

**Stoic *katóρθôma*, perfect duty and Kant's notion of acting *aus Pflicht*.
The relevance of the *oikeiôsis* doctrine for the notions of moral good and inner attitude
(*Gesinnung*) in Kantian ethics**

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1. Introduction

That Stoicism is one of the principal sources of Kant's ethics is now widely accepted; and a range of key passages from Kant's moral writings, as well as a number of his positions regarding the will, moral value, virtue and the highest good, offer ample support for this view. For instance, the most frequently cited philosophers in the *Critique of Practical Reason* are the Stoics; such references normally comprise praise for the validity of their claims or amount, at least, to an acknowledgement of their value. At the same time, Kant explicitly rejected the cornerstone of Stoic moral thought concerning the sage, because he held that such an argument rendered the field of morality inaccessible to anyone other than a privileged few. In marked contrast, and most likely in light of Rousseau's philosophy and his peculiar understanding of Christianity, the ethics of transcendental idealism is premised on a universal awareness of duty and each individual's potential to act at all times in a morally good way¹. Moreover, Kant espoused a certain anti-intellectual bent in arguing that the understanding or common human reason (*gemeine Menschenvernunft*) "can even have a hope of hitting the mark as any philosopher can promise himself; indeed, it is almost more sure in this matter, because a philosopher (...) cannot have any other principle than that of common understanding" (*GMS* 4:404). Thus, rather than merely adopting given Stoic principles or concepts, it may be concluded that Kant transforms a number of key Stoic positions, stripping them of the elements he regards as mistaken, and situating them within the framework of transcendental philosophy².

One of the most significant challenges to be faced in any account of the relationship between Stoic thought and Kantian philosophy is the fact that Kant rarely quotes or discusses specific passages from Stoic texts in literal terms; rather, he recalls such arguments from memory³. Indeed, according to Warda's study in this regard, only Garve's translation of *De officiis* was to be found in Kant's personal library⁴. However, this need not imply that Kant had

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¹ See Zac, S., "Kant, les stoïciens et le christianisme", in *Revue de Métaphysique et de Morale*, 77 (1972), p. 163.

² See Schneewind, J. B., "Kant and Stoic Ethics", in Ensstrom, S. – Whiting, J. (eds.), *Aristotle, Kant and the Stoics. Rethinking Happiness and Duty*, Cambridge University Press, Cambridge, 1996, p. 292-293. Schneewind gives quite a detailed account of the extent to which Kant's critique of Leibniz may also be read as a rejection of the Stoic positions held by the latter (see pp. 292-296).

³ See Santozki, U., *Die Bedeutung antiker Theorien für die Genese und Systematik von Kants Philosophie. Eine Analyse der drei Kritiken*, Walter de Gruyter, Berlin–New York, 2006, p. 157.

⁴ See Warda, A., *Immanuel Kants Bücher*, Martin Breslau, Berlin, 1922, p. 46. Kant quotes Garve's commentary on the work of Cicero in the *Gemeinspruch* (1793) (see 8:285). See Reich, K., "Kant and Greek Ethics (II)", in *Mind*, 48 (1939), p. 447.

no direct knowledge of Stoic writings, through extensive reading in his youth and later intellectual development, as was common at that time, and especially of Roman Stoic thought (Cicero and Seneca)⁵.

In a recent study of the influence of ancient philosophy on Kant's thought, Santozki provides a wide-ranging and in-depth analysis of the reception of Stoicism in Kantian ethics. In discussing the key distinction between *kathêkon* and *katóρθôma*, Santozki notes correctly that it had a twofold influence on Kant's philosophy; however, she does not pursue this line of argument further, and is content instead to suggest how welcome a more detailed analysis of the issue would be. The purpose of this paper is to furnish such a study⁶.

The first form of influence on Kant's thought exerted by the Stoic distinction referred to above came through German natural right, wherein Cicero's terms *officium medium/perfectum* are translated as *unvollkommene/vollkommene Pflicht* (imperfect/perfect duty), and rendered indistinguishable from the distinction between juridical and moral obligations. Kersting has provided the most thorough study of this idea⁷. However, in its account of Kant's reception and modification of the Stoic distinction, Kersting's interpretation of the system of duties in *MS* may be described as inadequate and, on one key point, mistaken.

The second form of influence stemmed from Kant's first-hand knowledge of Stoic thought. The Kantian position that virtue is the only good and that, as a result, moral value is rooted in the principle in accordance with which the agent determines herself to act, rather than the action itself as outcome, reflects this notion: in other words, that morality depends to a greater extent on *how* something is done, rather than *what* is done, and thus on the internal configuration of the person. This second form of influence has a systematic function in Kant's well-known distinction between *pflichtmäßig* and *aus Pflicht* ('according to duty' and 'from duty'). The objective here is to show that the interpretative key to the link between Stoicism and Kantian thought is the non-extensional (or intensional) nature of the Stoic distinction between *kathêkon* and *katóρθôma*. Forschner has explored this Stoic position in his monographic study⁸; the intention here is to interpret Kant's work in the same light.

In relation to this second form of influence, the argument here is that the concepts of *katóρθôma* (especially with regard to the moral good and the status of the *adiáphora*) and *oikeiôsis* (as a theory of the moral development of the person) are necessary components of the moral framework required to understand the Kantian notion of inner attitude (*Gesinnung*). Thus, the way in which Kant alters the Stoic concept of virtue is also explored: virtue becomes the inner attitude in struggle, rather than the definition of moral perfection; and such struggle is waged in the choice of certain practical rules as principles of action – that is, as maxims – and the incentives which bring about that choice. Hence, the relationship between inner attitude, virtue and the moral good, three key elements of Kant's moral thought, may be examined from the point of view of the agent; that is, from the perspective of action, rather than its grounds.

That the argument concerning the twofold influence is rooted in the internal coherence of the system of duties in *MS* rather than in specific textual references reflecting the reception of Stoic thought and/or natural right in Kant's work should be noted here. Indeed, very few such references are to be found. The impetus of the argument depends on the idea that the two lines of influence must be separately discerned and defined so as to ensure a coherent interpretation of the system of duties. Otherwise, perfect duties might easily be confused with juridical duties, the existence of *perfect* duties of virtue regarded as contradictory, or the existence of exceptions

⁵ See Santozki, U., *Die Bedeutung antiker Theorien...*, p. 155ff., and Seidler, M. J., "Kant and the Stoics on Suicide", in *Journal of the History of Ideas*, 44 (1983), p. 429.

⁶ See Santozki, U., *Die Bedeutung antiker Theorien...*, p. 186. In Torralba, J. M., *Libertad, objeto práctico y acción. La facultad del juicio en la filosofía moral de Kant*, G. Olms, Hildesheim – Zürich – New York, 2009 I studied the system of duties in *MS*. In this paper I explore the Stoic influence on the system.

⁷ See Kersting, W., *Kant über Recht*, Mentis, Paderborn, 2004; "Der kategorische Imperativ, die vollkommenen und die unvollkommenen Pflichten", in *Zeitschrift für Philosophische Forschung*, XXXVII (1983), pp. 404-421; "Vollkommene und unvollkommene Pflichten", in Ritter, J. – Gründer, K. (Hg.), *Historisches Wörterbuch der Philosophie*, Band 7, Schwabe, Basel, 1989, pp. 433-439.

⁸ See Forschner, M., *Die stoische Ethik. Über den Zusammenhang von Natur-, Sprach- und Moralphilosophie im altstoischen System*, Wissenschaftliche Buchgesellschaft, Darmstadt, 1995 [=1. Auflage, Klett-Cotta Verlag, 1981 with Appendix], p. 197ff.

to the imperfect duties conceded.

This study is circumscribed by two methodological limitations. First, given that the principal objective is to study the reception of Stoic thought in Kantian ethics, the focus of inquiry in terms of Stoic ideas is the work of Cicero, which pertains to Middle Stoicism, thus, unless strictly necessary, the internal development of Stoicism is overlooked. The second limitation is historiographical: while relevant reference is made to modern natural right and Garve's translation of *De officiis*, a more detailed analysis of the history of composition (*Entstehungsgeschichte*) of *MS* might have enabled a more refined and grounded account of the line of argument pursued here. Moreover, further research regarding another of the main sources of the *pflichtmäßig/aus Pflicht* distinction – the Christian distinction between the spirit and the letter of the law – would function as a valuable complement to this study⁹.

The overall purpose here is to make three contributions to this field of inquiry. First, to provide the interpretative keys required for an adequate understanding of the system of duties in *MS*, on the one hand; and, on the other, to specify the type of relationship Kant establishes between fulfillment of the moral law and the satisfaction of natural needs (without contradiction, through the mutual subordination of both). Second, to further develop research regarding the influence of Stoic thought on Kant's philosophy, by detailing the significance of the theory of *oikeiôsis* and the idea of *katóρθôma* for the concept of inner attitude, as well as the role of Stoic thinking on the *adiáphora* in Kant's conception of moral value. Third, to highlight one of the most deep-rooted parallels between Stoic and Kantian ethics: both schools of thought frame morality in the field of relations enacted between the agent and the objects of its wanting. Strictly speaking, goodness and evilness are a function of such relations; objects and actions may be described as good or evil only in a secondary sense.

The structure of the paper is as follows. First, passages in Cicero's work that address the *kathêkon/katóρθôma* distinction are examined so as to derive the interpretative keys to a clear understanding of the way in which Kant adopted and adapted this position. Then, the terminological influence of the German translation of *De officiis* and the manuals concerning natural right at that time on *GMS* is explored. Thereafter, the hypothesis of twofold influence is mapped onto the system of duties in *MS*, corresponding to the distinction between the form of bindingness (*Verbindlichkeit*) and the types of duty (*Pflicht*). Finally, in light of the foregoing discussion, it is concluded that the main thematic influence of Stoic thought on Kant's philosophy consists in the conception of moral good as a relation in the will; and as a result, that one of the fundamental principles of Kant's notion of inner attitude, like the conception of personality as markedly distinct from animality and rationality, lies in the theory of *oikeiôsis* regarding the moral development of the person.

2. The *kathêkon/katóρθôma* distinction in the theory of *oikeiôsis*

Cicero's *De finibus* (45 BC) and *De officiis* (44 BC) are key texts in any discussion of the influence of Stoic thought on Kant's philosophy. Although all the evidence, including the content of Book V of *De finibus*, would seem to suggest that Cicero developed his own moral theory, which differed from classical Stoicism, for the purposes of this study there is no need to distinguish between Cicero's position and the overview of Stoic ethics he provides in Book III of *De finibus*, nor to question his reception of Panaetius's theory of *Perí tou kathêkontos* in *De officiis*¹⁰. In this regard, therefore, Kant regarded Cicero as a proponent of Stoic ethics¹¹.

The *kathêkon/katóρθôma* distinction appears in both of the works by Cicero cited above, but the most pertinent passage in this context is to be found in *De officiis*, the text which was most frequently re-published and translated, and thus echoed more resoundingly through

⁹ According to the argument set out in Forschner, M., "Guter Wille und Haß der Vernunft. Ein Kommentar zu *GMS* 393-396", in Höffe, O. (Hg.), *Grundlegung zur Metaphysik der Sitten. Ein kooperativer Kommentar*, Vittorio Klostermann, Frankfurt a. M., 1989, pp. 71 and 80-82.

¹⁰ See Corso, L. E., "Notas en torno a la naturaleza del testimonio ciceroniano sobre la Stoa en *De finibus bonorum et malorum*", in *Méthexis*, VII (1994), pp. 33-38, and Rist, J. M., *Stoic Philosophy*, Cambridge University Press, Cambridge, 1969, p. 197ff.

¹¹ See *Logik* 9:31 and Santozki, U., *Die Bedeutung antiker Theorien...*, p. 156.

succeeding ages¹². According to Dyck, Cicero's purpose in *De officiis* was to take a more "practical" approach to the question of the determination of the highest good, focusing on ordinary life (*vita communis*), in marked contrast to the "theoretical" account articulated in *De finibus*¹³. Cicero is concerned with the "determination of conduct" (*consilii capiendi deliberatio*), which involved the determination of what may be right and wrong (*honeste an turpe*), what may be useful (*utilitas*), and how any potential conflict between what is right and what is useful may be resolved¹⁴.

Immediately prior to the renowned passage referred to above, Cicero criticizes Panaetius for having failed to offer a definition of "*officium*" in his treatise; however, Cicero himself goes on to provide two classifications, rather than a definition of the term as such. The first concerns the two parts on which any treatise on duties is based: the highest good and the obligations of ordinary life, which are addressed in *De officiis*; and second, what sets duties apart as different, as either "middle" or "perfect" duties. The passage in Book I reads as follows: "There is still another classification of duties: we distinguish between 'mean' duty, so-called, and 'absolute' duty. Absolute duty we may, I presume, call 'right', for the Greeks call it *katóρθôma*, while the ordinary duty they call *kathêkon*. And the meaning of those terms they fixed thus: whatever is right they define as 'absolute' duty, but 'mean' duty, they say, is duty for the performance of which an adequate reason may be rendered" (*De officiis* I.8). Immediately after this passage, Cicero sets out the theory of *oikeiôsis*, dividing it into four parts, in line with the four virtues. Because they encompass what is morally good (*honestum*) (see *De officiis* I.18-19), these virtues are the sources of all duty (*officii fonte*). Apart from this brief aside, however, no further account is given in *De officiis* of the relationship between the two categories of duties and the theory of *oikeiôsis*, including the principle of living in accordance with nature. This may be explained by the fact that this question had been the focus of discussion in *De finibus*¹⁵.

In Book III of *De officiis*, Cicero gives more detailed specifications of the two categories of duties. He holds that perfect duty, also known as right (*recte*) or absolute (*absolute*) duty, can only be the work of the sage, since he alone is in possession of moral goodness (see *De officiis* III.14). In contrast, the middle virtues may be fulfilled by anybody. Cicero further glosses the second category of duties, arguing that they may be learned (*discedere*), that they attain a certain form of perfection (albeit not the perfection of the perfect duties), and that they admit of a "second-grade moral goodness" (*quasi secunda honesta*), which in no way can be compared with the goodness of the sage (see *De officiis* III.15).

