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Kant and Overdemandingness II: The Demandingness of Perfect Duties

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ABSTRACT

In this paper, we consider how demandingness objections pertain to perfect duties in Kantian ethics. We revisit the framework of demandingness that we introduced in a previous paper, before introducing three cases that have been suggested to constitute problems for Kant, specifically regarding perfect duties. We argue that some of these cases do constitute problems for the Kantian framework, but the complaint of overdemandingness obfuscates other issues. In particular, we suggest that Kantian ethics may benefit from a theory of goods. However, we observe that supplementing Kantian ethics in this way may yield a number of further difficulties.

1 | Introduction

In the first of this pair of papers (Saunders et al. 2024), we introduced a framework for understanding overdemandingness, and discussed ways Kantians attempted to avoid concerns of overdemandingness that pertain to *imperfect* duties. These include appeals to *latitude* concerning how much an obligatory end is to be promoted, and claims that duties moderate each other. We argued that these responses were unsatisfactory. Furthermore, these responses do not apply to *perfect* duties which commonly are considered to permit no exceptions, and do not allow for the same sort of latitude that imperfect duties do.¹ In this paper, we turn to consider such perfect duties.

Whilst overdemandingness objections against Consequentialism focus on the demandingness of duties that Kant would largely subsume under beneficence, much of the recent demandingness debate as it pertains to Kant's ethics focuses on *perfect* duties. These duties are chiefly negative duties of *omission*; you ought not to lie or murder for instance. On a standard Kantian account they are of the most stringent kind. Since these duties are the paradigm of duty for Kant, a discussion of the demandingness of

perfect duties promises to reveal how the overdemandingness problem might play out specifically on a Kantian framework. Such a discussion also promises to expand the overdemandingness debate to a form of duties that is central to a number of ethical theories, usually referred to as 'deontology', and also often seen as part of common-sense ethics.

In this paper, we examine the cases that have been presented as exemplifying overdemandingness problems for Kant and argue that they are not best understood as constituting pure overdemandingness objections (§2), and discuss what else, if not overdemandingness, is fundamentally the problem (§3). We argue that the problem is that Kant fails to provide an adequate theory of goods (§4). Ultimately, it will emerge that much of the debate about the potential overdemandingness of perfect duties in Kant locates the problem in the wrong place. However, this does not mean that these objections do not indicate significant challenges for Kant.

Before we look at specific overdemandingness objections against Kant, a brief reminder is in order. McElwee (2017) provides four criteria that must be satisfied for an objection to count as a pure

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overdemandingness objection. Pure overdemandingness objections are those where the problem is the demandingness itself and not, at bottom, something other than demandingness that also leads to high demands such as an incorrect conception of duty.² The distinction between pure overdemandingness objections and objections where excessive demands are merely symptomatic of another problem will become very important in this paper for understanding the challenges Kant faces and the responses that can be given.

The four criteria are as follows:

1. *Moral considerations*: There are moral considerations in favour of φ -ing.
2. *Sufficient importance*: The considerations in favour of φ -ing are sufficiently important to generate a moral obligation.
3. *Not outweighed*: The reasons for φ -ing are not outweighed by moral or non-moral reasons to not φ .
4. *Not obligatory*: Because of how much φ -ing costs the agent, φ -ing is not obligatory.

As we argued in Part 1, criterion (4) can be satisfied both by costs or psychological difficulty.

2 | Murderers, Tyrants and Trespassers—Overdemandingness Cases in Kant

We will look at three cases which have recently been presented as different paradigms or illustrations of overdemandingness in Kant. For each case, we argue that it does not meet the criteria for pure overdemandingness objections.

Murderer at the Door: This is the famous case of a murderer knocking on my door asking if I am hiding a friend, which I in fact am. It is clear that the murderer wants to murder my friend and the case is stipulated such that I cannot simply refuse to answer. Kant himself replied to this case which he believed to be a challenge put to him by Benjamin Constant (VIII:435). On the most straightforward, though not uncontested, reading he denies that we may lie to the murderer in order to save the friend.

Gallows: ‘But ask him whether, if his prince demanded, on pain of the same immediate execution, that he give false testimony against an honourable man whom the prince would like to destroy under a plausible pretext, he would consider it possible to overcome his love of life, however great it may be. He would perhaps not venture to assert whether he would do it or not, but he must admit without hesitation that it would be possible for him. He judges, therefore, that he can do something because he is aware that he ought to do it and cognises freedom within him, which, without the moral law, would have remained unknown to him.’ (V:30.21–35)

Trespasser: ‘But what if some perfect duty prohibits or imposes constraints on one’s conduct in an emergency situation? For instance, if helping the victims of a car crash nearby makes it necessary that I break into your house and take whatever I need to help the victims?’ (Pinheiro Walla 2015, 736).

