4. Emersonian Perfectionism and Kantian Ethics

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1. Introduction

People have often been surprised when I have told them that I worked with Cavell during my undergraduate and graduate studies at Harvard, from 1965 to 1973 — not just taking Hum 5 with him (and Rogers Albritton), which a couple of thousand Harvard undergraduates would have done in those years, or one or two further courses, but writing both my senior thesis and my doctoral dissertation under his supervision. After all, my work has not looked anything like his — my conventional Kant scholarship, with all the trappings of normal scholarship, has looked nothing like Cavell's personal, often unconventional philosophizing, using as its texts Shakespearean dramas, classic Hollywood movies, and a small group of philosophers that began with Austin and Wittgenstein and grew to include Thoreau and Emerson, although the last chiefly after my time at Harvard. To such surprise I have generally replied with three claims. First, contrary to what some might suppose, Cavell did not demand discipleship. Second, he had a light hand as a supervisor. These two facts together meant that he was perfectly happy to supervise work that did not resemble his own. But third, and perhaps most important, in spite of all the superficial differences between his work and my own, I often thought, or at least saw in hindsight, that a problem I was interested in one of my canonical figures, Kant, of course, but also Locke, Hume, and other classics, was connected to an issue that engaged him in his canonical figures. For example, for a seminar on Locke offered by Charles B. Martin (in those days, more austere than now in some ways but more luxurious than others, the Harvard department had a constant stream of illustrious visiting professors, also including Alfred J. Ayer, Bernard Williams, Keith Donnellan,

Charles Parsons, before he returned to Harvard permanently, and Dieter Henrich, who were usually enlisted to offer a course in the history of philosophy to make up for the gaps in the department's own offerings), I wrote a paper on Locke's philosophy of language, and some years later published a new version of it,[1] in which I argued that Locke's often lampooned view that we refer to objects only through our own ideas of them was actually a good model of the fact that we can never take mutual understanding for granted — certainly a Cavellian theme in retrospect, although to my knowledge Cavell had never talked or written about Locke on language.

However, Kant, who would become the focus of my work, was an important figure for Cavell if not part of his quartet of true philosophical heroes (or quintet if you add Heidegger). Cavell's appeal to Kant's analysis of the judgment of taste as a model for the procedure of ordinary language philosophy, in his early paper "Aesthetic Problems of Modern Philosophy" (stemming from a presentation to the American Society of Aesthetics in 1962)[2] is well known and continues to be discussed.[3] Here Cavell used Kant's analysis in the special case of aesthetic judgment of basing a judgment on one's own feeling of pleasure but yet claiming to speak with a "universal voice,"[4] that is, claiming that others can and even ought to feel the same pleasure in an object that one finds beautiful that does oneself, as long as one's own judgment is correct, for which however there is no other authority than one's own, as a general model for the way in which competent speakers of a natural language can and must say on no authority other than their own competence in the language what its terms must mean for all speakers of it. This gave authority, pardon the pun, not only to me but to others following me, beginning with Hannah Ginsborg, to appeal to Cavell for supervision of dissertations on Kant's aesthetics, as well as to others for their work on ordinary language philosophy. But the importance of Kant for Cavell

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1. Paul Guyer, "Locke on Language," in *The Cambridge Companion to Locke*, ed. V. C. Chappell (Cambridge: Cambridge University Press, 1994).
2. See Cavell, *Must We Mean What We Say?: A Book of Essays* (New York: Charles Scribner's Sons, 1969), xi and 73-96.
3. See most recently Eli Friedlander, "Faces of the Ordinary," in *Cavell's* Must We Mean What We Say? *at 50*, ed. G. Chase, J. Floyd, and S. Laugier (Cambridge: Cambridge University Press, 2022), and Arata Hamawaki, "Philosophy and Aesthetic Appeal: Stanley Cavell on the Irreducibility of the First Person in Aesthetics and in Philosophy," in *Cavell's* Must We Mean What We Say? *at 50*; previously Espen Hammer, *Stanley Cavell: Skepticism, Subjectivity, and the Ordinary* (Cambridge: Polity, 2002), 93-96.
4. Immanuel Kant, *Critique of the Power of Judgment*, ed. P. Guyer, trans. P. Guyer and E. Matthews (Cambridge: Cambridge University Press, 2000), §8, 5:226. Hereforth *CPJ*.