Before exploring the content of the distinction, the translations settled on by Cicero ought to be addressed. That *officium* for *kathêkon* and *recte factum* (or *perfectum officium*) for *katóρθôma* have a sound basis in etymology is beyond question; and Cicero underscores the fact that he is coining new terms to which he aims to attribute the meaning of the Greek words. Dyck's view is that Cicero accomplishes this aim¹⁶. To Forscher's mind, however, "*officium*" does not connote the exact meaning of the term in ancient Stoicism because it limits the sphere of *kathêkon* to the actions of rational beings, whereas the original meaning encompasses all living beings¹⁷. As the history of ethics discloses, subsequent translations of "*officium*" as duty (*Pflicht*, *deber*, *devoir*, *dovere*) sound a strongly normativist note, a new meaning which

¹² For a wide-ranging overview of the influence of *De officiis*, see Dyck, A. R., *A Commentary on Cicero, De Officiis*, The University of Michigan Press, Ann Arbor, 1996, pp. 39-49.

¹³ See Dyck, A. R., *A Commentary*, 75ff.

¹⁴ See *De officiis*, I, III, 9. Cicero appends two further questions to those posed by Panaetius; the first concerns the definition of what is morally better (*honestius*) in the field of the morally good.

¹⁵ Dyck makes the somewhat obvious point that Cicero drew on his previous work concerning these issues, such as *De Republica* and *De finibus*, in drafting *De officiis*. See Dyck, A. R., *A Commentary*, p. 19.

¹⁶ Dyck, A. R., *A Commentary*, pp. 3-8. Zeno coined the term *kathêkon* in the field of ethics (see *SVF* 3, 134.20); and Crispus defined the meaning of the term *katóρθôma* (see *SVF* 136, 19-21). See Dyck, A. R., *A Commentary*, p. 79. Regarding terminology in general, see Tsekourakis, D., *Studies in the Terminology of Early Stoic Ethics*, Franz Steiner, Wiesbaden, 1974 [=Hermes Einzelschriften, 32].

¹⁷ The reason is as follows: "Der Begriff *enérgeia* ist weiter als der Begriff *prâxis* (Handlung); von Praxis spricht die Stoa nur bei vernunftbegabten Wesen. So gesehen ist es offenkundig unsinnig, im Zusammenhang der *kathêkonta* von Pflicht zu reden" (Forschner, M., *Die stoische Ethik*, p. 184).

Cicero's coinage contributed to mapping onto the original Stoic concept¹⁸. This connotation is crucial for the purposes of the present study; thus, "*officium*" is generally translated as "duty", as are *kathêkon* and *katóρθôma*, although strictly speaking the translation of the Greek terms ought to be "appropriate action" or simply "what is appropriate" and "honest action" or "good", respectively¹⁹. Such expressions are also occasionally, but their meaning is always read as synonymous with the word "duty".

a) The kind of knowledge

The agent's knowledge (*intellegentia*) is the criteria Cicero uses to distinguish between the two categories of duties. Because he is aware of what moral goodness is, only the sage is capable of recognizing the inadequacy and imperfection of the middle duties. By contrast, the common crowd (*volgus*) needs no more than an adequate reason (*ratio probabilis*) to know what ought to be done²⁰. The theory of *oikeiôsis* presented in *De finibus* enables further understanding of the relationship between kind of knowledge and category of duty. The relevant text in this regard is as follows: "Man's first attraction [*concordiam*] is towards the things in accordance with nature [*secundum naturam*]; but as soon as he has understanding, or rather become capable of 'conception' [*notionem*] – in Stoic phraseology *énnoia* – and has discerned the order and so to speak harmony [*concordiam*] that governs conduct, he thereupon esteems [*aestimavit*] this harmony far more highly than all the things for which he originally felt an affection [*dilexerat*], and by exercise of intelligence and reason infers the conclusion that herein resides the Chief Good of man, the thing that is praiseworthy and desirable for its own sake" (*De finibus* III.21 = *SVF* III.188). The attraction of what is according to nature implies that it is the appropriate course (*kathêkon*), while the order governing such conduct is the object of *katóρθôma*, the only good in itself – that is, good in an absolute sense. *Homología* denotes identification with that order (*ordo*), a Greek term that Cicero renders in Latin as *convenientia* (conformity)²¹. The separation of duties into the two categories rests on the different cognitive states required to determine what is "*katà phýsin*" (according to nature) and the full implications of "*homología*" (conformity)²².

¹⁸ Both Cooper and Forschner explain that in Stoic ethics, as in the work of the ancients generally, moral reasoning is teleological and the fundamental concept is that of happiness rather than duty. See Cooper, J. M., "Eudaimonism, the Appeal to Nature, and 'Moral Duty' in Stoicism", in Engstrom, S. – Whiting, J. (eds.), *Aristotle, Kant and the Stoics*, pp. 263-275; Forschner, M., *Die stoische Ethik*, pp. 37f., 173f. Forschner goes on to say that such happiness is interiorized in Stoic thought, so as to strip it of any contingent or external element. As discussed here, the novelty of Kant's argument lies in the eradication of the teleological dimension and the rejection of any *direct* link between good/virtue and happiness.

¹⁹ Nebel suggests that it be translated as "*Sich-Gehörendes*". See Nebel, G., "Der Begriff des '*kathêkon*' in der alten Stoa", *Hermes*, 70 (1935), p. 439. Dyck and Rist propose "appropriate action". See Rist, J. M., *Stoic Philosophy*, p. 97f. Cooper prefers "incumbent action". See Cooper, J. M., "Eudaimonism, the Appeal to Nature, and 'Moral Duty' in Stoicism", p. 268. The English word "duty" encompasses a number of connotations that are not apparent in other languages (Spanish, for instance); thus, the risk of interpreting Stoic ethics as "morality" in the prevalent sense of that term in the English-speaking world is to be avoided: as Cooper notes, "the notion of 'duty' among the Stoics covers (...), in fact, crucial aspects of the whole of one's life and virtually everything one does" (p. 277).

²⁰ The exact meaning of "*ratio probabilis*" is a matter of some debate among scholars and commentators. Dyck states that: "In our work the *ratio* would justify a given action as in accord with nature" (Dyck, A. R., *A Commentary*, p. 80-81). Tsekourakis suggests that it could be translated as "supported by good reason, reasonable, sensible" and as "probable". "The supporters of the first theory more or less agree that the problem of *eulôgos apología* is one of the theory of cognition, and that the difference between *kathêkonta* and *katóρθômata* is a difference in the degree of knowledge possessed by the agent" (Tsekourakis, D., *Studies in the Terminology of Early Stoic Ethics*, p. 26). Forschner reads it as "*begründete Verteidigung*". See Forschner, M., *Die stoische Ethik*, p. 185.

²¹ The good consists of living in harmony with nature (*homologoúmenos tē phýsei thên*). Thus, the wanting must be aligned exactly with the order and reason of nature. See Forschner, M., *Die stoische Ethik*, pp. 164-165. Virtue is defined as *lógos homologoúmenos* and entails a permanent disposition (*diáthesis*) that enables such alignment. See Boeri, M. - Vigo, A. G., "Die Affektenlehre der Stoa", in Engstler, A. - Schnepf, R. (eds.), *Affekte und Ethik. Spinozas Lehre im Kontext*, Olms, Hildesheim - Zürich - New York, 2002, p. 50. The possession of virtue, of such *lógos*, sets the sage apart from others; virtue shapes the *hêgemonikón* of the sage. See Forschner, M., *Die stoische Ethik*, pp. 185 and 206.

²² See Tsekourakis, D., *Studies in the Terminology of Early Stoic Ethics*, p. 21; Forschner, M., *Die stoische Ethik*, p. 185.

b) The *what* and *how* of action

Cicero holds that morally good action (*honesta action*) is not inherent (*inest*) in the first attractions of nature (*primis naturae conciliationibus*); rather, it arises afterwards (*post oritur*) (see *De finibus* III.22 = SVF III.497). This temporal reference is explained in *De finibus*, by dint of the description of the various phases of which the impulses or inclinations of *oikeiōsis* are composed: the preservation of one's own constitution (*statu*); what is in accordance with nature; and the determination of choice in line with what is appropriate, transmuting it into habit. A final stage is appended to the end of the list: "Finally, choice fully rationalized and in harmony with nature. It is at this final stage that the Good properly so called [*vere bonum*] first emerges and comes to be understood in its true nature" (*De finibus* III.20-21). In this sense good action may be said to arise "after".

At first sight, it may seem as though that *kathêkon* and *katóρθōma* are two separate actions, as though *katà phýsin* and *homología* were two successive events: the prescribed is first fulfilled in one, and then the required in the other. In fact, however, the terms denote two perspectives or levels in relation within a single action. So as to avoid any confusion of this kind, Cicero is quick to discount the existence of two different final ends (see *De finibus* III.22), depending on whether one defers to *kathêkon* or *katóρθōma*. The end of *kathêkon* actions comprises natural principles (*principia naturae*). *Katóρθōma* actions also encompass such an end: they are attuned to what is in accordance with nature because their own proper end – the final end and highest good – comprises *homología* or identification with the order established by nature. Cicero uses the image of the archer to illustrate the relationship between both ends. The end set by nature – that is, what is appropriate – is to hit the target (*collineare*), whereas the final end and highest good involves doing everything required to fire the right shot (*omnia faciat quo propositum assequatur*)²³. Given that no shot can be taken without a bow, an archer or a target, they are necessary elements; but the decisive factor in moral terms is doing everything possible to fire the right shot, rather than hitting the target.

While the decisive consideration in *kathêkon* is *what* is done, the decisive consideration in *katóρθōma* is *how* it is done²⁴. One and the same action is involved in both cases²⁵, but *katóρθōma* is an additional requirement, so to speak. Not alone one must carry out what is *katà phýsin*; in addition, it must also be carried out in a particular way – that is, in accordance with *homología*. The *hormê* or *appetitio animi* commands the identification of the agent with the order of nature as disclosed by reason²⁶.

Cicero makes a comparison between wisdom and art, such as dancing or acting, to explain how *katóρθōma* may be described as the work of the sage; in both cases, the "end, being the actual exercise of the art, is contained within the art itself, and is not something extraneous to it" (*De finibus* III.24). Likewise, in neither case is the action a process; rather, the end is accomplished in the very act of fulfillment itself. The difference between the two cases lies in the fact that while only a number of aspects of the given art are put into practice in any dance exercise or dramatic performance, wisdom is wholly enacted in every action of the sage²⁷:

²³ The first is "to be chosen [*seligendum*]", whereas only the second is "to be desired [*expetendum*]" (*De finibus* III. 21-22). Inwood glosses the position as follows: "What he should choose is what corresponds to the good and is completely under his own control, i.e. that he should do everything he can to hit the target. That goal can never be frustrated or interfered with. Neither can the pursuit of the good" (Inwood, B., *Ethics and Human Action in Early Stoicism*, Clarendon Press, Oxford, 1985, p. 213).

²⁴ Forschner, Nebel, Inwood and Engberg-Pedersen articulate the argument in such terms. See Forschner, M., *Die stoische Ethik*, p. 202; Nebel, G., "Der Begriff des 'kathêkon' in der alten Stoa", p. 443; Inwood, B., *Ethics and Human Action in Early Stoicism*, p. 211; Engberg-Pedersen, T., "Discovering the good: *oikeiōsis* and *kathêkonta* in Stoic ethics", in Schofield, M. – Striker, G. (eds.), *The Norms of Nature. Studies in Hellenistic Ethics*, Cambridge University Press, Cambridge, 1986, pp. 145-183. This distinction gives rise to a radical disjunction between morality and the success or outcome of actions, thus eliminating the contingent features of human activity. This has a significant bearing on moral judgment: "Someone making a moral judgement about a person's actions needs to know not about his bodily movements, but about his impulses and assents. A virtuous action is always appropriate" (Inwood, B., *Ethics and Human Action in Early Stoicism*, p. 211).

²⁵ See Tsekourakis, D., *Studies in the Terminology of Early Stoic Ethics*, p. 13.

²⁶ See Forschner, M., *Die stoische Ethik*, p. 204.

²⁷ A dancer may effect a movement that corresponds perfectly to the requirements of technique; but such movement is not the whole of his art – that is, the complete perfection of art cannot be inferred from a single instance of the

“In the sphere of conduct, what we may call, if you approve, ‘right actions’, or ‘rightly performed actions,’ in Stoic phraseology *katóρθōma*, contain all the factors of virtue” (*De finibus* III.24). The assumption underlying this principle is that the fulfillment of *katóρθōma* is independent of external factors and consequences; rather, the action as such is complete from the very beginning (*a primo*) because its end is the activity in itself, not the achievement of an outcome: “The thing desirable [*expetendum*], as we term it, consists in his [the wise man’s] activity” (*De finibus* III.32 = *SVF* III.504). Hence, an observation that is especially pertinent to this study: “Actions springing from virtue are to be judged right from their first inception [*susceptione prima*], and not in their successful completion [*perfectione*]” (*De finibus* III.32 = *SVF* III.504).

Thus, *kathêkon* and *katóρθōma* are two levels encompassed by every human action. While the former is dependent on the achievement in reality of the end established by *katà phýsin* (that is, the outcome), the latter is determined by the correct moral configuration of the agent (that is, *homología*), the form of life embodied by the sage²⁸. The relationship between the two levels is as follows: a *katóρθōma* action is a *kathêkon* act carried out to perfection, done perfectly because it lacks nothing that reason may require. Cicero deploys the terminology of perfect duty (*perfectum officium*) and imperfect duty (*inchoatum officium*) in this context; and the example he uses to illustrate the point is especially revealing: “If to restore a trust as a matter of justice [*iuste*] is a right act [*in recte factis*], to restore a trust must be counted as an appropriate act; the addition of the qualification ‘as a matter of justice’ [*iuste*] makes it a right action: the mere restitution itself is counted an appropriate act [*officio*]” (*De finibus* III, xviii.59 = *SVF* III.498). In itself, the restoration is the end demanded by what is *secundum naturam*; but such restoration may also be effected in a “*iuste*” way, for the sake of justice; and the moral value of the action is dependent on that final condition²⁹. In this regard, therefore, *kathêkon* may be referred to as the “matter” of *katóρθōma*³⁰, since the latter always has a certain formal character³¹. Thus, the *officium* itself may be effected in two different ways (morally good or evil), depending on the moral configuration of the agent. Only the sage carries out such action in an adequate way because he alone figures *homología* as the end of his action³². In line with the idiosyncratic Stoic theory regarding moral value, whoever is not a sage acts in a morally evil way even when she fulfills *kathêkon*, because the moral responsibility of the agent admits of no middle term³³. At the same time, *kathêkon* is a necessary condition of moral goodness because

perfect.

