John is making sure that he survives and is therefore a Good Will. But if John then realizes that the apple is actually the property of someone else, there arises a moral conflict and we are plunged into the depths of the imperfect world—which will be discussed in the next section.

Before discussing the imperfect world, there are still some points to be made about the perfect world. In moral situations concerning only perfect duties and Good Wills, it is always a perfect world: if all moral agents involved qualify as a Good Will and follow their perfect duties, no conflict can arise. Perfect duties are negative in the sense that they demand refraining from actions. Good Wills in general must be capable of coexisting without conflict. This is exactly what the Formula of Universal Law is supposed to accomplish: "*I ought never to act except in such a way that I could also will that my maxim should become a universal law.*"¹⁹⁰ This formula of the Categorical Imperative demands that the maxims of moral agents can be universal which implies that it is possible that the duty is harmonious with the ends of other Good Wills. Similarly, the Formula of Humanity states: "*So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.*"¹⁹¹ In other words, the moral agent has to take into account the ends of other moral agents. Thus, again, the duty of the moral agent is supposed to be harmonious with the ends of other moral agents.

The probability of an actual perfect world is slim, however, because of two reasons. Firstly, Evil Wills exist and Good Wills can easily change into Evil Wills. Once there is an Evil Will involved (that is, an agent that is purposely deviating from the moral law), a conflict necessarily arises. This is the imperfect world as Evil, which will be discussed in the next section.

Secondly, conflicts between Good Wills are actually possible in the practical world. The earth is scarce and human beings are finite beings. As a result, imperfect duties often come into conflict with each other even if there is no Evil Will involved. For example, if two people are drowning and the moral agent can only physically rescue one of them, this is a conflict with only Good Wills involved. All moral agents involved intend to follow the moral law, but the limitations of the human being cause the conflict between the two imperfect duties of rescuing person A and rescuing person B. This is the imperfect world as Tragedy, which will be discussed in the last section of this chapter.

In conclusion, the perfect world is definitely possible but not always probable. Evil Wills exist and even if they did not, conflicts would still arise between Good Wills. The Good Will as the highest moral ideal is relevant exactly for the purposes of dealing with the imperfect world as a moral agent. In the remainder of this chapter, this will be made more concrete and practical.

¹⁹⁰ Kant, *GMS*, 57.

¹⁹¹ Kant, *GMS*, 80.

4.2. The imperfect world as Evil

The imperfect world as Evil arises when an Evil Will is present in a particular situation. That is, a Will has decided to act in contradiction with the moral law. In such a situation, the moral agent finds himself in a moral conflict. For example, if the murderer comes to your door and asks where your friend is in order to murder him, the murderer clearly qualifies as an Evil Will. For the moral agent, two grounds of duties conflict: the duty towards one's friend to help him survive and the duty towards the murderer to be truthful. The former duty is toward one's friend whose end is to survive which is in harmony with the moral law: one's friend qualifies as a Good Will. The latter duty, on the other hand, is towards a murderer whose end is to murder which is in contradiction with the moral law: the murderer qualifies as an Evil Will. This thesis has established earlier that the moral agent must promote the highest good, which is the Good Will. Therefore, helping one's friend in this situation is a morally obligatory action. The action is morally obligatory because if the moral agent fails to fulfill the action, Evil is promoted by the harm against the Good Will.

The Evil Will can also be directed against oneself. In other words, it is very well possible that a moral agent violates a duty towards himself. This is, then, also the presence of an Evil Will. For example, if someone is standing on a bridge with the intention of committing suicide, this person qualifies as an Evil Will. If the moral agent witnesses this and is able to prevent the suicide from happening, there is a moral conflict. On the one hand, it is a great violation of duty to coerce someone. On the other hand, the moral agent also has the duty to preserve the lives of rational beings. Again, the supplement of this thesis explains what the moral agent should do: promote the ends of the Good Will, which is to survive. Therefore, the moral agent is morally obligated to prevent the suicide from happening.

