On Kantian Obligatory Ends and Their Maxims of Actions

[Kant sobre Fins Obrigatórios e suas Máximas de Ação]

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Abstract

In the Doctrine of Virtue, Kant introduces the concept of an end that is also a duty and explains that these obligatory ends prescribe maxims of actions rather than actions themselves. A common view in the literature is that these maxims of actions are *promotional* in nature. In this paper, I work from the logic of ends to defend the view that each obligatory end prescribes multiple maxims of actions: the familiar positive, promotional maxim of actions, but also a negative, non-diminishing maxim of actions, epistemic maxims of actions, and dispositional maxims of actions. The account of obligatory ends I present is consistent with what Kant writes in the Doctrine of Virtue, but also develops the concept in ways that Kant did not, at least not explicitly.
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In the Doctrine of Virtue, Kant introduces his reader to the concept of an end that is also a duty. All ends are objects of free choice that determine agents to action, however, an end that is also a duty is "an end of pure reason which it represents as an end that is also objectively necessary, that is, an end that, as far as human beings are concerned, it is a duty to have" (*MS*, AA 06: 380).[2] Because ethical duties involve ends, these duties, unlike juridical ones, are subject only to internal, self-constraint. While it is possible for others to constrain me to perform actions that are a means to some end, no one can coerce me to adopt an end (*MS*, AA 06: 381). The concept of an end that is also a duty is one of Kant's truly novel contributions to normative ethical theory. And while it can no longer be described as a neglected subject, in this paper, I argue that Kant's concept of an obligatory end has depth that has not yet been appreciated.

One of the distinguishing features of ends that are also duties is that they prescribe *maxims of actions* rather than actions themselves (*MS*, AA 06: 388-9). A common view in the secondary literature, including my own contributions, is that these maxims of actions are *promotional* in nature.[3] This is to say that obligatory ends prescribe maxims that tell us to promote the end, which is how we come to have wide or imperfect duties like beneficence. Some authors go so far as to conflate the obligatory end with its promotion, as when Nelson Potter attributes to Kant the view that "we have helping others as an end which is at the same time a duty" (Potter, 1985, p. 84).

The position I defend in this paper is that this account is incomplete. In section one, I consider what it means to have an end, defending the position that adopting an end changes what counts as a reason for action for the agent who holds that end. Specifically, having an end gives us reason to perform actions that promote the end, but also equally rationally compelling reasons to refrain from actions that are inconsistent with the end. In section two, I apply this account of what it means to have an end to obligatory ends. Focusing on the obligatory end *others' happiness*, I argue that this morally necessary end prescribes four types of maxims of actions: promotional, non-diminishing, epistemic, and dispositional. Sometimes we have a clear picture of how our actions will impact others, but this is not always the case. Sometimes we cause harm when we are intending to benefit or show respect. I use microaggressions to illustrate this phenomenon and make the case that obligatory ends also prescribe *epistemic* maxims of action that direct us to increase our understanding of how our actions, including our speech, impact others.

I take myself to be offering an account of obligatory ends that is fully consistent with what Kant writes in the Doctrine of Virtue, but also develops the concept in ways that Kant did not, at least not explicitly. My analysis of obligatory ends and the maxims of actions they prescribe demonstrates that our moral obligation to others is richer than the Doctrine of Virtue suggests. In addition to the wide, imperfect duty of beneficence, Kant's ethics also includes a wide, imperfect duty of *nonmaleficence*. By showing that obligatory ends do more than generate moral reason to promote the end, I create space for obligatory ends to do the sort of work that Julia Driver maintains we need the category of the suberogatory to do. In section three, I turn my attention to Driver's argument that the suberogatory is a useful and important deontic category insofar as it captures certain moral intuitions. I demonstrate that appreciating the variety of the maxims of actions obligatory ends prescribe enables us to see that the Kantian doctrine of obligatory ends not only captures these moral intuitions, it can also explain them.

Acknowledging that making *others' happiness* one's end entails adopting both a maxim of beneficence and a maxim of nonmaleficence introduces new questions. In section four, I explore whether the wide, imperfect duty of nonmaleficence permits the same kind of latitude

2 All quotations from Kant's work are taken from Immanuel Kant, *Practical Philosophy*, ed. and trans. Mary Gregor (Cambridge University Press, 1996). I abbreviate *Groundwork of the Metaphysics of Morals* as GMS and *The Metaphysics of Morals* as *MS*. Volume and page numbers refer to *Kants gesammelte Schriften*.

3 See Gregor (1963), O'Neill (1989), Hill (1992), Allison (1993), Baron and Fahmy (2009), Fahmy (2010), Stohr (2011), Edwards (2017), and Sticker and van Ackerman (2018).