We pick these specific cases for two reasons: Firstly, these are the cases that have recently given rise to overdemandingness objections issued against Kant. Secondly, the cases present different tensions that together exhaust the main types of conflicts between perfect duty and other ends and goods³:

Murderer, which has generated a slew of literature in its own right,⁴ presents a clash between a perfect duty and something best understood as a non-moral good: friendship.⁵ Moreover, there is also a clash between a perfect duty and the duty to help someone in need or preserve an innocent life (Cholbi 2009).⁶

Gallows, which Kant himself presents to demonstrate the Fact of Reason, the *Critique of Practical Reason*’s key concept, presents a clash between an agent’s own, vital, (self-)interest and a perfect, juridical, duty not to bear false testimony in court.

Trespasser presents a case in which a perfect duty (property ownership) clashes with an imperfect duty (beneficence). This case draws on the intuition that morality can unduly frustrate our ends, including obligatory ends. The conflict is in one sense an intra-moral one, but, in another sense, we have a potential overdemandingness problem if the agent has strong preferences for one moral option, but a perfect duty prohibits this option. It might then be very difficult for the agent to comply with their perfect duty.

Van Ackeren & Sticker (2015, 84–5) argue that *Murderer* and *Gallows* constitute cases of overdemandingness. They are aware that *Murderer* is presented by Kant himself as concerned with a juridical right (to lie) and corresponding juridical duties which can be externally enforced.⁷ Nonetheless, they suggest that it is legitimate and in fact necessary to also discuss the ethical dimensions of the case. We agree with this. For even if we could find a way to tweak Kant’s legal claims, it would be unsatisfactory if agents were now *legally permitted* to lie to the murderer but this was still unethical.⁸

We here accept the standard view that juridical duties or duties of right are a subclass of perfect duties but do not exhaust this class. All juridical duties are perfect duties but there are perfect duties that are not juridical duties (but instead ethical duties that cannot be enforced externally). Examples for the latter commonly include perfect duties to self as well as ethical duties of respect to others (VI:465–8, Guyer 2024, 99–101).⁹ Thus, it is plausible to assume that I do not have a duty of right not to lie in general (i.e., lying as such is not a crime) but I do have a perfect duty of virtue not to lie. Indeed, this is one of the reasons, some argue, that makes Kant’s essay on this topic so puzzling: he does not think we have a general judicial duty not to lie, so why does he appear to argue as he does in this (in)famous essay of his?¹⁰

In *Murderer*, it would be both extremely costly for an agent to tell the truth in these situations and presumably also psychologically

difficult. This, according to Van Ackeren and Sticker (2015), gives rise to an overdemandingness problem. Moreover, they argue (ibid.80–85) that two core features of Kant's ethics responsible for its unreasonable demandingness are *purity* and *overridingness*. Purity is the idea that duty is determined by a formal procedure, the categorical imperative. Consequences or impact on the agent or anyone else do not matter for the question of what duties she has. Overridingness is a thesis about the weight or stringency of duty, specifically, that perfect duties trump or override any countervailing considerations. If we combine both features, we end up with a conception of duty that is insensitive to non-moral goods. Our duty is determined by a formal and rational procedure (purity), and obeying one's duty is the most rational thing to do (overridingness).¹¹ The combination of purity and overridingness “make Kant's moral theory a theory without a safety net [...] in a moment, she could be rationally required to give up everything” (Van Ackeren and Sticker 2015, 85).

However, it is not clear that fundamentally the problem with *Murderer* is overdemandingness. In fact, it seems that van Ackeren and Sticker (2015, 85) potentially understate the problem when they frame it as an overdemandingness problem and yet concede that ‘in fact it is hard to see that there is anything (non-morally or morally) good in helping a murderer find her victim’. According to them, it seems that telling the truth to the murder is *not* a good thing to do. If anything, this seems to be worse than overdemandingness. After all, the problem with pure overdemandingness is that we are asked to do something that would be morally good, required even, if it were not for how demanding it is. In *Murderer*, we are asked to do something that does not even seem to be good.

A look at the framework for pure overdemandingness might help us better understand the problem. It seems that *Murderer* at least meets criterion (1), *moral consideration*. There are always moral considerations in favour of truth telling. Moreover, we think that it is plausible that criterion (2), *sufficient importance*, is met but criterion (3), *not outweighed*, is not. There is a prima facie obligation to tell the truth, even in cases where this is difficult or costly. Yet, given what is at stake in *Murderer*, it is plausible that this prima facie obligation is outweighed by the moral and non-moral costs of telling the truth.