In the two examples above, coercion and deception are allowed even though "coercion and deception are the most fundamental forms of wrongdoing to others" according to Korsgaard.¹⁹² And in both examples, coercion and deception (violations of perfect duties) are being triumphed by an imperfect duty (helping others survive). This is in line with Kant's own judgements on moral conflicts. Deception, in cases of Evil Wills, is permitted for Kant: "But as men are malicious, it cannot be denied that to be punctiliously truthful is often dangerous... if I cannot save myself by maintaining silence, then my lie is a weapon of defense."¹⁹³

Even though the actions are morally obligatory in cases of an imperfect world as Evil, there is still playroom for the moral agent as to how one precisely deals with Evil. For example, if the murderer comes to your door and asks you where your friend is that he intends to murder, you could also stay silent or shut the door. Not all actions should be allowed when lesser transgressions suffice in stopping Evil. If the murderer comes to your door, immediately shooting him would be too extreme. But it is not at all clear where the line should be drawn, because sometimes shooting him would be allowed. For example, if the murderer is about to shoot your friend and the only way you can prevent this from happening is to shoot the murderer, then this is probably allowed. But perhaps you could shoot at the hand of the murderer in order to prevent the murder. These considerations cannot be solved theoretically. Instead, the 'agent-related character' decides in the moment what is the best way to act. The only gatekeeper in this conflict is the conscience which decides whether one was genuine in one's intention to promote the Good Will.

¹⁹² Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 9.

¹⁹³ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 14.

This supplement to the Kantian moral judgement contributes in various ways. In the Kantian accounts discussed earlier, there is the problem that the moral conflict is often not acknowledged because the Categorical Imperative produces only one obligation. In the account of this thesis, moral conflicts are acknowledged and ultimately mediated. Furthermore, other Kantian accounts interpret actions dealing with Evil as exceptions and there is the problem of using the formalistic rule to justify ingenuine actions. In the account of this thesis, however, dealing with Evil is not a matter of making exceptions but instead an integral part of the theory. Instead of relying on a formalistic rule, this account relies on the conscience which is infallible. Lastly, perfect duties are conventionally understood as superior to imperfect duties which results in problematic situations. With the supplement of this thesis, the deliberation between the various duties is streamlined according to a coherent ideal.

The imperfect world as Evil is thus quite unproblematic. As long as one aims to promote the ends of the Good Will, one can be reassured to be acting morally oneself. This is very different in the case of the imperfect world as Tragedy, where the line between morally obligatory actions and morally permissible actions becomes more relevant and thereby also more contested. This will be further explored in the next section.

4.3. The imperfect world as Tragedy

In a perfect world, there are no moral conflicts. This can either be established in a situation with no moral agents involved (a-moral world) or in a situation with only Good Wills. However, a situation with only Good Wills does not necessarily lead to the perfect world. In practice, it is often the case that Good Wills do in fact conflict. For example, if two people are drowning and the moral agent can only physically rescue one, then there is a conflict between two Good Wills. This kind of situation is called: the imperfect world as Tragedy. Unlike the imperfect world as Evil, there are situations where an action is morally obligatory and situations where an action is morally permissible.

In the majority of cases, when a situation is a Tragedy, the action is morally permissible. For example, if person A and person B are drowning and the moral agent can rescue only one, then it is morally permissible to rescue either person A or person B. Both actions are grounded on the promotion of the Good Will and are therefore equal to each other. How, then, should a moral agent decide between person A and person B? This is where one's 'agent-related character' is expressed. The moral agent must find a reason to favor rescuing the one over the other, but this must be done with a good conscience. That is, the moral agent must examine himself whether he really tried to promote the highest Good instead of following his selfish inclinations.

Another instance of permissible actions is in acts of heroism. For example, if there has been a shipwreck and you decide to rescue as many people as possible but you lose your life in the process, you have acted heroically. In this situation, there is a conflict between the imperfect duty towards others to rescue them and a perfect duty towards oneself to not kill oneself. Both duties are towards Good Wills which is why this is a case of Tragedy. This situation is the same as in the previous paragraph in the sense that it is morally permissible to either rescue others or not kill oneself. However, it must be noted that this situation is a matter of heroism because it refers to the self-sacrifice of oneself for the sake of the fulfilment of the duty towards others. On heroism, Helga Varden notes that for

Kant: "Being a hero is not something anyone can be legally or ethically required to do."¹⁹⁴ Thus, it lies in the 'agent-related character' of the moral agent to decide to perform such a sacrifice or not.