Kant attributes to the duty of beneficence, as well as the relationship between nonmaleficence and the duty of gratitude. Though I do not endeavor to provide complete answers to these questions, I hope to demonstrate that we require answers to these questions if we are to fully appreciate Kant's doctrine of ends that are also duties.

1. The Logic of Ends

What does it mean to have an end? Regarding ends in general, Kant explains that

> An end is an *object* of free choice, the representation of which determines it to an action (by which the object is brought about). Every action, therefore, has its end; and since no one can have an end without *himself* making the object of his choice into an end, to have any end of action whatsoever is an act of *freedom* on the part of the acting subject, not an effect of *nature*. (MS, AA 06: 384-5)

Ends are fundamentally connected to action and willing. To have an end is to be committed to bringing the end about. This may be seen more clearly when ends are contrasted with mere wishes. In the introduction to the Doctrine of Virtue, Kant contrasts wishing with choosing. He writes,

> The faculty of desire in accordance with concepts, insofar as the ground determining it to action lies within itself and not in its object, is called a faculty to *do or refrain from doing as one pleases*. Insofar as it is joined with one's consciousness of the ability to bring about its object by one's action it is called *choice*; if it is not joined with this consciousness its act is called a *wish* (MS, AA 06: 213).

While a wish, like an end, is an object of desire, the representation of it does not determine one to action. In explicating our duties of love to others Kant contrasts "...benevolence in *wishes*, which is, strictly speaking, only taking delight in the well-being of every other and does not require me to contribute to it," with what he calls "active practical benevolence...making the well-being and happiness of others my *end*" (MS, AA 06: 452; cf. MS, AA 06: 452). And when describing the importance of moral cognition of oneself, Kant warns against taking mere wishes as proof of good heart, for "wishes...however ardent, always remain empty of deeds" (MS, AA 06: 441).

Wishes are "empty of deeds," whereas ends "determine one to action". Because ends are so connected to action, adopting an end as one's own places new rational constraints on our willing. When we make something our end, we commit ourselves to constructing and pursuing a plan to achieve the end. If we fail to do this, we are either behaving irrationally (though not necessarily immorally) or we have confused an end with a mere wish. The rational constraint imposed by ends is captured in what has become known as the hypothetical imperative. As Kant describes it,

> Whoever wills the end also wills (insofar as reason has decisive influence on his actions) the indispensably necessary means to it that are within his power. This proposition is, as regards the volition, analytic; for in the volition of an object as my effect, my causality as acting cause, that is, the use of means, is already thought, and the imperative extracts the concept of actions necessary to this end merely from the concept of a volition of this end... (G, AA 04: 417)

The hypothetical imperative describes one way we might behave irrationally vis-à-vis our own ends, namely if we adopt an end but then refuse to execute the "indispensably necessary means" to that end that are within our power. There are other ways we might behave irrationally vis-à-vis our own ends.

Consider a negative inverse of the hypothetical imperative: whoever wills the end must

refrain from willing that which would make the end impossible to achieve. If it is my end to attend an event in Los Angeles at 6pm on the 14th of the month, it would be irrational to make plans to attend an event in New York at the same time on the same day. Adopting an end rationally constrains the sort of ends I may adopt in the future. I behave irrationally if I adopt an end that would make it impossible to achieve another end I currently hold.

Ends also create reasons for action in less extreme ways, that is, when the actions available to us are neither indispensably necessary nor fundamentally incompatible with some other end. Very simply, if something is your end, then you have reason to perform those actions that are within your power and conducive to achieving or securing your end. Ends change what counts as a reason for action. Insofar as attending a popular concert is not one of my ends, I do not have reason to stay awake until midnight in order to attempt to purchase tickets when they go on sale. But if attending the concert is your end, then you have reason to do this, though not necessarily decisive reason if there are other means available to you for attending the concert. Insofar as an action is not necessary for an end, reason to perform the action will not be rationally decisive.

One point I want to highlight is that having an end gives you reason to *refrain* from doing things that will hinder or undermine your success at achieving or securing the end, and these reasons are *as rationally compelling* as are reasons to perform actions that are means to your end. For example, if my end is to achieve a personal best time in an upcoming race, I have reason to train, but also reason to avoid over-training, which may cause injury and make my participation in the race impossible. Likewise, my end gives me reason to consume certain kinds of food and drink (e.g. water), but also reason to avoid consuming others (e.g. alcohol). When it comes to the rational pursuit of ends, what we refrain from doing can be as important as what we do. And what is true for ends in general – the rational constraints they impose and how they determine what counts as a reason for action – is equally true for obligatory ends.