We should clarify a methodological point here. An orthodox Kantian who thinks that Kant's moral philosophy is a system that cannot be broken into parts might insist that *not outweighed* cannot be met. It follows from Kant's framework that if a course of action cannot be willed as a universal law without a contradiction in conception, then this generates a perfect duty to refrain from any token-actions that come under this course of action. On a standard conception perfect duties cannot be outweighed by imperfect duties such as helping people pursue their ends (even ends such as avoiding a murderer), let alone non-moral concerns. We should thus disregard our intuition that *not outweighed* is not met.

However, we do think that it is a contentious philosophical assumption that perfect duties cannot be outweighed by imperfect duties, and we will revisit this assumption later in this section. For the time being, we should point out that we take it that the framework of pure overdemandingness is meant to offer intuitive

and theory independent criteria to determine whether, in a given case, it is indeed overdemandingness that is a problem or something else. It is legitimate to work out which of the criteria are met according to our intuitions about obligation, as we are trying to do with *Murderer*. This helps us diagnose the underlying problem. Such a diagnosis still leaves open that, at the end of the day, we conclude that we should stick with the theory (because it is on balance the best theory we have) and revise our intuitions rather than call for a revision of the theory. We thus intend our discussion to help us understand the underlying problem. In a final section, we will talk about potential ways for Kantians to reply to the problem we analyse other than revising our intuitions.

We should note that there is a rich literature on *Murderer*, with a variety of different proposed solutions to the problem. Authors proposing these solutions typically do not think that overdemandingness is the problem at hand, yet their approaches are instructive for us. Most significantly, Bojanowski argues that lying to the murderer should not be understood as driven by self-love but as ‘the prevention of unlawful agency’ (Bojanowski 2018, 1264) on the part of the murderer. This is part of a more general reply to problematic maxims. Bojanowski argues that critics have neglected that all maxims have ‘a matter, namely an end’. This end is happiness and the formula of universal law should therefore be understood as ‘whether the way I want to pursue my happiness is compatible with everyone else's happiness’ (Bojanowski 2018, 1256). The murderer ‘attempts to pursue his happiness in such a way that it is incompatible with everyone else's happiness. The murderer's conduct lacks subjective and objective universality. In misleading the murderer, the person who opens the door thwarts his attempt to use her as a mere means to his immoral ends’. (Bojanowski 2018, 1264) Thus, at least certain high level empirical goods, such as the desire for happiness ‘do come into play in determining particular actions as good’ (Bojanowski 2018, 1254) and have to, in order to obtain plausible results. We will come back to this.

If *not outweighed* is not met, then the problem with the *Murderer at the Door* cannot be pure overdemandingness.¹² Excessive demands would then be indicative of another, potentially deeper, problem. By contrast, we think that in *Gallows*¹³ the duty is a plausible one and is not outweighed. In *Gallows* lying would result in the death of an innocent person, and it would also undermine the integrity of the legal system (insofar the legal system still has some integrity under these circumstances). Moreover, standing up to the tyrant might embolden others and constitutes a way to maintain one's self-respect. There are *moral considerations* in favour of truth telling (1), and these considerations are *sufficiently important* to generate a moral obligation (2). They are also, we think, *not outweighed* by moral or non-moral reasons, because we are not contributing to the death of another person (let alone a friend) if we tell the truth (3). Of course, the price for telling the truth is still very high. This looks like a pure overdemandingness objection. Yet, it seems to us that the most plausible reaction to *Gallows* is that criterion (4) is not met, that is, that you really *are* required to tell the truth here as lying in this case would enable the prince to ‘destroy’ an honourable man, and your complicity in that would be morally reprehensible. *Gallows* just like *Murderer* is not a pure overdemandingness case but unlike *Murderer*, it is not a problem at all for Kant.

However, we can modify the case to bring out some of the structural issues with Kant's account. Consider the following examples:

Reinforced Gallows: An agent is ordered by a tyrant to lie about the colour of their left sock, a matter of no consequence, to people who don't actually care about what socks one wears, under threat of having all their belongings seized, which will result in destitution.

In *Reinforced Gallows*, we think it is permissible to lie. Clearly, telling the truth in this case is extremely demanding, albeit less demanding than in *Gallows*, at least in terms of costs to the agent. The pointlessness of the question at stake might also make it psychologically more difficult to tell the truth. After all, it seems to add insult to injury that an agent is asked to lose all her possessions for defying the tyrant in a trivial matter. However, we do still think there are sufficient reasons for telling the truth here. After all, many of the arguments for why we should not lie in *Gallows* would also apply to the reinforced version: We stand up to a tyrant, might inspire others to speak the truth in more important matters etc. Yet, it seems that, on balance, not lying in *Reinforced Gallows* demands too much, given how much is at stake for me and how little a lie would impact anyone else. This may grant the appearance of a pure demandingness problem. However, we suggest that the moral reasons, while significant, are outweighed by the other considerations. Losing all one's possessions and becoming destitute is a consideration that seems to outweigh the moral considerations, that is, the *not outweighed* condition fails.