²⁸ See Tsekourakis, D., *Studies in the Terminology of Early Stoic Ethics*, p. 28.

²⁹ Hence, “there are no distinct virtuous actions, only actions done in a virtuous way. Every right act is a kind of appropriate act” (Inwood, B., *Ethics and Human Action in Early Stoicism*, p. 213).

³⁰ Dyck implies this reading. See Dyck, A., R., *A Commentary*, pp. 2-3.

³¹ At a certain point, Cicero refers to the “primary things of nature” as “the given material [*quasi materia*] with which wisdom deals” (*De finibus* III.61). See Tsekourakis, D., *Studies in the Terminology of Early Stoic Ethics*, p. 37. Inwood relates this issue to the description of action. See Inwood, B., *Ethics and Human Action in Early Stoicism*, p. 213. The form-matter distinction may be enabling; however, strictly speaking, the “matter” of action cannot be described independently of its “form”, as such a use of language is pure abstraction. Nevertheless, it may be telling as an *image*, insofar as the intention is regarded as the form of action (in terms of the theory of action). See Llano, A. – Torralba, J. M., “Rappresentazione e conoscenza pratica. Sull’intenzione come forma dell’azione”, in Mercado, J. A. (ed.), *Elizabeth Anscombe e il rinnovamento della psicologia morale*, Armando Editore, Roma, 2010, pp. 173-202. That such an interpretation is credible in relation to Stoicism is supported by the instances in which the *katóρθōma* prompts something which, in principle, is contrary to the *kathêkon*, given that it is not *katà phýsin*. See Forschner, M., *Die stoische Ethik*, pp. 194-96. In this regard, the *katóρθōma* cannot be reduced to the *how* of the action; rather, it also modifies and is included in the *what*. This position is set out in Engberg-Pedersen, T., “Discovering the good: *oikeiôsis* and *kathêkonta* in Stoic ethics”, pp. 178-179.

³² To be a sage and the possession of virtue enable the performance of good actions (*honeste*); and vice is reprehensible because it causes evil actions (*turpe*). Thus, the good or evil of actions stems from the moral constitution of the agent. “When we say that folly, cowardice, injustice and intemperance are to be avoided because of the consequences they entail, this dictum must not be so construed as to appear inconsistent with the principle already laid down, that moral baseness [*turpe*] alone is evil [*malum*]; for the reason that the consequences referred to are not a matter of bodily harm but of the base conduct [*turpes actiones*] to which vices give rise” (*De finibus* III.39).

³³ In any case, as explained in Boeri, M. - Vigo, A. G., “Die Affektenlehre der Stoa”, in Engstler, A. - Schnepf, R. (eds.), *Affekte und Ethik. Spinozas Lehre im Kontext*, Olms, Hildesheim - Zürich - New York, 2002, p. 53, such moral imperfection may exist on a scale.

good intentions alone are not enough to ensure that actions are morally good³⁴.

c) Moral value: the good and the indifferent

A key principle of Stoic ethics is that only what is honest – that is, *katóρθôma* actions or, to be more precise, the ground of such actions, *homología* or *convenientia* (see *De finibus* III.45-46 = *SVF* III.524) – may be described as good. Evil or vice (*kakía*) is the opposite of good. Given that virtue and vice allow of no middle term, nor happiness of greater or lesser degrees, and since actions cannot be referred to as better or worse, every human being is either wise or unwise (*insipiens*). In this regard, Cicero states that “...a man that has made some progress towards the state of virtue is none the less in misery than he that has made no progress at all” (*De finibus* III.46). In itself, *kathêkon* does not run contrary to what is good; as such, it is not evil, but neither is it good in itself because it is imperfect or inadequate. Thus, Cicero regards *kathêkon* as morally indifferent or neutral (*media*); and it may be fulfilled by the sage or by anybody else because the external performance of what is in accordance with nature is the only requirement for its fulfilment (*De finibus* III.59 = *SVF* III.498)³⁵.

Within the sphere of the indifferent (*adiáphoron*), Cicero distinguishes between what is to be preferred (*praeposita*) or rejected (*praecipua*)³⁶ and what is simply neutral (*neutrum*) (see *De finibus* III.50ff. = *SVF* III.129). This issue is a complex one, but for the purposes of the argument here the following should be noted in relation to *kathêkon*: “In the sphere of these neutral things there is an element of reasonableness [*probabile*], in the sense that an account [*ratio*] can be rendered of it” (*De finibus* III.58 = *SVF* III.498). Such an account (*ratio*) pertains to any *kathêkon* action: “An appropriate act is an act so performed that a reasonable account [*probabilis ratio*] can be rendered of its performance” (*De finibus* III.58 = *SVF* III.498). These statements prompt the following interpretation of the definition of middle duty articulated in *De officiis*: such a duty is whatever may be fulfilled for an “adequate reason [*ratio probabilis*]” (*De officiis* I.8). The reason that makes a morally indifferent action “preferable” is its conformity with nature, which confers a kind of value (*aestimatione mediocri*) (see *De finibus* III.53 = *SVF* III.130) on such actions, referred to in *De officiis* as “second-class” goodness³⁷.

d) Seven claims relating to the *kathêkon*/*katóρθôma* distinction

In light of the foregoing, and for the purposes of the present study, a number of claims may now be articulated in relation to Stoic thinking on the *kathêkon*/*katóρθôma* distinction. First, the intensional (or non-extensional) nature of the distinction is to be noted, since what is at issue are two levels (which might be designated first and second levels) or two perspectives on each and every action. Second, the idea that goodness and evilness are independent of *what* is done, depending instead on *how* it is done – in other words, on the principle according to which the agent acts – should likewise be registered. Third, and as a consequence of the previous claim, the matter-form relationship that may be figured between perfect and imperfect duties is also noteworthy; and furthermore, the argument that morality does not command the carrying out of actions different to those established by nature as appropriate, but a particular *way* of performing such actions. Fourth, the notion that the only source of moral value is the wanting of the agent (the virtue), and that all else is morally indifferent. Nevertheless, that there are reasons that render certain actions preferable (because of the relationship to *secundum naturam*), referred to as *kathêkon*, should also be acknowledged. Fifth, the idea that the outcome of any given action is irrelevant to its moral value, which is based on the non-procedural nature of

³⁴ See Forschner, M., *Die stoische Ethik*, p. 200.

³⁵ Luschat elucidates the compatibility of the theory regarding the absence of any middle term between virtue and vice with the moral progress of the agent. To his mind, the key point is that the opposite of the good (*agathá*) is not evil (*kakía*), but the not-good (*ouk agathá*), which encompasses the evil and the indifferent. See Luschat, O., “Das Problem des ethischen Fortschritts in der alten Stoa”, *Philologus* 102 (1958), p. 213. Regarding moral progress, see also Boeri, M. - Vigo, A. G., “Die Affektenlehre der Stoa”, pp. 52-57.

³⁶ This is a translation of the Greek *proêgména* and *apoproêgména*.

³⁷ According to Tsekourakis, Zeno adopted the Cynic position that virtue is the only good, and vice the only evil. Unlike the Cynics, however, he did not regard everything else as indifferent; rather, he attributed value to some such “indifferent” things: those which are *katà phýsin*. See Tsekourakis, D., *Studies in the Terminology of Early Stoic Ethics*, p. 1.

good actions (that is, the determination of the agent that makes the action good), on the one hand, and the fact that *homologia* is a kind of life which is in need of nothing external to the subject itself, on the other. Sixth, in line with the previous point, that morality is defined by the agent's achievement of a specific configuration or habitual state of knowledge (that is, wisdom), rather than the performance of particular actions or the fulfilment of specific objectives. And seventh, although some actions are indifferent in themselves, every *real* human action is either good or evil, depending on whether or not the individual who carries it out is a sage. In other words, the disposition of the agent colours everything she does in moral terms. The significance of these claims for this study is that all seven may also be made – *mutatis mutandis* – in relation to Kantian ethics.

3. Groundwork for the Metaphysics of Morals, Garve's translation of *De officiis*, and the manuals on natural right

a) The classification of duties in *GMS*

Kant's first reference to the distinction between perfect and imperfect duties is to be found in *GMS* (see *GMS* 4:421ff.). Following his formulation of the categorical imperative in terms of the law of nature, he goes on to "enumerate a few duties in accordance with the usual division of them into duties to ourselves and to other human beings and into perfect and imperfect duties" (*GMS* 4:421). Thereafter, he sets out the four common examples of types of duties: suicide, false promise, care for one's own capacities, and concern for the wellbeing of others (see also *GMS* 4:429-430). The difference between them arises from the fact that in relation to the latter two, one "cannot *will*" that one's maxim become universal law, whereas in relation to the former two, one "cannot [even] *think*" of one's maxim as a universal law; in both cases, such impossibility rests on a contradiction in either the will or reason³⁸. Kant continues: "It is easy to see that the first is opposed to strict or narrower (unremitting) [*engeren (unnachlässlichen)*] duty, the second only to wide (meritorious) [*weiteren (verdienstlichen)*] duty" (*GMS* 4:424). Thus, as a duty to oneself, the duty not to commit suicide is an internal and perfect (or strict) duty; as a duty to others, the duty not to lie is external and perfect; the duty to care for one's own capacities is internal and imperfect; and the duty of concern for the wellbeing of others is external and imperfect. Perfect duties are strict and inescapable (or as Kant puts it later: "required" (*schuldig*)), whereas imperfect duties are meritorious and wide. Hence, it would seem as though Kant thought that the categorical imperative might function as a criterion by which different duties might be classified, in line with the binary pairs of concepts prevalent in the manuals on natural right at that time.

In any event, Kant also avers in this regard: "It must be noted here that I reserve the division of duties entirely for a future *Metaphysics of Morals*, so that the division here stands only as one adopted at my discretion (for the sake of the arranging my examples). For the rest, I understand here by a perfect duty one that admits no exception in favor of inclination, and then I have not merely external but also internal *perfect duties*; although this is contrary to the use of the work adopted in the schools, I do not intend to justify it here" (*GMS* 4:421). This note has often been overlooked, and the classification outlined above read as conclusive, whereas Kant's definitive formulation of the question, in *MS*, is in fact very different³⁹. However, the terminology and elements deployed in *MS* are used in the brief text cited from *GMS*. Two issues that arise in this context may prove key to the interpretation detailed below: the first concerns the existence of "not merely external but also internal perfect duties"; and the second relates to the definition of perfect duty as "one that admits no exception in favor of inclination".

b) The theory of duties in the modern natural right tradition

³⁸ See O'Neill, O., *Acting on Principle. An Essay on Kantian Ethics*, Columbia University Press, New York – London, 1975, p. 53ff.

³⁹ As both Schneewind and Kersting rightly point out. See Kersting, W., *Kant über Recht*, p. 201; Schneewind, J. B., *The invention of autonomy. A history of modern moral philosophy*, Cambridge University Press, Cambridge, 1998, p. 525. A number of Kant's followers (Schmalz, Heydenreich and Schmid) began to develop the system of duties on the basis of *GMS*, without waiting for the later publication of *MS*.

A brief overview of the modern natural right tradition may enable a clearer understanding of the concepts used by Kant in this regard. *De officiis Ministrorum* (389 AD) by Ambrose of Milan⁴⁰ appears to have been a key text in the medieval reception of Stoic thought. The text defers to Cicero's work as the standard of reference, but endeavours to ground its position in Sacred Scripture⁴¹. Thus, the argument that duties may be categorised as either middle or perfect draws on the parable of the rich young man, wherein Christ distinguishes between what is necessary for salvation (*si vis uitam aeternam uenire, serua mandata*), fulfilment of the commandments, and what is necessary for perfection (*si vis perfectum esse*), which comprises the evangelical counsels. The former are said to lacking in something (*aliquid deest*), a play on words in the young man's question (*quid adhuc mihi deest?*); while the latter are described as meeting or fulfilling any possible need (*corriguntur omnia quae aliquos potuerunt lapsus habere*)⁴². Mercy (*miser cordia*) is what makes human beings perfect. In Book III, *katóρθôma* is alluded to as the perfect and absolute duty, the source of virtue, which is rarely to be found; in contrast, middle or common duty is much more easily attainable and, as a result, more frequently found⁴³. The following examples are given to illustrate the two forms of duty, respectively: to earn one's own living (*pecuniae compendia captare*) or to enjoy a delicious banquet, and to fast or to feel no envy for the goods of others. In Ambrose's account, therefore, the originally intensional distinction between types of duty becomes extensional, and the Patristic distinction between precepts and counsels is mapped onto the original Stoic distinction. Rather than referring to two levels within one and the same action, two different types of action are now at stake⁴⁴.

In German Enlightenment thought, the distinction between duties was used to demarcate the fields of ethics and right, the two areas comprising the sphere of natural right⁴⁵. Strict and necessary bindingness (*Verbindlichkeit*)⁴⁶ was read as the defining characteristic of such right, as opposed to the relatively weak, moral recommendations pertaining to the field of ethics⁴⁷. The most immediate source for this line of argument was Grotius's distinction between two categories of "right" an individual may possess: "*facultas*", if it may be commanded by coercion, or simply "*aptitudo*", if it is not amenable to such command⁴⁸. Pufendorf radically revised Grotius's position: taking the survival of society as his touchstone, he drew a distinction between perfect duties, which are indispensable to the continuance of society, and imperfect duties, which may merely contribute to improving it. Unlike perfect duties, imperfect duties are meritorious; in other words, they are not necessary as such, and cannot be defined in exact terms because they belong to the realm of beneficence. Moreover, the duties of beneficence require appropriate motivation in the agent, which can be neither fear of punishment nor one's own selfish interest. This position also functions as a criterion according to which right may be distinguished from morality, as Thomasius was to do. Right pertains to the field of what is right, giving rise to external and necessary obligations (or laws), while morality is the field of what is honest and respectable, within which internal, non-binding obligations (or counsels) arise⁴⁹.

This tradition is reflected in the manuals on natural right. Hence, for instance, according to Pütter and Achenwall's *Elementa iuris naturae* (1750), only duties derived from the principle

⁴⁰ Saint Ambrose, *Les devoirs*, 2 vols., ed. M. Testard, Société d'Édition "Les Belles Lettres", Paris, 1984. See Kersting, W., "Vollkommene und unvollkommene Pflichten", pp. 433-439; Dyck, A. R., *A Commentary*, p. 41-42.