2. Obligatory Ends and Their Maxims of Actions

By the time Kant wrote the *Metaphysics of Morals*, he was convinced that there must be ends that are at the same time duties. For, he reasons, “were there no such ends, then all ends would hold for practical reason only as a means to other ends; and since there can be no action without an end, a *categorical* imperative would be impossible” (*MS*, AA 06: 385).[4] An end that is also a duty is “an end of pure reason which it represents as an end that is also objectively necessary” (*MS*, AA 06: 380). In answer to the question *What are the ends that are also duties?* Kant replies: “They are *one’s own perfection* and *the happiness of others*” (*MS*, AA 06: 385). It is beyond the scope of this paper to investigate why Kant selected these particular ends, whether he was justified in doing so, or whether there are additional ends that are also duties that Kant failed to mention.[5] My interest is limited to determining what maxims of actions Kant’s obligatory ends *would prescribe* if they truly were ends human beings are morally obligated to adopt as their own.

In the previous section, I concluded that what is true for ends in general - the rational constraints they impose and how they determine what counts as a reason for action - is equally true for obligatory ends. Before considering the maxims of actions prescribed by obligatory ends, it is worth noting that there are some important differences between discretionary ends and obligatory ends. First, while we may abandon a discretionary end simply because we no

4 For critical discussion of Kant’s argument for obligatory ends see Potter 1985, Allison 1993, and Herman 2007.

5 Later in the Doctrine of Virtue, Kant writes “But since ethical obligation to ends, *of which there can be several*, is only wide obligation…there are many different duties, corresponding to the different ends prescribed by the law” (*MS*, AA 06: 395, emphasis mine). For an account of why one’s own perfection and others’ happiness are ends that are at the same time duties, see Herman 2007.

longer care about it or because its pursuit is too onerous or incompatible with an end we value more, we are not at liberty to abandon obligatory ends. To do so would be a moral failing. And second, obligatory ends are not ends that can be achieved once and for all, like my end of achieving a personal best time in an upcoming race or visiting the pyramids in Egypt. Rather, obligatory ends are ends that we will have for the entirety of our lives. In this respect, obligatory ends are more like *one's own happiness* than many of the discretionary ends we hold for a limited amount of time before we achieve or abandon them.[6]

As I noted at the beginning of the paper, obligatory ends and their corresponding duties of virtue are distinguished from other types of duties by their distinctive form of lawgiving. According to Kant, whereas juridical duties give laws for *actions*, ethics, by contrast, gives laws only for *maxims of actions* (*MS*, AA 06: 388). The type of maxim of actions most widely acknowledged in the secondary literature is a direct, positive, promotional maxim. The reason for this is straightforward; these are the sort of maxims of actions we find articulated in the Doctrine of Virtue. We are informed that one's own perfection prescribes the maxim "Cultivate your powers of mind and body so that they are fit to realize any ends you might encounter…" (*MS*, AA 06: 392), as well as the maxim "…strive with all one's might that the thought of duty for its own sake is the sufficient incentive of every action conforming to duty." (*MS*, AA 06: 393).

The other-regarding obligatory, *others' happiness*, is most commonly associated with the duty of beneficence, which is explicitly promotional in nature. "To be beneficent," Kant tells us, "[is] to promote according to one's means the happiness of others in need, without hoping for something in return" (*MS*, AA 06: 453).[7] Thomas Hill understands the principle of beneficence to mean "the general duty to promote the happiness of others, or (more strictly) to make the happiness of others an end of ours by adopting the maxim to promote that end" (Hill, 2002, p. 207 fn18). According to Hill,

> Although…the principle of beneficence requires serious commitment, still the only universal act principle, applicable to all circumstances, that we can infer from this has the basic form of a wide duty: 'Sometimes, to some significant extent, promote the permissible ends of others'" (*Hill*, 2002, p. 206-7).

This type of positive, promotional maxim of action is frequently taken to be exhaustive of the moral obligation that flows from an obligatory end. In contrast, I propose that if we think through what it means to have an end and apply this to obligatory ends, we will arrive at the conclusion that obligatory ends prescribe more than the promotional maxims of actions that Kant explicitly articulates.

In the previous section, I argued that adopting an end gives one reason to perform actions that are means to the end, as well as *equally rationally compelling* reasons to refrain from doing things that impede or undermine the pursuit of the end. Following this logic, I maintain that obligatory ends prescribe negative, non-diminishing maxims of actions in addition to the familiar positive, promotional ones.[8] While I believe this holds true for all obligatory ends, for the remainder of the paper I will focus exclusively on *others' happiness*. It is perhaps easier to see that the end of moral perfection includes both positive and negative maxims of action. In order to fulfill all of our duties we must do what is obligatory, as well as refrain from what is forbidden. It is less obvious to see why others' happiness also prescribes a negative maxim of actions.