Reinforced Gallows raises a significant question, namely, how we are to distinguish cases where the costs to the agent outweigh the moral considerations from cases where costs to the agent *do not* outweigh the moral considerations but nevertheless, these costs are so high that it would be too demanding to claim the agent must incur them. Imagine a case where there are substantial moral reasons to perform an action but the cost to the agent is very high. We can tweak the Gallows case again to bring this out:

Reinforced Gallows II: Someone is ordered to lie by a mob boss, and threatened with severe bodily injury (broken legs) if they do not. And if they do lie, the mob boss will use this to harm their community in various ways.

It would be morally better if the agent did not lie here, for they would tell the truth, help their community, and stand up to the mob boss. Nevertheless, the cost to them is so high that it doesn't quite seem right to say they must tell the truth in this case. That seems too demanding.

Modulating the cases in this way so that both *not outweighed* and *not obligatory* are both met is tricky business, and will likely result in divided or unclear intuitions. We are neutral on whether an amendment like this would constitute a pure overdemandingness objection. What the case *does* highlight however is a difficulty for Kantians, for their verdict is completely insensitive to the stakes. It seems plausible that a good response to *Reinforced Gallows*—which allows for moral and non-moral goods to count in our moral deliberations—will

also provide the resources to respond to *Reinforced Gallows II*. We return to this in §4.

Finally, *Trespasser* presents a problem that is not too dissimilar from *Murderer* that confronted us with a perfect duty that ran counter to a duty of beneficence to help a friend. Pinheiro Walla (2015) discusses *Trespasser* in response to Statman's (1996) claim that duties that intuitively we would class as imperfect can override perfect duties and this shows that the distinction between these types of duties is ad hoc. Pinheiro Walla argues that in *Trespasser* we are, in fact, *not* permitted to break into a house to use a phone in order to save the victim of an emergency. We would violate a perfect duty, and perfect duties cannot be trumped by the imperfect duty to help. However, she thinks that we might be *excused* for doing so.

Pinheiro Walla wants to hold on to the Kantian idea that perfect duties are absolute prohibitions. However, she acknowledges that in some cases, such as *Trespasser*, this seems implausible and thus introduces the notion of an excusable violation of perfect duties, if there are sufficiently strong moral reasons to violate perfect duty. This is an intriguing proposal, not merely for *Trespasser* but also for *Murderer*. After all, it seems that here too we have strong moral reasons to violate a perfect duty and be, at the very least, excused for it. Once more, the framework for pure overdemandingness might help us understand the underlying problem in at least two ways.

Firstly, if there is a pure overdemandingness problem with *Trespasser*, this would most likely be due to psychological/motivational difficulty rather than cost. After all, we can assume that we do not know the person who needs aid and thus this case is unlike *Murderer* where we stand to lose a friend. However, if we are committed to beneficence and we see a clear case of someone needing our help, it might be very difficult for us not to help even if it is another moral prescription that prohibits helping.

Secondly, let us grant that property rights favour not breaking into a house and not using someone else's property without consent (*moral considerations*), and that these rights are sufficiently important to generate a moral obligation not to (*sufficient importance*). However, it seems that in this case, intuitively, the reasons for respecting property rights are outweighed by moral reasons to break in and take the property. Saving someone's life is intuitively more important than not using someone's first aid kit or phone without permission. We would blame someone who let the crash victim die, and commend someone who managed to find a way to call for help.¹⁴ Thus *not outweighed* is not met and we do not have a pure overdemandingness problem here but rather a problem of conflicting values, albeit this time between *moral* values, not between duty and personal happiness. We should once again accept that something else—not overdemandingness—is the problem.

3 | So What Is the Problem?

We suggested that in *Murderer*, the real problem is that we are, according to Kant, required to do something that we actually are not, and this is not because telling the murderer the truth is too

costly or difficult. Rather this is because of other moral and non-moral considerations at stake.

One might suspect that the real problem is a version of the well-known *false negatives/positives problem*¹⁵: Kant's ethics, in particular the formula of universal law, does not always give plausible verdicts because it prohibits actions that should be permissible such as saving a friend from the murderer (false negatives) or buying but never selling clockwork trains,¹⁶ or because it fails to strictly prohibit actions that are intuitively immoral such as occasionally killing babies if they are more noisy than the average baby (false positives).¹⁷ We have strong intuitions that babies may not be killed, even if they are noisy, and that it is permissible to buy and never sell clockwork trains. Kant's theory seems at odds with these intuitions and gives false verdicts.