⁴¹ See Schmidt, T., *Ambrosius, sein Werk de officiis libri III und die Stoa*, Augsburg, J. P. Himmer, 1897, p. 11ff.

⁴² See Saint Ambrose, *Les devoirs*, I XI 36-37 [=vol. 1, p. 230].

⁴³ See Saint Ambrose, *Les devoirs*, III II 10 [=vol. 2, pp.112-113].

⁴⁴ See Schmidt, T., *Ambrosius, sein Werk de officiis libri III und die Stoa*, pp. 40-41.

⁴⁵ In the main, the following comments are mainly based on the positions articulated by Kersting's works and Schneewind, J. B., "Kant and the Natural Law Ethics", in *Ethics*, 104 (1993), pp. 53-74; "Pufendorf's Place in the History of Ethics", in *Synthese*, 72 (1987), pp. 123-155, as well as on direct consultation of the works cited, especially the texts of Höpfner and Baumgarten texts.

⁴⁶ The relation between bindingness and duty is significant in this regard; the ideas are correlative rather than synonymous, a distinction that is discussed in some detail below.

⁴⁷ See Kersting, W., "Vollkommene und unvollkommene Pflichten", p. 434.

⁴⁸ See Grotius, H., *De iure belli ac pacis libri tres*, ed. P. C. Molhuysen, Lugduni Batavorum, Sijthoff, 1919, lib. I, cap. I, §VII, p. 24.

⁴⁹ Thomasius, Ch., *Fundamenta iuris naturae et gentium*, 4th ed., Halle, 1718 [=Scientia Verlag, Darmstad, 1979], cap. IV, §LXI, p. 135. Ritter explains that Kant received this idea via Achenwall. See Ritter, Ch., *Der Rechtsgedanke Kant nach den frühen Quellen*, Klostermann, Frankfurt a. M., 1971, pp. 90-92.

“*ne turbes aliorum conseruationem*” are perfect duties (*officia*)⁵⁰. In Höpfner’s *Naturrecht* (1785)⁵¹, a distinction is drawn between perfect and imperfect bindingness (*Verbindlichkeit*) on the basis of whether or another person may command its fulfilment⁵². The latter text contains an appendix entitled, “Why human duties are perfect or imperfect? And which duties belong to the first group and which to the second?”⁵³. According to Höpfner, only those duties which confer a perfect right – that is, an absolute right – on one to whom the individual is indebted (*schuldig*) are perfect duties. Thus, failure to fulfil perfect duties (or “*Zwangspflichten*”) constitutes an offence (*Beleidigung*), whereas a similar disregard in relation to imperfect duties (or “*Liebespflicht*”) is merely an oversight (*Lieblosigkeit*). In other words, Höpfner identifies perfect duties with the field of right, and imperfect duties with the field of morality. His position prompts two significant questions in relation to the interpretation of Kantian thought: first, the argument that “inner attitudes” (*Gesinnungen*) are not the object of right because they cannot be commanded⁵⁴; and second, the *de facto* identification of the concepts of bindingness (*Verbindlichkeit*) and duty (*Pflicht*), whereby perfect bindingness must have a perfect duty as its proper end. The final link in this chronological chain is the work of Mendelssohn who adopts a position similar to Höpfner’s in *Jerusalem* (1783), although he also underscores the indeterminate nature of imperfect duties and the discretionary latitude of which they may avail; thus, unlike perfect duties, in this regard, “it must be left exclusively to my discretion to determine the criterion by which I want to adjudicate any cases involving a collision of interests”⁵⁵.

That the work of Baumgarten had a direct bearing on Kant’s thought is beyond question; Kant used his manuals in his university lectures. Baumgarten would appear to have adopted the binary distribution of terms outlined above: “external/juridical/enforceable” as opposed to “internal/ethical/unenforceable”⁵⁶. While Kant endorsed this perspective, he would go on to qualify it in a number of significant ways. In his 1776-1777 lectures⁵⁷, for example, he held that internal obligations are imperfect, and external obligations perfect, because the individual may only be coerced (*gezwungen*) in relation to the latter. As a result, a different motive (*Bewegungsgrund*) is in operation in each case: the duty itself or coercion. Thus, internal duties are marked by an ethical bindingness, whereas juridical bindingness is the hallmark of external duties. This distinction between right and ethics on the basis of the type of bindingness (*Verbindlichkeit*) involved is one of the keys to the classification Kant furnishes in *MS*. At the same time, however, it should be noted that Kant pointed out that the field of ethics encompasses both “*Verbindlichkeiten des Wohlwolens, Grosmuth und Güte*” and “*Verbindlichkeiten der Schuldigkeit*”⁵⁸; that is, a classification similar to that given in *MS* (regarding the duties of virtue) of imperfect and perfect duties, respectively.

c) The terminology used by Garve in his translation and commentary

Garve’s translation and commentary on *De officiis* provide a number of significant terminological indices that may shed further light on the conceptual framework within which Kant developed his theory⁵⁹. That Kant originally envisaged *GMS* as being a response to

⁵⁰ “§198. Sola officia, quae deriuantur ex lege: ne turbes aliorum conseruationem, sunt perfecta, reliqua officia erga se ipsum et erga alios in censu perfectorum non existunt” (Pütter, J. S. - Achenwall, G., *Elementa iuris naturae*, Göttingen, Ioh. Wilhelm Schmidt, 1750).

⁵¹ Höpfner, L. J. F., *Naturrecht des einzelnen Menschen der Gesellschaften und der Völker*, Dritte verbesserte Auflage, bei Johann Christian Krieger dem Jüngern, Giesen, 1785 [1st ed., 1780].

⁵² Höpfner, L. J. F., *Naturrecht*, p. 21. Bindingness is defined as follows: “Die moralische Nothwendigkeit etwas zu thun heißt Verbindlichkeit” (p. 4).

⁵³ Höpfner, L. J. F., *Naturrecht*, p. 217.

⁵⁴ See Höpfner, L. J. F., *Naturrecht*, p. 243.

⁵⁵ Mendelssohn, M., *Jerusalem*, ed. A. Jospe, Schocken Books, New York, 1969, p. 27. This is significant for Mendelssohn’s basic thesis: “...man is autonomous by nature, that is, without positive obligations to anyone” (p. 26). See also p. 32 where the term “latitude” is used (*Spielraum*). See Kersting, W., *Kant über Recht*, p. 212ff.

⁵⁶ See Baumgarten, A. G., *Initia Philosophiae Practicae Primae*, §61, in *Kant’s gesammelte Schriften*, 19:32.

⁵⁷ Kant, I., *Vorlesung zur Moralphilosophie*, ed. W. Stark, Walter de Gruyter, Berlin – New York, 2004.

⁵⁸ See Kant, *Vorlesung zur Moralphilosophie*, p. 63 of Kaehler’s manuscript.

⁵⁹ In general, see Melches, C., *Der Einfluß von Christian Garves Übersetzung Ciceros “De officiis” auf Kants “Grundlegung zur Metaphysik der Sitten”*, S. Roderer, Regensburg, 1994. In any case, that text contains little or no

Christian Garve's critique of his work is widely acknowledged⁶⁰; and while no literal quotations from either Garve or Cicero are given in *GMS*, a number of references to Garve's thought and Stoic thinking are readily discernible, especially with regard to the "supreme principle of morality" (*GMS* 4:392) whereby what is "good without limitation" (*GMS* 4:393) may be determined. In relation to the subject of this paper, all the evidence would seem to suggest that Garve read the distinction between perfect and imperfect duty in a context other than the modern natural right tradition: no longer does the distinction rest on the difference between right and ethics, depending on whether the action is external or internal, enforceable or unenforceable; rather, the distinction lies between actions that are morally good and those that are merely permitted or useful, and which have no intrinsic moral value (although they may have such value in a derived sense). In light of the detail presented below, therefore, Garve may be said to have rediscovered the original meaning of the *kathêkon/katôrthôma* distinction, based on the theory of *oikeiôsis*, a meaning which had been more or less lost in the modern natural right tradition⁶¹.

In his (slightly free) translation of the relevant passage from *De officiis*, Garve glosses *kathêkon* as "middle or common duty" (*mittlern oder gemeinen Pflicht*) and renders it identical to what is "appropriate" (*Schickliche*); *katôrthôma* is translated as "perfect" duty (*vollkommen*) in the sense of wholly "right" or "just" (*volkommen recht*). The difference between the two is as follows: perfect duties comprise actions that are "right" or totally good (*durchaus gut*), whereas imperfect duties encompass actions for which a "*ratio probabilis*" or rational justification (*vernünftige Gründe*) may be given⁶².

Garve holds that the translation of *kathêkon* as *Pflicht*, based on the Latin term *officium*, is inadequate. Given that the concept of duty in German is inextricably linked to morality and virtue, he argues that the term "appropriate" (*schicklich*) is a better translation⁶³. In any event, this terminological ambiguity would appear to foster the idea that imperfect duties do have a certain degree of moral value, at least for those on the path towards virtue, although they may not have yet achieved the virtuous state as such.

Moral progress depends on the disposition of the agent, rather than the accomplishment of any given action. This statement is very significant for the line of argument pursued here. It is most likely that Garve's commentary on this passage from Cicero also discloses how Kant interpreted it, and almost certainly contains some of the terminology he was to use in composing *GMS*. Garve pointed out that actions are marked by a twofold movement: to the heart (*Herz*) from which they arise, and to the outcome they produce in the world (*die Erfolge in der Welt*)⁶⁴. Hence, the "rational justification" for an action relates to the outcome and depends on its appropriateness (*Schicklichkeit*) for the nature of the agent (according to the Stoics) or for

reference to the subject of this paper. See also DesJardins, G., "Terms of *De Officiis* in Hume and Kant", in *Journal of the History of Ideas*, 28 (1967), p. 241ff.

⁶⁰ See Hamann's letter to Herder dated 8 February 1784, quoted in Reich, "Kant and Greek Ethics (II)", p. 447.

⁶¹ In his book on imperfect duties and rights, M. Schumaker (see *Sharing without Reckoning. Imperfect Right and the Norms of Reciprocity*, Wilfrid Laurier University Press, Waterloo (Ontario), 1992, p. 51f.) mentions the comparison drawn by Thomas Reid between *imperfectum/perfectum officium* and the Scholastic distinction materially/formally good. Reid writes: "The goodness of an action, considered abstractly, can have no dependence upon the opinion or belief of the agent. (...) But when a man exerts his active power well or ill, there is a moral goodness or turpitude which we figuratively impute to the action but which is truly and properly imputable to the man only; and this (...) depends very much on the intention of the agent" (Reid, Th., *Essays on the Active Powers of Man*, ed. K. Haakonssen - J. A. Harris, The Pennsylvania State University Press, University Park (P), 2010, p. 298 [=1st ed., J. Bell, Edinburgh, 1788, p. 450]). However, Reid's influence cannot be traced further here.

⁶² Garve, Ch., *Abhandlung über die menschlichen Pflichten, aus dem Lateinischen des Marcus Tullius Cicero*, Teil 1: *Die Übersetzung*, Breslau, 1787 (1^a ed., 1783) [=Garve, Ch., *Gesammelte Werke*, hg. K. Wölfel, Band IX, G. Olms, Hildesheim - Zürich - New York, 1986].

⁶³ In a later work, comprising an exploration of different moral systems, he addresses the question as follows: "Es scheint uns im höchsten Grade widersinnig, wenn wir vom Cicero hören, daß die Stoiker die *officia*, eben das wovon sein vortreffliches Wert handelt, und über welches hinaus wir uns nichts höheres ans Sittlichkeit zu denken wissen, unter die Dinge rechnen, welche weder *gut* noch *böse* sind, welche nichts zur *Glückseligkeit* (*beatitudo*) beytragen, und mit den Gegenständen aller andern Naturtriebe, mit Reichtum und Macht, im gleichem Range stehen" (Garve, Ch., *Übersicht der vornehmsten Principien der Sittenlehre, von dem Zeitalter des Aristoteles an bis auf unsere Zeiten*, Breslau, 1798 [=Gesammelte Werke, VIII], pp. 67-68).

⁶⁴ Garve, Ch., *Abhandlung...*, Teil 2: *Die Anmerkungen* [=Gesammelte Werke, X], p. 18).

happiness (according to Garve). In contrast, perfect duties rest on the motivation of the agent. The decisive factor in this regard is the form of the faculty itself (the will), because only a faculty that is wholly in accordance with its nature may carry out perfect actions⁶⁵. Garve addressed the question of how the Stoics could differentiate the *officia perfecta* from the *imperfectis*, and came to the following conclusion: “They are not two different kinds of duties, but only different ways of considering one and the same duty”⁶⁶. The example he gives to illustrate this point is of saving a drunken man’s life: in itself, the act is simply to “save someone’s life”; as such, its value is the value of “life” which, according to the Stoics, has no real value (*wahres gut*). Thus, while such an action is merely “appropriate”, an imperfect duty, the value and philanthropy (*Menschenliebe*) reflected in the rescue are defining characteristics of perfect duty⁶⁷.

The cornerstone of morality, therefore, is not that actions are good but that the agent be good⁶⁸. That there is an intrinsic link between the agent and his actions is undeniable, just as “a tree is known by its fruit”⁶⁹; but the moral quality of the agent persists even if, for whatever reason, the outcome of his actions remain unseen. The following section in Garve’s work probably had a significant bearing on the drafting of *GMS*: “In fact, the moral difference of actions is not to be found in them, either as external events or in their consequences, but in the way of thinking [*Denkungsart*], in the mind’s inner attitudes [*Gesinnungen*], from which they arise. And this way of thinking, this inner attitude, remains even when due to a defect in the cause [*Anlass*], no action is present”⁷⁰. A significant shift in terminology may be noted relative to its use in the modern natural right tradition: a virtuous inner attitude is an indispensable aspect of perfect duty, whereas imperfect duty comprises actions regarded as useful because of their outcomes or effects.