Whereas the positive maxim of action commands agents to promote the happiness of others, the negative maxim commands agents to refrain from doing things that will diminish

6 I acknowledge that it is possible to hold a discretionary end for the entirety of one's life. I thank Martin Sticker for calling my attention to this.

7 See also *MS*, AA 06: 388, 06: 393.

8 Kant maintains that duties of virtue can be both positive and negative – duties of commission and duties of omission (*MS*, AA 06: 419).

others' happiness. If others' happiness is our end, and a morally obligatory one at that, then we have moral reason to avoid doing things that will cause unhappiness *even when doing such things would not be morally impermissible*. A couple points of clarification are in order before considering some examples. First, I am arguing that the obligatory end gives us moral reason to refrain from doing things we anticipate will be detrimental to the happiness and well-being of others, and that these reasons are *as rationally compelling* as the reasons the obligatory end gives us to promote the happiness of others. In many situations, these moral reasons will not be decisive by themselves owing to the wide and imperfect nature of duties of virtue.[9] Knowing that if I win a race my competitors will be disappointed will typically not be, by itself, a compelling reason to deliberately slow my pace. My happiness and well-being also matter, and deliberately slowing my pace would undermine the integrity of the competition. And second, I want to acknowledge that many things that diminish the happiness of others are impermissible for reasons that have little or nothing to do with this psychological consequence. Here I have in mind conduct such as lying, stealing, and assault. I am not interested in these types of action. Acknowledging the impact on others' happiness does not add anything very important in cases where the action is impermissible.

The set of actions I do want to consider are those that diminish others' happiness but are not prohibited by strict or perfect duty. I am arguing that the obligatory end gives us moral reason (though not necessarily decisive reason) to refrain from performing these actions. To take an example, imagine that you have plans to build an extension to your home. You take care to obtain the appropriate permits before you begin construction and to ensure that your construction plans are up to code and will not damage underground electrical lines. Your plans are perfectly legal and within your rights as a property owner. However, at some point, you come to realize that the new addition to your home will ruin the view from your neighbor's window. Instead of looking out onto a natural vista while washing the dishes or eating breakfast, once your construction is complete, your neighbor will see only the broad side to this new addition to your home. I am arguing that the obligatory end gives you some moral reason to abandon or revise your project. This reason by itself is not decisive. Like opportunities for beneficence, this will be an occasion for the exercise of moral judgment.

The set of actions that diminish others' happiness but are not prohibited by strict duty is large and diverse. Whether someone else's behavior causes you distress may have as much to do with you - your character and temperament - as it does with the offending behavior. If you suffer from the vice of envy, then another's success will diminish your happiness. If you suffer from the vice of impatience, then someone doing something at a perfectly reasonable pace may upset you. My purpose in this paper is to establish that obligatory ends prescribe at least four kinds of maxims of actions: promotional, non-diminishing, epistemic, and dispositional. To this end, it will be helpful to think about two broad categories of behaviors that typically diminish happiness or well-being.

The first category is *thoughtless behavior*, actions that *thoughtlessly* cause hurt or inconvenience to others. Consider one of Julia Driver's examples of a morally charged situation: mowing one's lawn early on a Sunday morning. Making a lot of noise seems like a good example with which to begin. It is both simple and familiar, and we have all likely been on both sides - the offender and the offended - at some point in our lives. Others' noise can make it difficult to sleep, read, think, or have a conversation, which in turn will cause frustration and irritation. I suspect it is rarely the case that noise-makers are maliciously motivated. Rather, insofar as they err, they do so by pursuing their own ends (mowing the lawn, throwing a party, learning to play the trumpet) with too little thought given to how their actions impact others.

Another way we might thoughtlessly diminish the happiness of others is through

9 Moral reasons to promote the happiness of particular others in particular ways will often not be decisive either. See Fahmy 2019.

emotional contagion: "the tendency to automatically mimic and synchronize expressions, vocalizations, postures, and movements with those of another person's and, consequently, to converge emotionally" (*Hatfield*, et. al 1993, p. 96). As Kant himself observed, as a species, we have a natural receptivity to share in the feelings of others (*MS*, AA 06: 456-7). Complaining or expressing pessimistic thoughts will likely have a negative impact on those in your proximity. Other forms of inconsiderate behavior might include arriving late to an appointment or performance and failing to acknowledge and appreciate others' contributions to a collective endeavor. Insofar as the happiness of others is our end, I am arguing that we have moral reason to be mindful of how our behavior, even our mood, impacts others, as well as moral reason to refrain from doing things that will foreseeably diminish others' happiness or well-being.