However, we do not think that *Murderer*, and certainly not *Reinforced Gallows*, is best understood simply as a false negative. After all, in most cases not lying is the right thing to do and obligatory. *Murderer* does not establish that we should lie in general, as for instance we should not kill children in general but rather it brings out our intuition that in some special circumstances lying is permissible. We have suggested that this is so because in these cases the duty to not lie is outweighed. The problem is that Kant's ethics leaves us unable to distinguish between standard cases of lying and situations in which lying is permissible. *Murderer* reveals that the problem is not pure overdemandingness but that there are certain morally salient factors that are to feature in maxims that we put to a formal universalisation test.¹⁸ Kant gets certain cases wrong because he is not sufficiently attentive to all the relevant moral factors, which can undermine or outweigh the salience of things that would otherwise be duties all things considered. That someone *will die* if you do tell the truth does, in common-sense moral thinking, seem like a very weighty reason indeed. However, because Kant's perfect duties permit no exceptions, it is not possible for these duties to be outweighed by other considerations. Even worse, Kant's commitment to silencing implies that no other reasons should even enter normative consideration.

Reinforced Gallows helps us understand the real underlying problem further. The reason why *Reinforced Gallows* is a bigger problem for Kant than *Gallows* is because of what is at stake. Sacrificing one's life to save an innocent person is admirable and deserves praise. Telling the truth about the colour of one's socks and with no discernible impact on others, even if we think that it is a good thing to stand up to the tyrant, is a very different matter, even though for Kant, it is the same duty not to lie that applies in both cases. While we suggest that it is permissible to lie in *Reinforced Gallows*, we deny that this is because this provides a pure demandingness problem. Rather, the considerations in favour of truth-telling (real though they are) are outweighed by the serious costs that the individual would incur, that is, the not outweighed condition fails. This provides a different kind of example to *Murderer*, because in that case moral reasons (the value of the friendship) are in play, whereas in *Reinforced Gallows*, it is our mere possessions that we sacrifice which Kant regards as non-moral goods.¹⁹

The problem then is that Kant does not give sufficient weight (or *any*) to what he would see as non-moral goods. However,

these goods should—contra Kant—play some role in our practical deliberation. The issue would then be not merely that purity is overly abstract but that Kant should allow for certain impure considerations, such as extreme disparities in costs to agents and goods produced, to function as grounds for exceptions for his strict principles (to outweigh perfect duties).

Finally, in *Trespasser*, Kant overestimates the importance of private property. For him, property means that others can be completely excluded from its use (VI:245.9-12, 247.4-6), and there is no emergency *proviso*. Thus, a Kantian might want to decouple Kant's theory of property from his ethics, or at least introduce an emergency *proviso*. However, this does not actually solve the underlying problem: Imagine, once more, that I find myself needing to administer aid to the victim of an emergency. To do so, I need to make a false promise to someone. For instance, I need to promise someone that I will pay them if they let me use their phone to call 911, but I am in fact broke and unable to pay and at the time of making the promise I do not intend to keep it. This resembles one of the Kantian paradigms of violating a perfect duty (IV:402-3) albeit it is someone other than myself I seek to extricate from calamity here. What Pinheiro Walla's case fundamentally shows is that we get false results if we accept Kant's claim that perfect duties always enjoy priority over imperfect duties. For Kant this priority is not accidental, but grounded in how he establishes perfect and imperfect duties respectively, namely, via a contradiction in conception and in will respectively (IV:424.3-13).²⁰

There are a number of ways to remodel Kant's theory to address this problem. Duties such as respecting property and not promising wrongfully could be relegated to the status of imperfect duties. In doing so, we could maintain Kant's distinction between perfect and imperfect duties, by rearranging which particular duties fall under each category. However, it is not clear that there would be any duties that would count as perfect, since we may surmise that for any perfect duty, we can come up with a scenario in which breaking this duty would seem at least morally permissible due to what is at stake (thousands of lives). Alternatively, we could relax the division between perfect and imperfect duties, maintaining that perfect duties usually, but not always, deserve priority.²¹ This, however, demonstrates once more the need for a theory of goods that allows agents to work out what constitutes a normal case in which perfect duties ought to be obeyed, and what constitutes an extraordinary case that calls for a different prioritisation.

4 | Goods

We have suggested that the underlying problem responsible for excessive demands in Kant is not overdemandingness itself, but that Kant's theory is insensitive to some intuitively morally significant circumstances and facts that impact what our duties are, and how we ought to prioritise.

Working out the underlying fundamental problem matters, because it shows that it would not be an adequate response for Kantians to relax the demands of certain duties or the stringency of, for instance, perfect duties, by, for example, introducing a

notion of supererogation to cover actions that are morally good but, because of the extreme sacrifice they impose, they are not required.²² This would be tinkering around the edges. Such a move would still imply that it is better, in *Trespasser*, to respect property rights, and let the car crash victims die which seems wrongheaded. Instead, what is needed is a theory of goods that would allow Kant to offer substantive guidance for the application of the categorical imperative, and of duties to specific cases. Such a theory would allow him to, for instance, single out emergency cases that constitute exceptions to general rules that require their own maxims or that make imperfect duties more stringent.