From this position to the Kantian distinction between *aus Pflicht* and *pflichtmäßig* action is but a very small step⁷¹, a distinction which is the touchstone for the new moral theory articulated by Kant in *GMS*. At the same time, however, and this is one of the purposes which this paper is intended to accomplish, Kant’s division of duties into perfect and imperfect in *GMS* is not based *directly* on the Stoic tradition, but on the tradition of modern natural right. Nevertheless, as outlined in further detail below, a similar dynamic may also be discerned in the system of duties in *MS*, Kant’s definitive position on the matter. Two schools of thought come together in *MS*: the original Stoic theory, articulated in terms similar to those used in Garve’s work, on the one hand, and the tradition of modern natural right, on the other. By reading the system of duties in *MS* in light of the specific characteristics of these two schools of thought, the apparent paradoxes and many misunderstandings that have often dogged the interpretation of Kant’s position may be avoided.

4. The twofold influence of Stoic thought on the system of duties in *The Metaphysics of Morals*

a) Two criteria of classification: form of bindingness (*Verbindlichkeit*) and type of duty (*Pflicht*)

All of the concepts and distinctions cited thus far are also deferred to in the text of *The Metaphysics of Morals*, which was published in two parts. The first part, entitled “Metaphysical Principles of the Doctrine of Right” (1797), includes both the *Rechtslehre* as well as a general

⁶⁵ “Nur die vollendete, ihrer Natur nach ganz ausgebildete Kraft, kann vollkommene Handlungen verrichten” (Garve, Ch., *Abhandlung...*, Teil 2: *Die Anmerkungen*, p. 19).

⁶⁶ Garve, Ch., *Abhandlung...*, Teil 2: *Die Anmerkungen*, p. 20.

⁶⁷ See Garve, Ch., *Abhandlung...*, Teil 2: *Die Anmerkungen*, p. 20. This example is similar to the abovementioned instance given by Cicero, on the return of a deposit.

⁶⁸ “...was er Gutes oder Uebels in seinem Leben that; (...) in wie weit er selbst gut oder böse ist” (Garve, Ch., *Abhandlung...*, Teil 2: *Die Anmerkungen*, p. 31).

⁶⁹ Garve, Ch., *Abhandlung...*, Teil 2: *Die Anmerkungen*, p. 19.

⁷⁰ Garve, Ch., *Abhandlung...*, Teil 2: *Die Anmerkungen*, p. 29. See Mardomingo, J., “Estudio preliminar”, in *Fundamentación de la metafísica de las costumbres*, Ariel, Barcelona, 1999, p. 22

⁷¹ Elsewhere, Garve himself suggests that the term *kathêkon* may be translated as *pflichtmäßig*. See *Übersicht der vornehmsten Principien der Sittenlehre*, pp. 67-68.

introduction to the metaphysics of morals – that is, a general introduction to the two parts of the text. The second part comprises the “Metaphysical Principles of the Doctrine of Virtue” (1798) or *Tugendlehre*. The publication history of the text enables clearer elucidation of apparent contradictions in the usage of terminology; above all, in relation to the overall structure of the system of duties in the *Tugendlehre*, which differs from that set out in the general introduction published the year before.

For the purposes of this study, the system of duties Kant outlines in *MS* may be schematized as follows⁷²:

1. Duties of right (or juridical duties)
2. Duties of virtue
 - 2.1. Perfect duties
 - 2.1.1. To oneself
 - 2.1.2. To other human beings
 - 2.2. Imperfect duties
 - 2.2.1. To oneself
 - 2.2.2. To other human beings

Given that the duties are first divided in relation to whether or not they are to oneself or to others, and then into the categories of perfect and imperfect, this schema does not follow the order established by Kant. With regard to one’s duties towards others, Kant himself draws a distinction between those “by performing which you also put others under obligation” and those “the observance of which does not result in obligation on the part of others” (*MS* 6:448). However, this distinction within the category of duties towards others mirrors the difference between perfect and imperfect duties; thus, Kant’s system of duties may be schematized as above. The advantage of this schema is that it makes plain how the key distinction for Kant lies, first of all, between duties of right (*Rechtspflichten*) and duties of virtue (*Tugendpflichten*) and, secondly, between perfect and imperfect duties, irrespective of whether on not such duties are to oneself or to others. Kant defers to two different criteria so as to demarcate this twofold form of classification: the duties of right may be distinguished from the duties of virtue by reference to the kind of bindingness (*Verbindlichkeit*) involved; and perfect duties are different to imperfect duties on the basis of the degree of determination. The bindingness of right is strict; it concerns actions and may be enforced by external coercion. In contrast, the bindingness of ethics (the tenets of virtue) is wide; it concerns maxims and cannot be enforced by external coercion.

Kant’s system of classification depends on the distinction between maxim and action. A maxim is a subjective practical principle by which the faculty of desire determines its causality, and comprises a practical rule and an incentive. The practical rule is a representation of the relation between the end which the agent aims to obtain and the means to be employed in its accomplishment; the incentive is what ensures that the rule is not merely a theoretical (or technical) description of a means-end relationship in the world, of something that *could* be done; rather, it is rendered a subjective *practical* principle or, in other words, the determining ground of the agent’s causality. On the other hand, Kant holds that the action (*Handlung*), strictly speaking, is the phenomenal outcome of the agent’s causality; that is, the effect of the determination of the faculty of desire in accordance with a given maxim.

This distinction between action and maxim is crucial because the choice of the subjective practical principle (or maxim) is always in the agent’s power and lies entirely with him, whereas the outcome of the determination of the faculty of desire is conditioned by a wide range of factors that lie outside the agent’s control. In fact, Kant argues that the action as outcome may be *wholly* explained by reference to natural legality; that is, there is no need to take into account its relationship with the agent as the action’s author, by means of free causality. From the overarching perspective of human agency, a further crucial difference may be discerned: only the outcome is taken into consideration in relation to the action, irrespective

⁷² A detailed justification of this classification system is offered in Torralba, J. M., *Libertad, objeto práctico y acción*, p. 324ff. This section of the paper is based on the outcome of that research, although it is presented here in a different form and a more detailed account is provided of some areas that were merely hinted at in the earlier study. The extensional/intensional criteria is applied here to the system of duties, and the moral modalities developed.

of the incentive or even the end established by the agent. The payment of taxes is an emblematic example in this regard: taxes may be paid so as to avoid the punishment for failure to pay or so as to contribute to covering social costs, and incentivized by a desire to fulfill a moral duty or simply to ensure a quiet life. However, both the end and the incentive play a determining role in relation to the maxim.

The Kantian distinction between action and maxim parallels the distinction between right and ethics: while right comprises the nexus of external relations between freedoms, ethics denotes the agent's freedom with respect to the determination of his causality – that is, the adoption of maxims (see *MS* 6:388-391). Only the outcome is of real significance to right, whereas the subjective practical principle or maxim is preeminent in ethics. The bindingness of right is strict because actions, by their very nature, are determined; in contrast, the bindingness of ethics is wide because it entails the adoption of maxims. Since the latter pertain to the level of principles, wherein a range of actions may be available, maxims allow a certain room for latitude (*Spielraum*). The obligation to pay one's taxes may be perfectly fulfilled by making the required deposit at the bank; however, not only may the maxim requiring one's contribution to social costs be fulfilled in a range of different ways, but it is impossible to determine what it consists of *in advance*⁷³.

It should be noted in this regard that, to Kant's mind, *all* the duties of virtue (perfect and imperfect) are marked by a wide form of bindingness and may avail of some room for latitude in relation to specific action; and the degree of determination is the criterion by which perfect duties may be distinguished from imperfect duties. This view raises no significant issues in relation to imperfect duties such as the development of one's own natural perfection, for example, or one's gratitude towards others. However, the situation with regard to the perfect duties of virtue is more problematic, as it may become difficult to tell them apart from duties of right: both would appear to require that a particular action be carried out or foregone, such as returning a loan, rejecting suicide or avoiding slander⁷⁴. This potential for confusion may stem from the fact that the latter actions are basically negative by nature, thus mitigating the adoption of a maxim; the degree of determination is high because they denote only one form of the maxim: rejection of the end. If a maxim is incompatible with the end, it is forbidden as a matter of course. By contrast, given that they prescribe the adoption of a maxim, according to which the end may be determined but not the specific means by which it is to be accomplished, imperfect duties of virtue are markedly undetermined. The examples of the development of one's own natural perfection or beneficence may be illustrative in this regard. According to Kant, "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" (*MS* 6:390). Thus, imperfect duties offer the agent some room for latitude. In line with the interpretation presented here, this *Spielraum* is different to that pertaining to all the duties of virtue, including, of course, the perfect duties of virtue. Such room for latitude is additional to and subordinate to the other sphere of action.

A number of scholars have read the room for latitude surrounding actions in the field of duties of virtue as a means of making exceptions⁷⁵. This interpretation finds some support in the following passage from the *Rechtslehre*: "The doctrine of right wants to be sure that *what*

⁷³ Kant also highlights the difference between ethics and right depending on the type of coercion [*Nötigung*] imposed on the agent's choice by the law (whether juridical or moral, respectively). The law may avail of certain means to coerce [*zwingen*] the agent's performance of a particular action, whereas in ethics there is no way of obliging the agent to adopt any given maxim. The coercion of the agent's choice by the moral law is effected through the moral conscience.

⁷⁴ Although Kant's use of terminology can occasionally be vague in this regard, his overall position seems clear. In *MS* 6:450 he points to a number of duties towards others (referred to here as the perfect duties) which may be regarded as "analogues" of the juridical duties; for example, respect for others, which forbids arrogance, slander and mockery. However, as "analogues" they cannot be seen as wholly "identical-to", as Kersting appears to argue in *Kant über Recht*, pp. 224-225. At the same time, the right is also amenable to a certain level of interpretation, some room for latitude; however, this is different to the field of ethics because it concerns the action rather than the maxim. What is being interpreted is the meaning of the law. See the discussion of equity in *MS* 6:234-235.

⁷⁵ See, for instance, Gregor, M., *Laws of freedom. A Study of Kant's Method of Applying the Categorical Imperative in the Metaphysics of Morals*, Basil Blackwell, Oxford, 1963, p. 107ff. A parallel may be drawn between this instance and the interpretation of Stoicism, wherein a number of commentators hold that the *kathêkon/katôrthôma* distinction mitigates the claims of strict rigorism. See Forschner, M., *Die stoische Ethik*, p. 197.

belongs to each has been determined (with mathematical exactitude). Such exactitude cannot be expected in the doctrine of virtue, which cannot refuse some room for exceptions [*Ausnahmen*] (*latitudinem*)” (MS 6:233). Nevertheless, Kant’s position on this matter in his account of the duties of virtue given in the Introduction to *Tugendlehre* leaves no room for discussion: “A wide duty [=duty of virtue] is not to be taken as permission to make exceptions to the maxim of actions but only as permission to limit one maxim of duty by another (e.g. love of one’s neighbor’s in general by love of one’s parents), by which in fact the field for the practice of virtue is widened” (MS 6:390). The terms “*Spielraum*” and “*latitudo*” were commonly read as synonymous with “exception” in the manuals of natural right at that time; in drafting *GMS*, and perhaps also in composing the *Rechtslehre* in 1796, Kant’s thought would appear to belong to the same tradition. However, his position in the *Tugendlehre*, which should be read as his final word on the matter, is beyond question. Moreover, in the 1796 Introduction to the work, he had already made it clear that there could be no exceptions as regards conflicts of duties or the “limitation” of one maxim by another because, strictly speaking, “a *collision of duties* and obligations is inconceivable (*obligationes non colliduntur*)” (MS 6:224)⁷⁶.

b) The intensional character of the *pflichtmäßig/aus Pflicht* distinction in the extensional division of the system of duties

According to Kant, a *pflichtmäßig* action is an action in conformity with the moral law, that is, in accordance with the categorical imperative: “So act that the maxim of your action could become a universal *law*” (MS 6:389). However, this may be effected in two different ways, depending on whether external use (in relation to the freedom of others) or internal use (the internal determination of the causality of the agent) (see MS 6:223-224) is taken into consideration. With regard to the former, the purpose of the imperative is to ensure the coexistence of freedoms, prohibiting the adoption of maxims that others cannot make their own because they would negate the exercise of their freedom; whereas, with regard to the latter, the imperative obliges the agent to adopt the moral law “as the law of *your own will*” (MS 6:389) – in other words, to adopt the categorical imperative as the principle of the agent’s own causality.

At the same time, Kant specifies further that that by making the moral law the law of one’s own will, the maxims may be read “as subjective principles which merely *qualify* for a giving of universal law, and the requirement that they so qualify is only a negative principle (not to come into conflict with such a law)” (MS 6:389). According to Kant, in addition to being marked by the “negative qualification” of *pflichtmäßig*, the duties of virtue require that humanity (in oneself and in others) be taken as the end of one’s actions (see MS 6:395). Such ends as duties, comprising the different duties of virtue, may be prescriptive or prohibitive, depending on whether humanity is cast in a positive or negative light – that is, in accordance with what humanity as an end *requires* and what is *incompatible* with it. Whatever is neither obligatory nor prohibited – that is, whatever is not a duty – is simply permitted⁷⁷.

However, there is a third term in ethics between what is permitted and what is dutiful (whether obligatory or prohibited): it pertains to the dutiful but is not done from duty (*aus Pflicht*). According to Kant, not only does the field of ethics require the adoption of certain maxims (as well as their corresponding ends: one’s own perfection and the happiness of others); but also that the incentive be the duty itself⁷⁸. Although it is articulated explicitly in both *GMS* and *KpV*, this distinction may not have been so clearly expressed in *MS* because the question of moral motivation had been central to the two previous works on ethics, and there may have been

⁷⁶ This may be resolved by distinguishing between the duties and bindingness which the agent faces in each action. A conflict of duties may present itself in the abstract; but in any specific situation, the agent is conditioned only by *one* bindingness. See MS 6:349-357 and Torralba, J. M., *Libertad, objeto práctico y acción*, pp. 349-357.

⁷⁷ This arises in relation to both right and ethics; the field of ethics is the focus here because of its distinctive nature, as discussed below.

⁷⁸ There is a direct relationship between the fact that the end of the duties of virtue is humanity and that the motive involved in such duties is respect for the moral law. Kant regards humanity as being the only end which the moral law may prescribe. His line of reasoning is as follows: all actions have an end, including actions shaped by the moral law; thus, there must be some end proper to morally configured actions. That end can be nothing other than the end defined in the categorical imperative formulated in terms of humanity. See MS 6:384, 395.

no perceived need to rehearse the issue again⁷⁹.