A second category of actions that diminish the happiness of others is one that I will call *clueless behavior*, actions that cause hurt to another in virtue of genuine ignorance. I am making a distinction between thoughtless and clueless behavior. Thoughtless behavior, as I am using the phrase, occurs when one has given too little thought to how one's behavior will impact others. Thoughtlessness can be remedied by simply redirecting one's attention to others. It is not difficult to understand the negative relationship between unwelcomed noise and sleep or unwelcomed noise and concentration. There is no failure to understand the impact of our action in thoughtless behavior; there is merely a failure to think about the impact of our action on others. Clueless behavior, on the other hand, results from a genuine ignorance or a perspective that we lack and cannot easily take up. For this reason, it is more difficult to remedy.

The class of clueless behaviors includes a subset of behaviors collectively referred to as *microaggressions*.[10] Psychologist Kevin Nadal defines microaggressions as "the everyday, subtle, intentional - and oftentimes unintentional - interactions or behaviors that communicate some sort of bias toward historically marginalized groups" (*Nadal*, 2008, p. 22). While some microaggressions are intentionally derogatory, *clueless* microaggressions are devoid of hostile intentions. In fact, in some cases, the perpetrator might regard her comment as a compliment when in fact she has insulted: "You're lucky that you're black, you don't have to work as hard to get admitted to college." Likewise, someone might perceive himself to be acting helpfully, when in fact he is engaging in phenomenon colloquially known as *mansplaining* - delivering unsolicited advice or explanations to a recipient who is equally or more knowledgeable in the subject area. Another might perceive herself to be demonstrating respect when addressing a stranger as *sir* or *ma'am*, but has in fact offended by wrongly gendering the recipient of her address.

Clueless microaggressions reveal implicit biases - attitudes, stereotypes, and assumptions the speaker is not consciously aware of. For this reason, microaggressions can be difficult to recognize and commonly illicit defensiveness when they are brought to our attention. From a posture of defensiveness, we might be inclined to regard the offended as excessively sensitive or demanding too much in the name of political correctness. The absence of hostile intentions, coupled with our genuine ignorance, give these behaviors a blameless appearance. However, if we care about others' happiness, if this is one of our ends, then we have reason to want to avoid committing microaggressions. Author Ijeoma Oluo reports that

> microaggressions are more than just annoyances. The cumulative effect of these constant reminders that you are "less than" does real psychological damage. Regular exposure to microaggressions causes a person of color to feel isolated and invalidated. The inability to predict where and when a microaggression may occur leads to hypervigilance, which can then lead to anxiety disorders and depression (*Oluo*, 2018, p. 168).

At this point, one might wonder whether the microaggressions I have described as clueless behavior are better characterized as failures of respect rather than behaviors that are morally problematic in virtue of their impact on others' happiness. I certainly do not want to

10 The term microaggression was first coined by Harvard professor Chester M. Pierce in the 1970s. See Freeman (2020) for a brief history of the concept.

say that microaggressions are not disrespectful. They clearly are, though I think they are a class of disrespectful behavior much subtler than the vices Kant describes in the Doctrine of Virtue.[11] But I see no reason to think that the behavior cannot be morally problematic for more than one reason. This is to say, I see no reason to think that the two types of moral deficiencies - failures of respect and too little concern for others' happiness - should be mutually exclusive. On the contrary, we should expect that the two failures will be commonly joined. Persons who have proper self-regard will be pained when they receive less respect than they deserve. Disrespect will diminish their well-being, especially if the experience is frequent.

More importantly, I think there is instrumental value in focusing on the relationship between microaggressions and well-being. One of the ways that we can come to understand a behavior as disrespectful, perhaps the best way, is to recognize and understand its hurtful impact. Recognizing the hurt may be more immediately accessible to us than understanding what was offensive about our behavior. Shifting focus from our intentions to our impact may help us better understand our own behavior. One might worry that this proposal - focusing on the consequences of our actions rather than our motives - does not sound very Kantian. I maintain that a concern with consequences it is precisely what we should expect from a normative theory that includes *ends that are also duties*. To regard an end as one's own entails that we care about whether our actions promote or diminish the end. Obligatory ends are not substantially different from discretionary ends in this regard.