Kant famously maintains that the right must precede the good (V:62–3). Thus, he cannot simply start his ethical theorising from a substantive theory of goods. Yet, this does not mean that a theory of goods cannot inform the application of duties to specific cases or maybe even the derivation of duties themselves. Kant himself acknowledges the importance of at least a very general theory of goods for practical philosophy. He emphasises against the stoics that there are other goods than morality or virtue (V:84, 126–7). Happiness is a non-instrumental, albeit conditional good, and, if deserved, part of the highest good (V:110.31–111.5).

Kant's conception of happiness is subjectivist. Happiness is not the result of obtaining objective goods or fulfilling a species function. Rather it is to be sought in positive mental states or satisfying inclinations.²³ According to Kant, acting from a principle of self-love means that one's determining ground is 'pleasure in the reality of an object' (V:21–2). It is thus difficult to determine whether 'agents ultimately act for the sake of expected pleasure alone or whether this is just one (necessary) component that drives agents to pursue their ends' (Saunders and Sticker 2022). What matters for our purpose is that Kant's account of happiness is a subjectivist one. Happiness as such, whilst it is part of the highest good, is not a promising candidate for a foundation on which to build a theory of goods.

Yet, this does not mean that there are not other non-subjectivist goods for Kantians to explore. For instance, there are also so called 'true needs' (VI:393.24–35, 432.4–13), which, according to some Kantians, 'must be met if [an agent] is to function (or continue to function) as a rational end-setting agent' (B. Herman 1984, 597).²⁴

As we have seen in our discussion of the system of duties (Saunders et al. 2024), it would be uncharitable to assume that one's own happiness, supporting loved ones, and maintaining one's agency are purely non-moral goods. After all, happiness has a moral status as part of the highest good and true needs seem to have a moral standing as well, as one of their functions seems to limit how much I must do for others and what costs I can be required to incur (VI:393.24–35). In *Murderer*, a plausible theory of goods, including moral goods—where the moral weight of facilitating the murder of a friend is accounted for—can help to avoid Kant's notorious verdict. Importantly, this moral weight would need to be able to negate or outweigh the duty to tell the truth. In *Reinforced Gallows*, the value of all of one's non-moral goods should have a bearing on rational deliberations. In *Trespasser*, beneficence needs to be deemed sufficiently important that property rights can be overridden.

A plausible theory of goods would allow an agent to reasonably assess when a presumptive duty generates an actual duty, and when, because of countervailing moral forces, it fails to.

Apart from the problem cases we focused on, a theory of goods could also help Kant overcome possible pure overdemandingness objections (if there are any). For it would allow us to make sense of how various costs to agents might outweigh moral considerations.²⁵

This invites a significant objection to our proposal: the addition of a theory of goods would make our theory ultimately un-Kantian. Otherwise expressed, how revisionary is our suggestion to Kantian ethics? Of course, this depends in part on how one understands Kant.

There are plenty of Kantians who have proposed theories of goods based on Kantian concepts such as agency or humanity and what is required to exercise and maintain these capacities. For instance, Paul Guyer (2000) argues that human freedom is the substantive or material element of Kant's moral philosophy and can serve to flesh out the formal moral law. He even suggests that freedom should be maximised albeit 'for each compatible with the greatest possible equal freedom for all' (Guyer 2024, 8). Barbara Herman (1993, 213) suggests that we understand rational nature as a value-providing material,²⁶ and Christine Korsgaard (1996) proposes a conception of goods focused on humanity and what is conducive to it. Finally, Pablo Gilibert (2010) proposes a Kantian theory informed by the assumption that Kantians ought to contribute to the satisfaction of the basic conditions for everyone to live autonomously. Contributing to the death of a friend, by telling the truth to the murderer, is detrimental to the friend's autonomy, humanity, rationality and freedom. Giving up one's life for a trivial matter undermines one's own autonomy, humanity, rationality and freedom. Situations in which an agent's life is in danger and we can easily help them create special moral contexts, because someone's autonomy, humanity, rationality and freedom are at stake. In such cases we may have particularly stringent duties (according to Gilibert: positive duties of justice) to save, and this may outweigh property rights or other perfect duties.

A response along those lines is, we believe, Kantian in nature, since these theories of goods are not empirical. They do not start from assumptions about human desires, needs or the good life. This is the sort of response Kantians should make to supposed overdemandingness objections. However, there are two problems even with this.