This difference is reflected in *MS* in the distinction Kant draws between “virtue” (“the bindingness or obligation of virtue [*Tugendverpflichtung*]”) and “duty of virtue” (*Tugendpflicht*). While virtue encompasses the inner attitude to fulfill the duty (whether juridical or of virtue) from duty, the *duties of virtue* as such comprise the maxims (or ends) established as obligatory by the moral law: “What it is virtuous to do is not necessarily a *duty of virtue* strictly speaking. What it is virtuous to do may concern only *what is formal* in maxims, whereas a duty of virtue has to do with their matter, that is to say, with an end that is thought as also a duty” (*MS* 6:394-395)⁸⁰. Although this is a keystone in the metaphysics of morals, the parallels Kant traces throughout *MS* between right and ethics, legality and morality, *pflichtmäßig* and *aus Pflicht*, may lead to confusion between specific duties (duties of right and duties of virtue) and the bindingness that defines the different fields of right and ethics. Duties of right are also subject to ethical bindingness (the bindingness of virtue), and may therefore be carried out *aus Pflicht*, as discussed below. However, the most important point at this juncture is the fact that an individual may fulfill the duties of virtue in a merely *pflichtmäßig* way, fulfilling the conditions of legality but ignoring the requirements of morality⁸¹. The significance of this observation is as follows: if the fulfillment of duty (whether a duty of right or a duty of virtue) is independent of virtue (or good inner attitude), it is wholly lacking in any moral value⁸².

Two further clarifications should be registered in this regard. The first is a response to a possible objection. According to *MS*, the distinction between duty of right and duty of virtue rests on the distinction between action and maxim (see *MS* 6:388-389); thus, in light of the comments on Garve’s translation presented above, it would seem logical to regard imperfect duty and the simple fulfillment of actions prescribed by the duties of right as equivalent, and likewise perfect duty and the adoption of given maxims, since such duty requires a virtuous inner attitude. Moreover, this description would not contradict the notion that both duties relate to the same action addressed from two different perspectives: the execution of the action and the principle whereon such execution depends, which lies in the heart or inner attitude of the person. However, this interpretation is mistaken because maxim and motivation are rendered equivalent, and the fact that the maxim comprises a practical rule and an incentive and that motivation depends on incentive alone are overlooked. The practical rule includes a representation of the object (or state of affairs) to be effected as the outcome of action, and is structured in terms of means and end, wherein the means is the action as such and the end is the desired outcome (see *MS* 6:380-381). Thus, not only do the duties of virtue prescribe the adoption of practical rules; in addition, such adoption is to defer to an adequate incentive. The universal ethical command is “*handle pflichtmäßig aus Pflicht*” (*MS* 6:391; see also *KpV* 5:81). In other words, all the maxims (that is, practical rules) laid down by the duties of virtue are “*pflichtmäßig*”, but they may be adopted or rejected by the agent “*aus Pflicht*”, depending on the incentive.

The second clarification relates to the position occupied by the duties of right in this classification system. The key point in this regard is Kant’s argument that all the duties of right are indirectly ethical⁸³. In this context, duties of right may be described as having two basic

⁷⁹ One of the most significant original contributions advanced in Kantian ethics is articulated in the first chapter of *GMS*, wherein Kant explores the conditions of an action performed “from duty”. First, he excludes actions that run contrary to duty; then, those carried out for selfish intentions; and finally, he attempts to define those cases in which the duty is fulfilled because there is an “an *immediate* inclination to it [=the moral law]” (*GMS* 4:397).

⁸⁰ A little later, he adds: “Die Tugend, als die in der festen Gesinnung gegründete Übereinstimmung des Willens mit jeder Pflicht, ist wie alles Formale bloß eine und dieselbe. Aber in Ansehung des Zwecks der Handlungen, der zugleich Pflicht ist, d.i. desjenigen (das Materiale), was man sich zum Zwecke machen soll, kann es mehr Tugenden geben, und die Verbindlichkeit zu der Maxime desselben heißt Tugendpflicht, deren es also viele giebt” (*MS* 6:395).

⁸¹ This is clear from the well-known passage in *KpV*, where legality/morality are rendered equivalent to *pflichtmäßig/aus Pflicht* (see *KpV* 5:81). See also *MS* 6:219.

⁸² In *GMS*, Kant associates “moral value” (*sittlichen Wert*) and “moral content” (*sittliche Gehalt*) with the fact that the actions are performed out of duty rather than by inclination (see *GMS* 4:398). Likewise, see *KpV* 5:151 and the references in *MS* to morality as the source of “internal value” and the dignity of human being (*MS* 6:436, 462).

⁸³ “Die Ethik hat freilich auch ihre besondern Pflichten, (...) aber hat doch auch mit dem Rechte Pflichten, aber nur nicht die Art der Verpflichtung gemein. Denn Handlungen bloß darum, weil es Pflichten sind, ausüben und den Grundsatz der Pflicht selbst, woher sie auch komme, zur hinreichenden Triebfeder der Willkür zu machen, ist das

characteristics: (a) they relate only to the external exercise of freedom and, as a result, to relationships with other human beings; and (b) they prescribe only the execution of actions, irrespective of the maxim (practical rule and incentive) in accordance with which such actions are carried out⁸⁴. Nevertheless, the determination to carry out a specific action involves the adoption of a practical rule wherein the action (as effect) is represented as a means (albeit independently of both the end the agent sets for himself and the incentive that prompts him to act). In other words, the prescription of an action involves, as a matter of course, that the agent adopt a maxim⁸⁵. Hence, when Kant states that all duties of right are *also* ethical duties, his argument amounts to saying that the bindingness of virtue (*Tugendverpflichtung*) is involved in adopting the maxims prescribed by the duties of right for the established end (humanity in oneself and in others), in accordance with an adequate incentive (respect for the moral law)⁸⁶. The example regarding the payment of taxes is also relevant here. The law requires that “payment be made” (the action figured as a means in the practical rule), irrespective of whether the end be “to avoid penalty” or “to contribute to the common good of other members of society”; and, moreover, in relation to the latter, independently of whether the incentive is the “selfish profit” to be obtained (for if no one paid taxes, then the social security system would collapse) or “respect for the law”⁸⁷.

These two clarifications may enable a clearer presentation of the coherent interpretation advanced here. The interpretative key is the acknowledgement that the *Pflichtmäßig/aus Pflicht* distinction applies to all duties, duties of right *and* duties of virtue, because the distinction itself is intensional. This distinction is based on the structure of the maxim: while the conformity of an action with the duty is dependent on the practical rule, the inner attitude in accordance with which it is carried out depends on the incentive. At the same time, for the purposes of this paper, the distinction between duties of right and duties of virtue may also be framed in terms of the means-end structure of the practical rule. Duties of right prescribe only the means (action), whereas duties of virtue also prescribe the end⁸⁸. However, both are conditioned by the bindingness of virtue; that is, both belong to the field of ethics: “Action springing from such an interior attitude (respect for the law) can be called virtuous (ethical) action, even though the law lays down a duty of right” (*MS* 6:394; translation modified: “inner attitude” instead of “disposition”).

Perhaps because he failed to take such recognition into account, Kersting regards the terms “imperfect” and “wide bindingness”, and “perfect” and “strict bindingness”, as interchangeable. While he acknowledges in a footnote that Kant also refers to “perfect duties of virtue”, he holds that the reference is irrelevant to his line of argument and cites the passage from *GMS* mentioned above⁸⁹. Moreover, the quotations Kersting draws on to support his position are taken primarily from the *Vorarbeiten* and a number of pre-critical works – that is, as the argument here has suggested, from works in which Kant had not yet clearly defined his use

Eigenthümliche der ethischen Gesetzgebung. So giebt es also zwar viele direct-ethische Pflichten, aber die innere Gesetzgebung macht auch die übrigen alle und insgesamt zu indirect-ethischen” (*MS* 6:220-221). That juridical duties are also “indirect-ethical” duties implies there is also an ethical criterion that the motive for which they are carried out be respect for the law.

⁸⁴ The third key characteristic is that they may be commanded and coercion may be effected to ensure they are fulfilled.

⁸⁵ In stating the universal principle of the right, Kant wrote: “Eine jede Handlung ist recht, die oder nach deren Maxime die Freiheit der Willkür eines jeden mit jedermanns Freiheit nach einem allgemeinen Gesetze zusammen bestehen kann” (*MS* 6:230).

⁸⁶ “...alle Pflichten bloß darum, weil sie Pflichten sind, mit zur Ethik gehören; aber ihre Gesetzgebung ist darum nicht allemal in der Ethik enthalten, sondern von vielen derselben außerhalb derselben. So gebietet die Ethik, daß ich eine in einem Verträge gethane Anheischigmachung, wenn mich der andere Theil gleich nicht dazu zwingen könnte, doch erfüllen müsse: allein sie nimmt das Gesetz (*pacta sunt servanda*) und die diesem correspondirende Pflicht aus der Rechtslehre als gegeben an. (...) Rechtslehre und Tugendlehre unterscheiden sich also nicht sowohl durch ihre verschiedene Pflichten, als vielmehr durch die Verschiedenheit der Gesetzgebung, welche die eine oder die andere Triebfeder mit dem Gesetze verbindet” (*MS* 6:219-220).

⁸⁷ While the example of the payment of taxes may seem slightly simplistic, it is a clarifying illustration of the issue being explained here.

⁸⁸ There is no reference in right to “the *matter* of choice [*Willkür*], that is, of the end each has in mind with the object he wants” (*MS* 6:230).

⁸⁹ See Kersting, W., *Kant über Recht*, pp. 219-230, especially pp. 223-225.

of terminology and in which he continued to be greatly indebted to the natural right tradition.

The lengthy and detailed argument laid out in this section shows that the system of duties was developed on the basis of a threefold structure. First, the system comprises an extensional classification of kinds of duties: duties of right and duties of virtue, with a further subdivision of the latter into perfect and imperfect categories. Second, another, likewise extensional, classification, based on the different forms of bindingness pertaining to the law of right and ethics (depending on whether one defers to the action or the maxim), is overlaid on the first. The argument that ethical bindingness also encompasses the fulfilment of duties of right entails that duties of virtue become indirectly ethical duties, because not alone is the action prescribed, but the end as well. Finally, the intensional distinction between *Pflichtmäßig* and *aus Pflicht* denotes the relationship between the system of duties, which establishes the obligatory or prohibited actions or maxims, and the determination of the causality of the agent, which depends on the incentive engaged in the adoption of given maxims (strictly speaking, the adoption of given practical rules as subjective practical principles). In other words, this distinction encapsulates the two ways in which objective principles may be rendered subjective. The consequences of this third distinction for Kantian ethical thought as a whole comes into focus through the analysis of the notion of inner attitude (*Gesinnung*) carried out in the final section below.

5. The moral good as a relation in the will: from Kant to Stoicism

a) The moral good lies in the inner attitude or second-order maxim

One element is missing from the framework outlined above: inner attitude (*Gesinnung*). According to Kant, inner attitude is a second-order maxim⁹⁰. First-order maxims, the focus of discussion thus far, comprise a practical rule and an incentive. The incentive prompts the agent to adopt the rule to determine his own causality, making it a subjective practical principle or maxim. In Kant's view, there are two fundamental types of incentive: incentives of self-love, based on the pleasure produced by the representation of the object of the action; and moral incentives, based on the respect inspired by the moral law⁹¹. Inner attitude is the principle that governs whether the agent accepts one type of incentive or another in adopting a maxim. Kant defines it as "the first subjective ground of the adoption of maxims" (*Religion* 6:25). Inner attitude is described as a second-order maxim because it too was chosen by the agent, who is likewise responsible for it (see *Religion* 6:26)⁹².

Strictly speaking, inner attitude is the object of pure practical reason – that is, the good or evil; and this object is composed of the relation established by the agent between reason and the will⁹³. This relation is effected by means of the agent's freedom, an "empirically unconditioned causality" (*KpV* 5:56) which Kant refers to as a "practical relation". Although it lacks *theoretical* reality because it is not apparent to intuition, *practical* reality may be attributed to the relation because it "is exhibited *in concreto* in inner attitudes [*Gesinnungen*] or maxims" (*KpV* 5:56; translation modified). Kant's explanation in a key passage from *KpV* runs as

⁹⁰ See Timmermann, J., *Sittengesetz und Freiheit. Untersuchungen zu Immanuel Kants Theorie des freien Willens*, W. de Gruyter, Berlin – New York, 2003, pp. 149-154.

⁹¹ This need not mean that a decision to act based on a selfish motive is always *immoral*. Indeed, the purpose of most actions is to satisfy our needs; and according to Kant, such satisfaction is shaped by pleasure. Only when a maxim contrary to the moral law is chosen out of pleasure is there any contradiction between the two types of incentive. Any maxim that is not contrary to the moral law is permissible; whether or not it is chosen out of pleasure is irrelevant.

⁹² Choice is not made in a vacuum, as though there were a vanishing point prior to morality at which each agent must choose between self-love and morality; rather, choice pertains to the moral development of the person. This is a position Kant endeavours to explain in the *Religion*, where he discusses the fundamental propensity (*Hang*) towards evil, in which the incentives are inverted, and the basic dispositions of human beings are rendered as animality, rationality and personality (see *Religion* 6:26-28).

⁹³ The inner attitude enacts the relationship between pure reason (which in its practical use is the will (*Wille*)) and the choice (*Willkür*). Although the terminology used in *KpV* does not defer to the *Wille/Willkür* distinction, which is defined in *MS*, the meaning is the same. See Torralba, J. M., "The Two Objects of Practical Reason. Moral autonomy, human causality, and inner disposition (*Gesinnung*)", in Bacin, S. – Ferrarin, A. – La Rocca, C. – Ruffing, M. (eds.), *Kant und die Philosophie in weltbürgerlicher Absicht. Akten des XI. Internationalen Kant-Kongresses*, Walter de Gruyter, Berlin – New York, forthcoming.

follows: “*Good or evil* always signifies a relation in the will insofar as it is determined by the *law of reason* to make something its object; for, it is never determined directly by the object and the representation of it, but is instead a faculty of making a rule of reason the motive of an action (by which an object can become real). (...) If anything is to be good or evil absolutely (and in every respect and without condition), or is to be held to be such, it would be only the way of acting, the maxim of the will, and consequently the acting person herself as a good or evil human being, that could so be called, but not a thing” (*KpV* 5:60; translation modified). Inner attitude is the basic moral configuration of the agent and expresses the individual’s way of being, their moral quality; it comprises the relation that arises between the agent’s wanting and the objects of that desire⁹⁴. Such relations may take on one of two fundamental forms: either the wanting is determined by its object, leading to heteronomy; or the object is adapted to – or respects – the form of wanting, which is the definition of autonomy. Kant’s account of the highest good sets out how such autonomy is possible: the highest good, the totality of the object of pure practical reason (see *KpV* 5:108), encompasses an adequate *relation* between good (or virtue) and happiness.