Speech acts commonly referred to as "toxic positivity" are another example of clueless behavior. Toxic positivity typically involves encouragement or even pressure to embrace a positive outlook even in the face of stress or hardship. Like non-malicious microaggressions, the intentions of persons engaged in toxic positivity can be seriously misaligned with their impact. Well-intended positive phrases like *cheer up*, *look on the bright side*, *at least it's not* (something worse) can leave the recipient feeling dismissed and unseen. Kate Bowler, who writes about being diagnosed with stage IV cancer in her thirties, reports that well-meaning comments like "at least you have the financial and intellectual resources to deal with it" often felt worse than the cancer itself (*Bowler*, 2018, p. 116). Like many instances of microaggressions, those who engage in toxic positivity may understand themselves to be acting in a way that aims to promote the other's happiness when they are in fact diminishing it. But to hold something as our end entails the rational requirement that we care about how our actions impact the end, both negatively and positively. As Barbara Herman describes it, "The obligatory end of others' happiness requires that we regard our actions, whatever our intent, as they bear on the well-being of others. So intended and unintended effects, as well as omissions, get factored in" (*Herman*, 2007, p. 285).

I have argued that adopting others' happiness as our end, gives us reason to want to avoid clueless behaviors that diminish others' happiness, like microaggressions and toxic positivity. Avoiding such behaviors will require resolving the underlying ignorance, and this in turn will require us to go outside of our own perspectives, to think about the impact of our actions and not just our intentions. In light of this, it is reasonable to conclude that obligatory ends must also prescribe indirect epistemic maxims of actions. These epistemic maxims of actions direct us to investigate our own biases and prejudices, to be curious about how our words and actions are received by others, and to make use of the resources available to us to better understand the perspectives and lived experiences of others, especially those whose lived experiences are substantially different from our own. In addition to talking with others, one can read blogs, personal essays, and autobiographies. I have labeled this maxim of actions *indirect* because it serves both the promotion of the obligatory end (the duty of beneficence), as well as the maxim to not diminish others' happiness (the duty of nonmaleficence).

The fourth type of maxim of actions prescribed by obligatory ends is an indirect maxim

11 I take it as given that the vices that violate duties of respect for other human beings do not exhaust the ways we might fail to show others proper respect.

to cultivate the appropriate disposition toward the obligatory end. When we adopt an end for reasons having to do with our own happiness or self-interest, we typically already care about the end. If we did not, we would not make it our end. Obligatory ends are different in this regard. Here we are prompted by pure practical reason rather than sensibility to embrace these ends as our own. Elsewhere I have argued that adopting an obligatory end entails undergoing a process of self-cultivation and self-transformation such that we endeavor to become the sort of person that derives pleasure from actively promoting the end and even just passively seeing the end promoted. We make the happiness of others our end, in part, by actively cultivating the appropriate attitudes, feelings, and desires (*Fahmy*, 2019, p. 324). The account I provided above of a duty not to diminish others' happiness and the supportive, indirect epistemic duty suggests that intellectual virtues like humility, curiosity, and attentiveness should be cultivated as well.

3. Obligatory Ends and the Suberogatory

In her 1992 paper, "The Suberogatory," Julia Driver argues for the importance of recognizing this deontic category alongside the obligatory, the forbidden, and the permissible. According to Driver, acts which are suberogatory are those that are "bad to do," "worse than the situation calls for," and "acts which we ought not do" but are not morally forbidden (*Driver*, 1992, p. 286, 290, 291). Driver believes that the category of the suberogatory allows us to make sense of the moral intuition that we can act badly while acting within our rights and while not doing anything impermissible. Driver relies on a handful of examples to demonstrate that we have intuitions of this kind, including the following scenario.

> ...in boarding a train the person who is first gets first choice of seats. But suppose that the train is almost full, and a couple wish to sit together, and there is only one place where there are two seats together. If the person ahead of them takes one of those seats, when he could have taken a less convenient seat, and knowing that the two behind him want to sit together, then he has done something blameworthy. Yet, if he gives up his seat, and takes a less desirable one, he has done something praiseworthy. The problem is justifying the blame when the agent is acting within his rights. (*Driver*, 1992, p. 286-7)

Driver describes the single traveler as being in a *moral charged situation*, that is, a situation where there is no morally neutral option available to an agent; one must choose between acting well or acting poorly.[12] According to Driver, the suberogatory "is useful in describing one option open to an individual in a morally charged situation. For example, the person on the train who refuses to take a less convenient seat – and thus greatly inconveniences others – has done something bad for which he can be blamed. But he has done nothing wrong" (*Driver*, 1992, p. 291).

I share Hallie Liberto's concern that Driver draws the conclusion that the single traveler does something blameworthy on the basis of what appears to be too little evidence. The contextual details of the case matter. If others' happiness is an end that we are obligated to have, then the single traveler should care about the happiness of the couple. But the reverse is also true. The couple should care about the happiness of the single traveler. Perhaps it would make a big difference to his comfort to sit next to a window, close to the restroom, or facing in the direction the train is moving. The couple has as much reason to be concerned with his comfort as he does with theirs. If it would make only a small difference to the single traveler, and a significant difference to the couple, then he has moral reason to take the less convenient seat. But the same is true in the other direction. If it would make little difference to the couple

12 Driver's other example of a morally charged situation involves the choice between donating or refusing to donate a kidney to a brother. In addition to morally charged situations, Driver appeals to the problem of multiple abortions and owed favors to make her case for the suberogatory.

and a significant difference to the single traveler, they have moral reason to take their less preferred option.