Firstly, there is a worry that this response to supposed overdemandingness objections might actually generate a *pure* overdemandingness objection. After all, if we assume that considerations pertaining to goods such as autonomy (or humanity, rationality and freedom) can guide us, then it seems not far-fetched to assume that those whose autonomy, humanity, rationality or freedom is (relatively) secure bear a great responsibility to help the millions of agents whose autonomy, humanity, rationality and freedom is currently under threat from starvation, natural disaster, exploitation, war etc. If we think that autonomy, humanity, rationality and freedom are values that we can weigh against other goods and that we ought

to preserve and even promote, then why should we not simply promote these values *impartially*? Kantians would at least owe us a story about why we have a prerogative to give preferential treatment to our own autonomy, humanity, rationality and freedom. Otherwise, Kant's theory could, under current circumstances, be as demanding as some consequentialist theories that are criticised for their demandingness.²⁷

That we might end up with a pure overdemandingness objection is maybe unsurprising. After all, if we introduce even a Kantian theory of goods then we move Kant in a consequentialist direction, because there are now certain goods that agents are to promote or at least protect (for everyone), facilitate to a certain extent etc. This would not necessarily be a consequentialist theory, because the foundation of the theory is non-consequentialist and there might not be a maximisation requirement but it seems that the factors which make consequentialism potentially very demanding also obtain for Kant's theory now. There is maybe a broader lesson here: No theory of goods is no good but a theory of goods comes with the kinds of commitments that might, under current conditions of global poverty, injustice and climate emergency, issue very onerous demands. The only way out might be very strong partiality prerogatives but they would put quite a substantive burden of proof on a Kantian (or anyone else who wants to argue for them).

While an appropriate theory of goods may make the view extremely demanding in some circumstances, this may still be more appealing than the counterintuitive implications in *Murderer* and *Trespasser*, as with regards to donating to the global poor, we do at least recognise that this is a very good thing to do (unlike allowing car crash victims to die to respect someone's property rights). However, until we have a theory of goods to supplement the theory with, we are not yet in a position to assess how demanding the revisionary position would be, or how feasible a demandingness complaint would be. Incorporating a theory of goods will at least provide us with conceptual resources to avoid troubling cases, and a means by which to evaluate cases where a tension arises between types of duties.

Secondly, Kant is famously committed to transcendental idealism. Obviously, exactly how we are best to understand transcendental idealism is complicated and contested. But some things seem relatively clear. One is that appearances are causally determined where things-in-themselves are not. We have an empirical side but also are free (or must act under the idea of freedom). Our freedom concerns our ability to reason and recognise the moral law, and this affords us some independence from the causal determination of appearances. Concerns pertaining to our empirical nature are part of the world (or aspect) of appearances. It is difficult to see how food, shelter, friendship and maybe even one's life could have value in a robust sense, since they are located in a world determined by the laws of natural science.²⁸ After all, for Kant, our empirical desires, inclinations and concerns seem to be causally determined parts of the natural world, whereas goodness or value are located in noumenal.²⁹ Thus, it seems that even though Kant needs a theory of goods and wants to have one, it clashes with some of his fundamental commitments to transcendental idealism.

4.1 | Conclusion

In this paper, we offered a better understanding of what overdemandingness is. In doing so, we have argued that certain purported cases of overdemandingness reveal other underlying problems. Concerning Kant, we contend that, at the heart of supposed overdemandingness problems is his theory of goods, or lack thereof.

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Endnotes

¹ For discussion of some of the ways in which perfect duties may admit of latitude see Hope (2022), sec. 7).

² Recent examples include thinkers who claim that overdemandingness is not a problem per se but something else is such as the unfairness of having to take up someone else's slack (Murphy 2000), or that supposed overdemandingness problems can be reduced to the distinction between doing and allowing (Sobel 2007).

³ This excludes clashes between different *perfect* duties, as Kant denies the existence of proper moral dilemmas (VI:224.9–26, Timmermann 2013).

⁴ See, for instance, Korsgaard (1996, ch.5), Varden (2010); O'Neill (1989), 45; 2012), Shiffrin (2014), Bojanowski (2018) and most recently a book-length treatment by Timmermann (2024).

⁵ Kant thinks that certain forms of friendship are morally significant (VI:470-1, Biss 2019). Yet, there is no indication in the murderer example that this is the case here.

⁶ See Timmermann (2024), sec. 22) for an overview and critical discussion of potentially moral and other reasons for lying to the murderer such as beneficence, avoiding criminal behaviour on the part of the murderer etc.

⁷ This is also emphasised by Timmermann (2024), sec. 15) and the basis of Varden's (2010) approach. Timmermann (2024), sec. 42–43) himself, however, also acknowledges and discusses the ethical aspects of the problem.

⁸ A number of prominent approaches (e.g., Korsgaard 1996) have discussed the case as an ethical problem.