So far, it appears that the imperfect world as Tragedy allows for a lot of playroom. Indeed, the actions so far considered are morally permissible. But there is also a situation where an action is morally obligatory despite the Tragedy of it. Consider again the example of the shipwreck, but this time the moral agent is one of the survivors and is at the moment drowning. If someone is holding on to a plank and the only way for the moral agent to survive is to push the other person off the plank, then this is again a case of Tragedy. All rational agents involved intend to survive and are therefore a Good Will. However, the other person on the plank is already surviving and pushing him off the plank would be equal to killing him. If the moral agent decides to push the other person, then he would become an Evil Will. Since the supplement of this thesis states that the Good Will is the highest moral ideal, this action (of an Evil Will) is impermissible. The action not to push the other person is thus morally obligatory despite the Tragedy of it.

Whereas previous accounts of Kantian ethics could often not adequately explain the phenomenon of moral residue, this thesis can by acknowledging the imperfect world as Tragedy. The duty towards person A does not vanish if the moral agent decides to fulfill his duty towards person B instead. This is exactly why the situation is called a Tragedy: one is unable to fulfill all one's duties because of one's limited being. Furthermore, this thesis explains how some actions are morally obligatory and some actions are morally permissible—thereby solidifying O'Neill's remark on the 'agent-related character'. In order to be reassured that one is acting morally, one should not rely on a formalistic principle that can be molded and reshaped; rather, one should look inwards and listen to one's conscience. Indeed, the conscience is the gatekeeper of morality. It judges whether one genuinely intends to promote the Good Will.

5. Conclusion

5.1. A guide for moral agents

In this thesis, it is shown how problems arise in previous Kantian accounts of moral judgement. The Categorical Imperative is used by these Kantians in order to deliberate on acting in specific situations. However, the Categorical Imperative can be abused by means of manipulating the maxims to which the moral agent applies the Categorical Imperative. Moreover, the Categorical Imperative can produce only one duty, which means that all the other duties 'vanish'. Moral residue, then, can never exist. In some Kantian accounts, the conflict between duties is acknowledged but they do not go any further than stating that perfect duties prevail over imperfect duties. What the precise distinction is between the two types of duties, however, is still ambiguous.

This thesis identifies the problems mentioned above and provides an account of Kantian ethics of its own. In this interpretation, the Categorical Imperative is thought as a principle that produces duties in general. These duties, however, are not balanced against

¹⁹⁴ Varden, "Kant and Lying to the Murderer at the Door . . . One More Time: Kant's Legal Philosophy and Lies to Murderers and Nazis," 417.

each other in the usage of the Categorical Imperative. This is a task for the moral agent. Because of this, multiple duties can exist in a specific situation and therefore moral residue can be adequately explained. The weighing of duties against each other is not determined by the distinction between perfect duties and imperfect duties. Instead, the moral agent must decide for himself what the right course of action is. The only guideline is that the moral agent must keep in mind what his ultimate goal is, that is the moral agent must realize that morality is in service of the highest Good: the Good Will. The Good is hindered by the presence of Evil and by the presence of Tragedy. This thesis also explains how some actions are morally obligatory and other actions are morally permissible. Ultimately, the moral agent must not rely on a formalistic principle since this can easily be manipulated for selfish reasons. The conscience, on the other hand, is infallible and one must therefore always listen to it. In every moral conflict, one can find solace not by knowing that one did the right action, but by knowing that one had genuinely moral motivations to act rightly.

Initially, this thesis discussed the criticisms of the Categorical Imperative; some objected that it was too abstract and too formalistic. Is this supplement to Kantian ethics resistant to such an objection? It seems that it is, considering the fact that one can always point toward a concrete Good Will in a given situation. Furthermore, the prominent role of the conscience is supposed to be the safeguard of the *peculiar talent* that humans possess in order to perform a particular act. For Kant, there is no structural method for determining one's actions and so it is futile to search for one. There is only the highest ideal (i.e., the Good Will) to guide us.