The contextual details matter, but the question remains whether, knowing all the relevant information, we can render a suitable moral assessment of how the agent acts without the category of the suberogatory. Liberto contends that we can. According to Liberto, Driver's morally charged situations

> are problem cases because much work in applied ethics as well as the gathering of contextual information is required to determine whether these actions are morally obligatory…They appear to be problem-cases because categorizing them takes a lot of work, not necessarily because the categories are insufficient (*Liberto*, 2012, p. 400).

Liberto essentially denies that there are morally charged situations. For Liberto, there are only hard cases that require a great deal of work to determine whether an agent has acted impermissibly. Liberto's confidence that all actions can be characterized as either obligatory, forbidden, or neutrally permissible – if only we have the relevant information and willingness to do the work – strikes me as unwarranted. To return to the train example, Liberto contends that "if it turns out that the couple announced, before boarding the train, that this ride constitutes their final hour together before one member of the couple is shipped off to war then the train-rider's action is certainly impermissible" (*Liberto*, 2012, p. 400). Liberto offers no justification for this assessment, though I think she is correct to point out that the moral judgment that taking one seat rather than another is obligatory will depend on "how much self-partiality is permissible when making moral decisions". However, I am skeptical that we can give an answer to this latter question that is precise enough to vindicate Liberto's assertion that it is *certainly impermissible* to deny the couple the opportunity to sit together.

Driver seems correct to think that the familiar deontic categories *obligatory*, *forbidden* and *neutrally permissible* cannot by themselves capture the moral nuance of the great variety of situations and choices that we are confronted with in the course of living human lives. But do we need the suberogatory to capture this nuance? I think not. Kantian obligatory ends are a viable, if not superior, alternative.

Kantian obligatory ends are ends that pure practical reason tells us we ought to care about. We demonstrate this care by adopting and acting on particular maxims of actions. At the same time, Kantian duties of virtue are wide; they do not provide a precise account of how much self-partiality is permissible in any given situation. Nonetheless, obligatory ends give us a way to understand the intuition that we can act poorly even though we act within our rights and do not do anything impermissible. We can say of a person who refuses to endure a minor inconvenience for the sake of not causing another significant discomfort that her actions suggest that she does not value the happiness of others as she should. This is a critical moral assessment which implies that the agent's action falls below some ideal. But to make these claims we must acknowledge that the obligatory end does not simply require us to *sometimes perform beneficent actions*. Acknowledging that obligatory ends prescribe negative, non-diminishing maxims, as well as indirect epistemic and dispositional maxims, illuminates the way that obligatory ends provide us with moral reasons that are nearly always relevant even when they are not decisive.

To say that an action is suberogatory, according to Driver, is to say that the action is *bad*, *blameworthy*, *worse than the situation calls for*, and *something an agent ought not to do*, but not forbidden or impermissible. The alternative Kantian description - not valuing the obligatory end as one should - contains at least some of the normative descriptions Driver attributes to the suberogatory; but it also offers more than this. The Kantian description tells us *why* the action is (or at least appears to be) bad or worse than the situation calls for. The action is bad because suggests that the agent has not adopted the obligatory end as her own rationality prescribes. She does not value the happiness of others as she ought to. Whereas the label 'suberogatory' is a term that accords with certain moral intuitions Driver and others have, the Kantian doctrine

of obligatory ends can explain when we are right to have these intuitions and why. However, as the discussion of the train example above suggests, determining when a choice is *worse than the situation calls for* is not an easy assessment to make.

4. Questions Regarding Latitude and Gratitude

There is general agreement that we are not required to maximally promote the happiness of others.[13] The promotional duty of beneficence is wide and so admits *latitude* with respect to how, when, and to what degree we act for the sake of promoting others' happiness (*MS*, AA 06: 390, 06: 393). We may sometimes privilege our own happiness, as our happiness is no less important than the happiness of any other, but as noted in the previous section, Kant's ethics does not provide a precise account of how much self-partiality is permissible in any given situation. Acknowledging a non-diminishing maxim of actions raises an interesting question regarding the latitude permitted by wide duties. Do I have a comparable degree of latitude when it comes to *diminishing* the happiness of others? This question is distinct from the problems of thoughtless or clueless behavior that I address above. Here the question arises only once I am aware that some behavior that serves an end of mine will foreseeably diminish the happiness or well-being of another or multiple others. To return to an earlier example, once I am aware that the addition to my home will ruin my neighbor's view, how should I proceed? Do I have moral license to continue with my plans in the same way that I have moral license to forego particular opportunities to promote others' happiness?