Of particular significance to the present study is Kant’s reference to Stoic thought immediately after the passage from *KpV* cited above, wherein the Stoic notion that pain, even “the most intense pains of gout” (*KpV* 5:60), should be regarded as an ill (*Übel*) rather than as an evil (*Böses, kakon, malum*), is endorsed. Such ills cannot be described as evil because “the pain did not in the least diminish the worth of his person but only the worth of his condition” (*KpV* 5:60). In marked contrast, however, “a single lie of which he had been aware would have had to strike down his pride” (*KpV* 5:60). This clarification enables a more coherent reading of the renowned and poetic passage with which *GMS* opens, wherein it is stated that the will is good by virtue of its wanting alone, not because of whatever it may effect. “Even, if by a special disfavor of fortune or by the niggardly provision of a stepmotherly nature, this will should wholly lack the capacity to carry out its purpose – if with its greatest efforts it should yet achieve nothing and only the good will were left (not, of course, as a mere wish but as the summoning of all means insofar as they are in our control) – then, like a jewel, it would still shine by itself, as something that has its full worth in itself. Usefulness or fruitfulness can neither add anything to this worth nor take anything away from it” (*GMS* 4:394). This position reflects a neat parallel between Kantian philosophy and Stoic thought on an understanding of the good: the key factor in accomplishing the moral good is not external, not even success in effecting a given action; rather, such good lies in the internal determination to fulfill a given duty⁹⁵.

b) There is only one virtue: the Kantian transformation of the Stoic position

In general, Kant cites the concepts of moral good, virtue and good inner attitude interchangeably. Indeed, such interchangeability of reference itself may reflect the influence of Stoic thought. Although Kant rejected a number of key aspects of Stoic thought regarding virtue and the sage, the idea that there is only one virtue, encapsulated by the moral configuration of the agent, is retained.

The system of duties of virtue in *MS* sets out all the ends the agent is bound to take on (or not to oppose) in the maxims she adopts: gratitude, respect, self-preservation, etc. In light of such variety of ends, Kant allows that one may speak of different virtues; strictly speaking,

⁹⁴ In other words, it is the principle by which the causality of the faculty of desire is determined; as such, it is prior to and logically independent of any given action. Only determination is of significance in moral evaluation because only determination is involved in the moral configuration of the person. In no way need this argument be read as contradicting the idea that the determination of the faculty of desire is *always* designed to bring about a specific action, and must be carried out with the foresight (using any available technical knowledge) required to ensure that said action be effected as a result. In this regard, Kant is very careful to distinguish between will (*Wille*) and wish (*Wunsch*), as acts of the faculty of desire. See *MS* 6:213.

⁹⁵ See Forschner, M., “Guter Wille und Haß der Vernunft. Ein Kommentar zu *GMS* 393-396”, p. 70ff. Forschner points out that the other source for this argument, besides Stoic thought, is Christian moral doctrine: the distinction between the spirit and the letter of the law, which Kant interprets as follows: “Der Buchstabe des Gesetzes (Legalität) würde in unseren Handlungen anzutreffen sein, der Geist desselben aber in unseren Gesinnungen (Moralität) gar nicht” (*KpV* 5:152).

however, there is only one virtue, “as the will’s conformity with every duty, based on a firm inner attitude” (*MS* 6:395). Kant is keen to highlight the fact that “not every obligation of virtue [*Tugendverpflichtung*] (*obligatio ethica*) is a duty of virtue [*Tugendpflichten*] (*officium ethicum s. virtutis*); in other words, respect for law as such does not yet establish an end as a duty, and only such an end is a duty of virtue” (*MS* 6:410). The one, fundamental ethical obligation is to have a “virtuous inner disposition [*tugendhafte Gesinnung*], the subjective determining ground to fulfill one’s duty” (*MS* 6:410)⁹⁶, because this is the definition of “internal freedom” (see *MS* 6:406-407). To Kant’s mind, virtue is not the habit (meaning “routine”) of fulfilling the duties of virtue; rather, it is the “habit” (meaning “disposition”) whereby good inner attitude is the principle of determination of one’s faculty of desire⁹⁷. However, since Kant holds that moral perfection is never fully accomplished, this basic disposition is to be enacted in every decision. Hence, virtue is defined in Kantian terms as “the strength of a human being’s maxims in fulfilling his duty” (*MS* 6:394). Such strength depends on the inner attitude, because inner attitude affects the configuration of incentives.

Therefore, there are only two possibilities: the inner attitude is either good or evil; and, as a consequence, the individual is either virtuous or vicious. No indifferent position is possible (*Religion* 6:24; see also 6:22), nor can the individual be morally good in some respects and evil in others, because this would conflict with the definition of the individual as good in terms of having “incorporated it [the inner attitude] into his maxim” (*Religion* 6:24). Nevertheless, despite surface appearances perhaps, the Kantian position in this regard differs from the Stoic argument. In a note to the passage quoted above, Kant makes reference to “the ancients” in relation to the questions of whether virtue may be taught and if there is more than one virtue. Kant’s initial response is to endorse the ancients’ negative account of both issues, “for they were considering virtue *in itself*, in the *idea* of reason (how the human being ought to be)” (*Religion* 6:24). However, Kant goes on to argue that both questions may also be answered in the affirmative, from the perspective of “man in the phenomenal realm”, rather than pure reason. This elucidation enables a more refined understanding of the passages in which virtue is referred to as the “inner attitude in *struggle*” as opposed to “sanctity”, which would amount to the “*possession* of a complete *purity* of inner attitudes” (*KpV* 5:84; translation modified). In this definition, therefore, virtue is the moral level that corresponds to human being, who is on a path of constant progress towards virtue⁹⁸. In Kant’s view, to claim anything else would be nothing more than “moral enthusiasm” (see *KpV* 5:84-85). Kant criticizes the Stoic concept of virtue in this regard, because it seems to him to comprise nothing other than a “certain heroism of the *sage*, who, raising himself above the animal nature of the human being, is sufficient to himself, and through the discourses on duties to others is himself raised above them and is not subject to any temptation to transgress the moral law” (*KpV* 5:127)⁹⁹. To Kant’s mind, however, moral good is, in itself, an unattainable ideal towards which human beings must constantly strive, because they will never be free of the inclinations that emerge as alternative incentives to the moral law.

Since Kant argues that given the current state of the human condition the moral ideal is unattainable, it would appear as though any virtuous (or good) action is likewise impossible; and as such, his position seems paradoxical. The key to resolving this apparent paradox is as

⁹⁶ He adds that this inner attitude also encompasses the duties of right. As has already been noted above, this implies that all duties of right are also indirectly ethical duties because they may be fulfilled out of respect for the law; such an incentive may be required in ethical terms, though it is not in itself juridical.

⁹⁷ “Die Tugend kann man also nicht durch die Fertigkeit in freien gesetzmäßigen Handlungen definieren; wohl aber, wenn hinzugesetzt würde, ‘sich durch die Vorstellung des Gesetzes im Handeln zu bestimmen’, und da ist diese Fertigkeit eine Beschaffenheit nicht der Willkür, sondern des Willens, der ein mit der Regel, die er annimmt, zugleich allgemein-gesetzgebendes Begehrungsvermögen ist, und eine solche allein kann zur Tugend gezählt werden” (*MS* 6:407).

⁹⁸ “Die sittliche Stufe, worauf der Mensch (aller unserer Einsicht nach auch jedes vernünftige Geschöpf) steht, ist Achtung fürs moralische Gesetz. Die Gesinnung, die ihm, dieses zu befolgen, obliegt, ist, es aus Pflicht, nicht aus freiwilliger Zuneigung (...) zu befolgen” (*KpV* 5:84).

⁹⁹ “Die Stoiker haben für Kant den Menschen mit der Setzung des Diiudikations- und Exekutionsprinzips in die Tugend überfordert bzw. ihn an eine Fähigkeit glauben lassen, die er nicht besitzt. Epikur hat hingegen die menschliche Natur unterschätzt” (Santozki, U., *Die Bedeutung antiker Theorien...*, p. 165).

follows: Kant defines virtue as moral strength; in other words, the effort to determine oneself to act out of respect for the law. Given that the egoistic tendencies of human nature will always arise to oppose the call of duty, and because human beings can never have *complete* knowledge of the moral perfection of their determination to act, such effort is itself never-ending. If the individual strives to make an effort to act in a morally good way, it is at least *possible* that her acts may possess moral value. By contrast, the absence of virtue or the lack of any such effort on the agent's part is a guarantee that their actions are likewise lacking in moral value. This is a form of merely negative knowledge. Moreover, Kant holds that what safeguards morality is, in fact, the uncertainty or unease of the situation. The latter preserve the individual from moral enthusiasm, a charge Kant lays against the Stoic hope that good actions may be carried out "not from duty but as bare merit" (*KpV* 5:85), thus dependent on pathological rather than moral incentives. To Kant's mind, only his position can guard against heteronomy and safeguard morality¹⁰⁰.

The consequence of Kant's rejection of the Stoic conception of the sage and the concomitant definition of virtue was indicated in the account of the highest good offered in *KpV*. According to Kant's line of argument, the relation between virtue and happiness cannot be analytic; rather, it must be synthetic because it rests on two heterogeneous elements that depend in turn on different legalities and principles (freedom and nature). The Stoic argument that virtue is the condition of happiness is undeniable; however, their assertion of a *direct* causal link between the two was mistaken (see *KpV* 5:114). The moral law cannot promise happiness as its own reward. According to Kant, this (conceptually indispensable) link can only be effected through the mediation of God, the creator of the world (*KpV* 5:115). Perhaps unintentionally, the Stoic ideal of the sage occludes the human being's belonging to the sphere of nature, because "they not only strained the moral capacity of the *human being*, under the name of a *sage*, far beyond all the limits of his nature", but the Stoics also failed to see happiness as a "special object of the human faculty of desire" (*KpV* 5:127)¹⁰¹.

The Kantian argument may be read as an attempt to overcome the error in Stoic thought, thus offering a balanced account of the duality (*not* dualism) that marks human nature. Seen as a consequence of human finitude, such duality is one of the touchstones of critical philosophy: phenomena/noumena, sensible/intelligible, empirical/pure, etc. This duality is also reflected in a special way in the works on ethics, in the structure of the faculty of desire: will (*Wille*) and choice (*Willkür*). When Kant defines the highest good as the complete object of practical reason (see *KpV* 5:109 and 119), he means that it is the object both of choice (the sphere of natural inclinations and needs, which he regarded as the epitome of happiness), as well as the object of the will (the sphere of moral good or virtue) (see *KpV* 5:108). Thus, the ineluctable object of all wanting, as the act of the faculty of desire, is the highest good.

The key is to establish and keep "order" between both elements, ensuring that virtue is always the condition of happiness, and never vice versa. The desire to fulfill one's own natural needs does not conflict with the moral law, provided that it is marked by respect for the law and never leads to any transgression¹⁰². Given that the human being is not a merely intelligible being, the drive to meet such needs and to yield to the desire for happiness is inevitable; in fact,

¹⁰⁰ This is unquestionably a peculiar position, which may well be attributed to the pessimistic vision of human nature reflected in *Religion*. Moreover, in my view, moral self-knowledge may be one of the weakest link in the chain of Kantian thought. See Palacios, J. M., "Del conocimiento de sí mismo en la filosofía trascendental", in Palacios, J. M., *El pensamiento en la acción. Estudios sobre Kant*, Caparrós, Madrid, 2003, pp. 13-40.

¹⁰¹ According to Santozki, Kant is mistaken with regard to the Stoic concept of "*beatitudo*", confusing it with the Epicurean idea of "*voluptas*". "Die hier angesprochene *beatitudo* ist aber nicht mit Kant hedonistisch verstandener Glückseligkeit identisch, die eher der *voluptas* Epikurs entspräche. *Beatitudo* entspricht der griechischen *eudaimonia*, die als Oberbegriff für das Telos menschlichen Lebens steht, welche das Thema aller antiken Schulen darstellt: Bei den Stoikern wird sie als *virtus*, bei Epikur als *voluptas* bestimmt" (Santozki, U., *Die Bedeutung antiker Theorien...*, p. 169). However, it would seem as though Kant's intention is, in fact, to criticise Stoic thinkers who (to deploy the same terminology) fail to conceive of *eudaimonia* as *voluptas* – that is, he is not mistaken with regard to the Stoic position; rather, he holds that happiness ought to be envisaged as "*voluptas*".

¹⁰² Kant is careful to guard against any possible misunderstanding: "Diese Ordnung der Begriffe von der Willensbestimmung darf nicht aus den Augen gelassen werden: weil man sonst selbst mißverstehet und sich zu widersprechen glaubt, wo doch alles in der vollkommensten Harmonie neben einander steht" (*KpV* 5:110).

it is the individual's duty to do so (as a hypothetical imperative)¹⁰³. Moreover, in relation to the sphere of incentive, to act on an incentive rooted in self-love need not *in itself* be evil. Of course, any such action would lack any *moral value* but would not necessarily be a transgression of the moral law, because it may comprise an action – or maxim – in conformity with duty (or, at least, not in opposition to it). As noted already above, fulfillment is the determining requirement of duties of right; whereas duties of virtue also involve the condition of adequate incentive: simple fulfillment is not evil, but neither is it enough.

c) The *Wohl/Gut* distinction and the moral value of happiness

Kant's argument mirrors Stoic thought in regarding *aus Pflicht* actions as the only acts that possess moral value and that have features similar to *katóρθôma*, as both are grounded in reason (the moral law and *homología*, respectively)¹⁰⁴. Whatever contravenes the moral law is evil; everything else is morally indifferent. Nevertheless, nothing like the natural ground (*secundum naturam*) of *kathêkon* is disclosed in any attempt to specify what *pflichtmäßig* is in Kantian philosophy. Kant's determination to deny any relation between the sphere of duty and the realm of nature is clearly the reason for this; as Schneewind argues, Kant took "the indifference of the natural world to human meaning"¹⁰⁵ as a given.