In conclusion, this thesis provides guidelines but lets the moral agent free to deliberate on his own. The 'agent-related character' is expressed in moral decision-making. Furthermore, the problem of Evil is also tackled. One is not only authorized to stop Evil but is actually obligated to do so. Combating Evil is not allowed by means of making an exception; rather, combating Evil is an integral part of morality.

My bachelor's thesis ended with two questions that remained open for further research: *What is the role of the Categorical Imperative in moral judgement?* and *How can conflicting grounds of duties be balanced against each other according to a staunch Kantian moral ideal?* In my bachelor's thesis, I promised that I would answer these questions in my master's thesis. My answer is that the promotion of the Good Will is the highest moral ideal. I have hereby fulfilled this promise.

5.2. The vicinity of the perfect world

Although the research question of this thesis is now answered, there still remains a question left unanswered. This question is not so much a theoretical question more than a question of hope. No real definitive answers can be given and Kant himself did not pretend that a definitive answer was possible. Now that this thesis has explained how a moral agent should deal with the imperfect world, the remaining question is: *Will humanity ever reach the perfect world?*

The disappearance of the imperfect world as Evil would entail the destruction of all Evil Wills. The complete destruction of the Evil Will is impossible, because a Will must be able to freely choose either the Good or the Evil. Without this free choice, the Good Will would not be Good either. It is however a possibility that all Wills always choose the Good and that the Evil Will is then not destroyed forever but it is absent from the situation. The probability of this, however, is slim because humans are limited beings and there will always

be times that our inclinations prevail over our autonomy: “out of such crooked wood as the human being is made, nothing entirely straight can be fabricated.”¹⁹⁵ Be that as it may, Kant still views it as a possibility, because humans are aware of their freedom and: “once [the human] had had a taste of this state of freedom it was impossible for him to return to the state of servitude (under the rule of instinct).”¹⁹⁶ This is thus the answer by Kant to the question of what we can hope for: the realization of the perfect world.

The disappearance of the imperfect world as Tragedy instead would entail the destruction of the limits of our being and the world. When two people drown and the moral agent can physically rescue only one, then this is not a problem of Evil. It is a problem of Tragedy. Kant puts his faith in God that the perfect world will be realized as a consequence of our actions, despite the apparent Tragedy that occurs.¹⁹⁷ If the moral agent finds himself in a shipwreck and realizes that he can only survive by pushing someone off a plank, then the moral agent must refrain from doing that and have faith that he will somehow survive with the help of God.

In the end, Kant asks us to be grateful despite all hardships: “the following is of the greatest importance: to be content with providence (even though it has laid such a toilsome path for us in our earthly world), in part so that one can still take heart in the face of such labors, and in part in order to not, by placing the blame on fate, lose sight of our own fault, which may perhaps be the only cause of all these ills, and fail to seek help against them in self-improvement.”¹⁹⁸ Even though the perfect world might not be in the vicinity, humans are progressing towards it step by step. As a small part of this big unraveling, one must focus on one’s own moral conduct and strive for the promotion of the Good Will—hoping that it will suffice and being grateful that one has already come so far.

List of abbreviations

EF — Toward Perpetual Peace
 GMS — Groundwork of the Metaphysics of Morals
 IAG — Idea for a Universal History with a Cosmopolitan Aim
 KpV — Critique of Practical Reason
 KrV — Critique of Pure Reason
 KU — Critique of the Power of Judgment
 MAM — Conjectural Beginning of Human History
 MPC — Moral Philosophy: Collins’s Lecture Notes
 MS — The Metaphysics of Morals
 RGV — Religion within the boundaries of pure reason
 TP — On the Common Saying

¹⁹⁵ Immanuel Kant, “Idea for a Universal History with a Cosmopolitan Aim (1784),” (*IAG*) in *Anthropology, History, and Education*, ed. Robert B. Louden and Günter Zöllner (Cambridge: Cambridge University Press, 2007), 113.

¹⁹⁶ Immanuel Kant, “Conjectural Beginning of Human History” (*MAM*) in *Anthropology, History, and Education*, ed. Robert B. Louden and Günter Zöllner (Cambridge: Cambridge University Press, 2007), 27.

¹⁹⁷ Korsgaard, “The Right to Lie: Kant on Dealing with Evil,” 20.

¹⁹⁸ Kant, *MAM*, 34.

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