We might be tempted to say that insofar as we are not rationally compelled to *maximally* promote any end, it can be rational to sometimes perform an action that is contrary to an end, so long as the action does not render achieving the end impossible. For example, it would not be irrational to have a child while one is currently pursuing the end of earning a law degree. While the birth of a child will likely make achieving the end more difficult, it will not make it impossible, and we should expect these kinds of trade-offs as long as we have multiple ends. On the basis of this observation, one might conclude that on occasion, agents may act in ways that foreseeably diminish others' happiness without transgressing any moral ideals. While this approach may have some plausibility, I am not confident that it is the best way answer our question about non-diminishing maxims and the question of latitude.

As authors like Barbara Herman have pointed out, my own happiness gives me reason to perform certain kinds of actions, but also, and perhaps more importantly, to craft a certain kind of plan for my life and reflect on it. I must craft this plan in such a way that renders it compatible with the obligatory ends, ends I am not at liberty to abandon nor can they ever be achieved. It would be irrational to construct a conception of my own happiness that included fundamentally immoral behavior (e.g. a life of crime), at least insofar as my own moral perfection is an end I regard as my own. We should seek to construct conceptions of our own happiness that can be pursued at minimal expense to the happiness and well-being of others.

Herman is certainly correct when she observes that morality transforms our loves and attachments rather than competing with them (*Herman*, 2007, p. 269). However, this observation does not give us a satisfying answer to the question of how to balance the good I seek for myself with the costs I impose on another. While morality may not compete with my loves, it might, on occasion, compete with my plans. It seems equally true that we should be prepared to sometimes subordinate our happiness for the sake of not diminishing others, but also that proper self-respect requires that we not always privilege the well-being of others over our own. Our discussion of the suberogatory revealed that an agent's reasons for choosing one way rather than another are crucial for moral assessment though they may rarely be accessible to a third-

13 See Hill (1992), Baron and Fahmy (2009), Sticker and van Ackeren (2018), and Fahmy (2019).

party observer. Furthermore, when we are assessing compliance with a wide duty, we might have to resign ourselves to focusing our attention on *patterns of action* rather than particular actions.

In addition to the question of latitude, we might also wonder about the relationship between the duty of nonmaleficence and the duty of gratitude. According to Kant, when we act beneficently (or even merely benevolently), we put others under an obligation of gratitude (*MS*, AA 06: 455). Do we similarly place other agents under obligation when we deliberately refrain from doing something that would diminish their happiness or well-being? Choices to refrain from performing actions that we anticipate will diminish the happiness of another might be less visible than choices to benefit them. My neighbor might never know that I revised my plan to practice the trumpet when I saw her sleeping on her porch. Gratitude at minimum requires awareness that someone has acted with our well-being in mind. But sometimes our choice to act for the sake of not diminishing the well-being of another will be apparent, as when I inform my neighbor that I am abandoning my home improvement project for the sake of not ruining her view. Should she express her gratitude for my choice? On the one hand, I have done something that was not strictly required of me, or owed to my neighbor, but that did involve a sacrifice on my part for the sake of her happiness. On the other hand, I have not improved my neighbor's condition at all; I have only not worsened it. Gratitude appears appropriate if we focus on my sacrifice, yet inappropriate when we focus on the impact on my neighbor. But if Kant is right that even "mere heartfelt benevolence, apart from any such act (of beneficence), is already a basis of obligation to gratitude" (*MS*, AA 06: 455), then perhaps the duty of gratitude can extend to nonmaleficent actions as well.

Conclusion

In this paper I have argued that we underestimate ends that are also duties if we assume that they prescribe only promotional maxims of actions. I have argued that the logic of ends leads us to the conclusion that obligatory ends also prescribe negative, non-diminishing maxims of actions. This is to say that obligatory moral ends provide us with reason to promote others' happiness, as well as equally rationally compelling reason to avoid doing things that will foreseeably diminish their happiness, even when such behavior is not forbidden by a strict duty. Acknowledging these direct maxims of actions leads us to acknowledge indirect epistemic maxims of actions, which in turn leads us to acknowledge the importance of cultivating intellectual virtues along with the virtues of love. They also raise new questions: *how should we think about the latitude permitted by Kantian duty of nonmaleficence and what is its relationship to the duty of gratitude?* These questions are puzzling, but they also reveal the richness of an ethical theory that makes ends that are also duties central. While I have not endeavored to provide complete answers to these new questions in this paper, I hope to have shown that they are worthy of our attention.

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