went beyond that. Kant's Copernican revolution, that we must regard the conditions under which our experience is possible as the conditions of the possibility of anything that can count as a world for us (in Kant's words, that the "*subjective conditions of thinking* should have *objective validity*,"[5] or, more technically, that "Every object stands under the necessary conditions of the synthetic unity of the manifold of intuition in a possible experience"),[6] was a central idea for Cavell, perhaps the beginning of modern thought, although Kant's idea of *a priori* conditions of the possibility of experience had eventually to be transformed into Wittgenstein's ideas of grammar and forms of life, and in doing so had to surrender Kant's guarantee of *a priori* knowledge. The post-Kantian individual has to speak for all, at least the relevant all of a particular linguistic community, on his or her own authority but yet without a guarantee, thereby accounting for the peculiar anxiety of the modern condition (or at least contributing to it). However, although Cavell does not say this, Kant himself might be seen as conceding to modern anxiety, if you like the anxiety of Descartes's skepticism in the first *Meditation* when that is deprived of the theological certainty of the third and fifth, when he admits that he actually cannot explain the necessity *of* the forms of intuition and understanding that frame our judgment of necessity *within* the domain of our experience: "But for the peculiarity of our understanding, that it is able to bring about the unity of apperception *a priori* only by means of the categories and only through precisely this kind and number of them, a further ground may be offered just as little as one can be offered for why we have precisely these and no other functions of judgment and for space and time are the sole forms of our possible intuition."[7] Thus Kant can in fact be taken as having framed the general problem of modern philosophy, namely how we can learn to live with the uncertainty involved in speaking for others on our own authority, that would then be explored in many ways and under many guises by Cavell's canonical figures.

In moral philosophy too Kant might be seen as having framed the central challenge for modernity — how in this case too, and particularly without appeal to any divine authority for the moral law, we can nevertheless also speak with a

5. Kant, *Critique of Pure Reason*, ed. and trans. P. Guyer and A. W. Wood (Cambridge: Cambridge University Press), A89/B 122. Hereforth *CPR*.
6. Ibid., A 158/B 197.
7. Ibid., B 145-6.

universal voice, in the form of acknowledging that we should act only upon universalizable maxims, that is, ones that we could act upon even if all others chose to do so as well — and, moreover, bring ourselves actually to so act in spite of our often competing desires and inclinations. However, Cavell was perhaps more ambivalent about Kant's moral philosophy than he was about Kant's theoretical philosophy. We learn from *Little Did I Know* that Cavell's first plan for a doctoral dissertation was to tackle the problem of maxims in Kant. He was interested in the question of how we know what maxim it is that anyone, but above all oneself, is proposing to act upon and that thus has to be tested for universalizability when in fact any action, therefore any proposed action, can fall under an indefinite number of descriptions and therefore an indefinite number of potential maxims? He writes,

> As the fall of 1955 opened, I began reading and writing with more orientation toward a dissertation, thinking vaguely to use some new work on the philosophy of mind at Oxford to study the concept of action in Spinoza and Kant. The opening issue for me was how one determined, in Kant's view, what *the* maxim of an action is . . . out of the infinite number of things I can be said to be doing at any moment.[8]

Pouring hot water into a vessel, fixing some coffee, preparing to welcome a visitor; or stirring some liquid in a cup, preparing to poison a visitor; saving a drowning child, any child, or saving *my* drowning child; robbing a bank, or robbing a bank only if it is a Tuesday afternoon and my name is Hildy Flitcraft; and so on. As far as we can tell from the autobiography, this was in fact the dissertation that Cavell was preparing to write when he got thrown for a loop by Austin's visit to Harvard that year.[9] This is not to say that Cavell ever forgot about Kant's moral philosophy; he could hardly have