In the language of modalities, *pflichtmäßig*, whatever is commanded by the moral law (whether duties of right or duties of virtue), amounts to the whole of what is *morally obligatory*; in turn, whatever is not *pflichtwidrig* comprises the whole of what is *morally permitted*¹⁰⁶; and whatever is *morally prohibited* falls between the two, and may be defined as whatever contravenes or is incompatible with *pflichtmäßig*¹⁰⁷. That the morally permissible lacks any moral value in itself is clear, and is referred to as "indifferent". However, the moral value of the morally obligatory does not stem from the obligation imposed by the moral law; rather, its value arises from the incentive, as a result of being *aus Pflicht*. As detailed below, therefore, the distinction between valuable (or worthy) and indifferent does not parallel the distinction between morally obligatory and morally permitted.

In the main, whatever is *pflichtmäßig* and carried out *aus Pflicht* comprises what is morally valuable. The field of what is morally indifferent may be further divided into three subsets. First, "the obligatory that lacks the required (or adequate) incentive"; that is, obligatory actions (or duties) carried out without an adequate incentive, whose practical rule (or end, in the case of duties of virtue) is that prescribed by the moral law, but whose incentive is something other than respect for the law. Whatever actions fall within this subset may not be described as "Gute" and, as such, lack any moral value¹⁰⁸.

The second and third subsets encompass "well-being" and the "merely permitted",

¹⁰³ In any case, natural needs as such lack any moral significance, and thus may be regarded as "opaque" to duty. Kant does not concede the Stoic position regarding the propositional nature of the emotions, susceptible to rational assent. See Schneewind, J. B., "Kant and Stoic Ethics", pp. 295-296.

¹⁰⁴ Forschner goes so far as to say the following: "Die Nähe der stoischen Ethik zur kantischen Position wird nirgends deutlicher als in der Theorie der *adiáphora*" (*Die stoische Ethik*, p. 117; see also p. 168). See also Reich, K., "Kant and Greek Ethics (II)", p. 448ff.

¹⁰⁵ Schneewind, J. B., "Kant and Stoic Ethics", p. 294. See also Santozki, U., *Die Bedeutung antiker Theorien...*, pp. 172-179.

¹⁰⁶ *Pflichtmäßig* may be read in two ways. The strict sense is what is prescribed by duty – that is, what is obligatory. As such, it is synonymous with *Legalität*, in the same way as *aus Pflicht* mirrors *Moralität*. However, *pflichtmäßig* may also be defined in negative terms – that is, as whatever does not contradict the obligatory. Whatever is not prohibited is permitted; and *pflichtwidrig* is what is prohibited. That this reading of the second sense is credible is confirmed by the logic of moral modalities itself, as well as the definition furnished by Kant in *MS*: "Erlaubt ist eine Handlung (*licitum*), die der Verbindlichkeit nicht entgegen ist" (*MS* 6:222).

¹⁰⁷ The focus here is what is *morally* obligatory, permitted and prohibited, not what is *juridically* obligatory, permitted and prohibited. Thus, a juridical duty may be framed within the field of the morally permissible; and given that ethics commands that all actions be performed out of respect for the law, a juridical duty so carried out may be said to pertain to the sphere of the morally obligatory, as outlined above.

¹⁰⁸ Since what is at issue here are actions determined by the moral law rather than happiness, it is not simply *Wohl*. Kant's ethics always reflects a double perspective: the *principium diiudicationis* and the *principium executionis*; the categorical imperative is the objective principle of morality in both senses (it prescribes duties and prompts their fulfillment). From the point of view of judgment, they may be described as "good"; but in terms of execution, they are related to "well-being".

respectively. The difference between the two depends on whether or not reason prescribes the corresponding actions or maxims. Given that reason seems only to prescribe what is morally obligatory, this position may appear paradoxical. However, practical reason always has two different uses in Kantian thought: the pure (or morally-practical) and the empirically-conditioned (or technically-practical). The morally-practical use determines duty (both duties of right and duties of virtue) and, as a result, whatever is “morally obligatory”, as well as the subset of “the obligatory that lacks the required (or adequate) incentive” within the sphere of the morally permissible. In addition, by a process of elimination, it may also be concluded that morally-practical reason also determines the whole of what is morally permissible – that is, whatever is not *pflichtwidrig*. In its technically-practical use, by contrast, reason prescribes actions (or maxims) relating to happiness, insofar as such happiness is the necessary (or real) end of human being. Unlike the categorical imperatives that underlie the duties of right and duties of virtue, such prescriptions are hypothetical imperatives (pragmatic imperatives¹⁰⁹).

As noted already above, happiness is a necessary object of human wanting and part of the highest good. Thus, so long as due order is maintained, the prescriptions of the moral law and the claims of happiness cannot come into conflict with one another. The immediate objective here is to show how, according to Kant’s theory, the prerequisite of happiness pertains to the field of what is “morally permitted” and, more specifically, to the subset of “well-being”. This subset comprises all the actions and maxims that first, are not *pflichtwidrig* and, second, are prescribed by a pragmatic imperative. They are obligations or duties because they are prescribed, but they lack any moral value because the incentive that prompts their fulfillment is self-love. However, they do not pertain to the subset of what is “merely permitted” because there is an obligation to carry them out (by means of a pragmatic imperative, reason compels the faculty of desire to determine itself).

Kant acknowledges that a certain kind of goodness may be attributed to “well-being”, which he refers to as *Wohl* so as to distinguish it clearly and explicitly from goodness as such, the *Gute* (see *KpV* 5:62). He holds that “*well-being* [*Wohl*] and *ill-being* [*Übel*] always signifies only a reference to our state of *agreeableness* or *disagreeableness*, of gratification or pain. (...) But *good* or *evil*...” (*KpV* 5:60). In any case, well-being does not denote a transitory state of agreeableness or disagreeableness, a fleeting feeling; rather, it is defined by life as a whole. Having underscored the fact that the only true good as such is *Gute*, Kant himself is quick to point out that this need not involve eliminating or ignoring the prerequisites of happiness: “Certainly, our well-being and woe count for a *very great deal*, (...) as far as our nature as sensible beings is concerned, *all* that counts is our *happiness* if this is appraised, as reason specially requires, not in terms of transitory feeling but of the influence this contingency has on our whole existence and our satisfaction with it; but happiness is not *the only thing* that counts. The human being is a being of needs, insofar as he belongs to the sensible world, and to this extent his reason certainly has a commission from the side of his sensibility which it cannot refuse, to attend to its interest” (*KpV* 5:61). The meaning of this observation may be understood clearly in light of the articulation of virtue and happiness in the highest good. Virtue and happiness are not mutually exclusive; rather, they are bound together in a peculiar way. Of particular interest here is the fact that a single action may bring about well-being (happiness) and a state of virtue (goodness) at the same time. Thus, whoever fulfils the prescriptions of pragmatic imperatives on the basis of a good inner attitude may be described as performing a morally valuable act, and, as a result, moral value cannot be limited to duties (whether duties of right or duties of virtue) carried out *aus Pflicht*; rather, moral value is attributable to any action that is not *pflichtwidrig* and is performed on the basis of a good inner attitude. That moral value is not a feature of the action as outcome, but of the agent and the maxims which determine his performance of a given action, should also be noted in this regard¹¹⁰. Hence, part of “well-

¹⁰⁹ Not an “imperative of skill”, whose end is not *real*, but merely *possible*, as is the case with happiness (see *GMS* 4:416).

¹¹⁰ In any case, to my mind, Kant fails to provide an adequate account of the combination of well-being and virtue: no wholly integrated explanation can be reached on the basis of the radical heterogeneity established at the outset. The problem lies in the narrowly formalistic nature of Kantian thought: the predicate “good” cannot be transferred to the matter of wanting. Kant’s theory of action cannot account for the argument that goodness is predicated on the maxim,

being”, and even the “merely permitted”, is also to be included in the field of what is morally valuable. The inmost meaning of the Kantian position is that, given the intensional nature of the *pflichtmäßig/aus Pflicht* distinction, any action may have moral value precisely because such value does not stem from what is carried out, but from the incentive and, ultimately, the wanting of the agent. The parallel between this line of argument and the Stoic position is evident.

d) Moral development according to the theory of *oikeiôsis* and the Kantian theory of personality

Kant refers to a second function of morally-practical reason in relation to the distinction between *Wohl* and *Gute*. In addition to determining what is morally obligatory and prompting its fulfillment, the task of distinguishing between the use of the technically-practical and the morally-practical is also attributed to such reason, as well as rendering the latter the condition of the former. He expresses this position as follows: “For, that he has reason does not at all raise him in worth above mere animality if reason is to serve him only for the sake of what instinct accomplishes for animals. (...) No doubt once this arrangement of nature has been made for him he needs reason in order to take into consideration at all times his well-being and woe; but besides this he has it for a higher purpose: namely, not only to reflect upon what is good or evil in itself as well – about which only pure reason, not sensibly interested at all, can judge – but also to distinguish the latter appraisal altogether from the former and to make it the supreme condition of the former” (*KpV* 5:62). The thrust of this statement suggests that Kant is referring to his theory regarding the three basic dispositions of the human being, further articulated in *Religion*: animality, humanity (or rationality) and personality. The first two dispositions establish a set of ends for human being as such, which together comprise happiness. Personality, in turn, may be defined as “the susceptibility to respect for the moral law *as of itself a sufficient incentive to the power of choice*” (*Religion* 6:27); that is, it may be interpreted as the ability to adopt a practical principle that raises the moral law to the role of supreme condition of every volition. In other words, personality may be described as the moral capacity each human being discovers in himself. As has been outlined above, inner attitude is the type of principle whose adoption can configure the wanting of the agent; and moral value rests on such a principle and the wanting it configures.

The defining feature of personality is that it is a natural disposition without which the choice of respect for the law as an incentive in the determination of the will¹¹¹ would be impossible. Because it is innately given rather than acquired, the personality disposition is present in each and every human being, although the individual may ignore it and decide to be determined solely in accordance with the ends established by animality and humanity. Nevertheless, Kant holds that there comes a time in the moral life when ethical requirements are taken into account. At that moment in time, which is a “revolution in the inner attitude”, not a matter of gradual progress, an adequate order between the good and well-being is established – or, to make a distinction without a difference, between moral duty and happiness (see *Religion* 6:47). The ends of animality and humanity are not denied or discounted; rather, they are drawn into the established order of morality. The situation may be framed as follows: the only criterion of morality is that the moral law be the supreme condition of all wanting. When this is the case, the relation established between the will and its objects articulates autonomy. Such autonomy does not involve any change in the objects of desire, but in the relation between the will and the objects; that is, there is a change in *how*, not in *what*. The key factor in this regard is the principle or inner attitude (*Gesinnung*) in accordance with which the agent acts. The ends established by animality and humanity remain valid, but they are rendered subordinate to the supreme end defined by personality: morality. Autonomy is enacted by means of a reflexive act, whereby the agent puts some distance between himself and the ends comprising happiness, thus putting them in their proper place, so to speak. Autonomy is the “more elevated mission” to

but not *in any way* on its matter or object. If the matter is an essential component of the maxim, and real action is neither abstract nor purely formal, it would seem as though the goodness of the form would have to inform or shape the matter of the action *in some way*.

¹¹¹ It is similar to one of the “concepts of what is presupposed on the part of feeling by the mind’s receptivity to concepts of duty as such” to which Kant refers in *MS* (see *MS* 6:399).

which Kant refers in this passage from *KpV*, and is the essential task of morality.

That a similar position may be discerned in the conception of moral development reflected in the theory of *oikeiôsis* is significant. In his analysis of *De finibus* III, Engberg-Pedersen argues that three steps may be traced in *oikeiôsis*: the first is the knowledge of the order and harmony that some actions have; the second comprises the relation between such actions and the agent's proper end; and the third step is set out as follows: "At the same time as one engages in reflexion on one's earlier acts and becomes aware of the context (viz. the one of asking the practical question) in which one's reflexion is being conducted, one also becomes self-reflexively aware of *oneself as* being engaged in that kind of activity. This means that one becomes aware of oneself *as rational* and that the property of acts that one is looking for is *rational justifiability*"¹¹². In this final step, not only does the agent do *what* is appropriate, knowing it to be appropriate; moreover, the agent also knows *why* it is appropriate; that is, the agent has a clear insight into the good required for the practice of *katóρθôma*¹¹³.

That self-love is at the root of moral development, including in the third step, is undeniable¹¹⁴; in this regard, the Stoic position and Kant's argument are poles apart. Hence, the conclusions reached here are tentative. However, a close structural parallel appears to exist between the two because the key moment in terms of morality for both schools of thought is reflexive in nature: it involves a certain distancing from one's own natural tendencies and, as a result, the exercise of reason to abstract from one's own individuality, thus enabling the agent to determine for himself the type of relation objects have (or will have) with his volition. This account has a significant bearing on Stoic ethics: although the good may be rooted in nature, normativity (in terms of its conception as good and dutiful) is not naturalist as such, but fundamentally rational¹¹⁵. In this key regard, therefore, it may be concluded that Stoic thought and Kantian philosophy may not be as far apart as they may appear at first sight; the only difference between them is the concept of nature to which they defer, and as is commonly accepted in philosophy, basic concepts always disclose a range of meanings¹¹⁶.

¹¹² Engberg-Pedersen, T., "Discovering the good: *oikeiôsis* and *kathêkonta* in Stoic ethics", p. 162.

¹¹³ Engberg-Pedersen, T., "Discovering the good: *oikeiôsis* and *kathêkonta* in Stoic ethics", p. 178.

¹¹⁴ In the sense that "self-appetition as the object of such primary love becomes the natural way to self-knowledge and the process of disclosure of the human condition" (Corso, L. E. "Marcus Tullius Cicero and the Role of Nature in the Knowledge of Moral Good", en García, A. N. – Silar, M. – Torralba, J. M. (eds.), *Natural Law. Historical, Systematic and Juridical Approaches*, Cambridge Scholars Publishing, Newcastle, 2008, p. 20.

¹¹⁵ This position is held in Forschner, M., *Die stoische Ethik*, p. 159ff.

¹¹⁶ Santozki shows that the Kantian rejection of *oikeiôsis* is rooted in ignorance of the primacy of reason over natural impulses and inclinations in Stoic thought. See Santozki, U., *Die Bedeutung antiker Theorien...*, p. 175.