⁹ There is substantive debate within Kant scholarship about the relation between juridical duties and duties of virtue as well as the Universal Formula of Right (VI:231) and (other) formulations of the CI. Positions stressing the separateness of the juridical sphere are Ebbinghaus (1973), Wood (1998). For the opposite view, that there is continuity between the juridical and ethical, see Guyer (2016) and Hirsch (2017).

¹⁰ We are grateful to an anonymous referee for making this point.

¹¹ In fact, van Ackeren and Sticker (2015, 85) stress that Kant holds an especially strong version of overridingness, namely, silencing. Agents 'lack any reason' to do something immoral even to protect a friend.

- ¹² We could also doubt that *moral considerations* is met, if we agreed that 'it is hard to see that there is anything (non-morally or morally) good' in assisting the murderer (van Ackeren, Sticker 2015, 85). One could also reject *not obligatory* (think we are required to tell the truth). We favour denying *not outweighed*, but either of these options entail that a pure demandingness objection is inappropriate.
- ¹³ Van Ackeren, Sticker (2015, 85) consider *Gallows* a paradigm for the 'specific form of Kantian demandingness that purity and overridingness lead to'.
- ¹⁴ Many Anglo-Saxon countries have so-called 'good Samaritan' laws that protect helpers in situations like these, meaning they cannot be prosecuted for minor breaches of the law in order to save victims of emergency. Other countries, such as Germany, have bad Samaritan laws which make it illegal not to help in emergency cases. Moreover, law codes typically do not assume that property rights need to be respected no matter what (think e.g., of eminent domain).
- ¹⁵ Hegel's empty formalism objection (Hegel 1991 §135, 162–163; 1977 §430–431, 257–259) is historically the most influential version of this problem. It aims to show that formal procedures can only give plausible results if we assume a plausible theory of value that informs the universalisation procedure.
- ¹⁶ The example is given by O'Neill (2012).
- ¹⁷ The latter example is from Herman (1993, 113–131). See Allison (2011, 191–203) for overview of the discussion.
- ¹⁸ For recent discussion of maxims in Kant, and the problem of relevant description see Schumski (2017).
- ¹⁹ There may be a moral dimension here if we think that what the tyrant would be doing is stealing and thus a violation of property rights. In that sense, there is a stronger parallel with Murderer.
- ²⁰ See also Bojanowski (2018, sec. 3) who also emphasises that the contradiction in will test seems 'to bring empirical considerations into Kant's universalisation procedure' (ibid.1259). We will come back to this.
- ²¹ This has been proposed by Paton (1954, 192–3). B. Herman's (2021) recent idea of a moral habitat entails that the stringency of all duties is to some extent contextual. Perfect duties provide default directives but not exceptionless requirements (ibid.108fn.52).
- ²² Kant himself is sceptical of the possibility of supererogation (IV:423.23–37, V:84.35–85.7, 156.7–21).
- ²³ See for example, Kohl (2017, 519) who stresses that 'there is incontrovertible textual evidence that Kant has a hedonistic conception of non-moral motives'. Papish (2018, ch.1) Sticker (2020) also read Kant as a hedonist. On the other hand, Hills (2006) and, to some extent, Reath (2006) present Kant as a preference or desire-satisfaction theorist of happiness.
- ²⁴ Herman's discussion of true needs has recently been challenged by Sticker (2021) who argues that exegetically it is unlikely that true needs are intended as representing objective standards that can ground duties of aid as well as limit the demandingness of morality to make space for an agent's satisfaction of their own true needs. He also thinks that philosophically the conception is unattractive. See, however, Varden (2020, 36–41), who discusses the three dispositions towards the good in human nature. Here we might find an alternative way to incorporate goods and needs that we have qua our animality, humanity and personality.
- ²⁵ Thanks to an anonymous reviewer for pointing this out to us.
- ²⁶ She develops this in her recent conception of a moral habitat (B. Herman 2021). She bases her system of duties/habitat idea on values that underlie duties.
- ²⁷ Sticker (2021) has presented an argument of this form specifically with regard to true needs and their supposed capacity to ground and limit duty.
- ²⁸ For further discussion of how transcendental idealism causes problems for Kant's practical philosophy see Saunders (2016, 2019).
- ²⁹ van Ackeren, Sticker (2018, 374) suggest that there could be *meta-physical* demandingness. They note that Hegel thinks that transcendental idealism means agents cannot act in the empirical world, yet Kant's ethics requires this. Thus, *ought implies can* is violated due to the conjunction of Kant's transcendental idealism and his ethics. Relating this back to our concerns in this paper, we think that Kant needs a plausible theory of goods to address problems which lead to unreasonable demands, but that transcendental idealism makes it difficult for him to accommodate the value of empirical desires, inclinations and so on.

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