8. Cavell, *Little Did I Know: Excepts from Memory* (Stanford, CA: Stanford University Press, 2008), 318-19.

9. And, as far as Kant is concerned, it is the thesis that Onora O'Neill (then Onora Nell) would write, under John Rawls, a dozen years later, and publish as *Acting on Principle* in 1975. See O'Neill, *Acting on Principle: An Essay on Kantian Ethics*, 2nd ed. (Cambridge: Cambridge University Press, 2013), 1, n. 1. The problem of maxims would also become central to Barbara Herman's dissertation, *Morality as Rationality: A Study of Kant's Ethics*, completed in 1976, thus one year after the original publication of O'Neill's book (Barbara Herman, *Morality as Rationality: A Study of Kant's Ethics*, New York: Garland, 1990). I believe that Herman's supervisor was also Cavell, with Rawls only the second reader, as he was for my dissertation. But unlike the case with Kant's aesthetics, I am not aware that Cavell supervised any further dissertations on Kant's moral philosophy.

done so, since a friendly polemic with his colleague John Rawls was a central vehicle for the expression of his own thoughts about moral philosophy in both of his *magna opera*, *The Claim of Reason*[10] and *Cities of Words*.[11] But Kant does not frame Cavell's conception of the challenge for modern moral philosophy in quite the same way as he does Cavell's conception of the challenge for modern theoretical philosophy.

That said, I will not attempt to recount everything Cavell had to say about Kant's moral philosophy. I will mention two points that he made, an overt challenge to Kant and a characterization of his own conception of morality that can be taken as a challenge to Kant, and then argue that on a full interpretation Kant recognized rather than ignoring Cavell's main objection to his ethics.[12]

2. Cavell's Challenge to Kant's Moral Philosophy

Both points to which I want to draw attention are made in essays included in the posthumous volume *Here and There*, although they are anticipated elsewhere, for example in the chapter on Kant in *Cities of Words*. The first point concerns Cavell's interpretation of Kant's culminating formulation of the categorical imperative, the formula of the realm of ends or, as I prefer to call it, the empire of ends, and the criticism of Kant that Cavell makes on the basis of this interpretation. In the essay "Time after Time," Cavell writes that for Kant,

> moral sanity depends on a reasonable hope for future justice, and his necessary positing of the good city as a Realm of Ends — where each of us is

10. Cavell, *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy* (Cambridge, MA: Harvard University Press, 1979), 292-312.
11. Cavell, *Cities of Words: Pedagogical Letters on a Register of the Moral Life* (Cambridge, MA: The Belknap Press of Harvard University Press, 2004), 164-89.
12. For Kant, ethics is not coextensive with morality, or "ethics" is not synonymous with "morality"; ethics is the part of morality that is not coercively enforceable, that is, that it is neither really possible nor morally permissible to enforce with any means other than the agent's own respect for the moral law, though aided, no doubt, by education, exhortation, encouragement, etc. The part of morality that is coercively enforceable is what Kant calls *Recht*, or right in general, which is the enforcement of the individual right to equal freedom with others and the acquired rights of property, contract, and legally recognized personal relationships, by the juridical and penal means of the civil condition, that is, the state. It is a common but regrettable tendency to use "ethics" and "moral philosophy" interchangeably when discussing Kant, a mistake that I do my best to avoid. So when I say "ethics" in this paper, I mean ethics in Kant's sense, not his moral philosophy as a whole.

> legislated for in legislating for all. Unlike Plato's *Republic*, Kant's good city is essentially unrepresentable by philosophy: if we could represent it we could claim to know it, but that would leave room neither for genuine faith in our effectiveness toward a future nor for genuine knowledge of the present.[13]

Cavell is connecting Kant's concept of the realm of ends (*Reich der Zwecke*) to his concept of the highest good, a condition of justice in the sense that the achievement of morality would be accompanied with the realization of happiness, as something that we can only but also must imagine as taking place in an indefinite, or perhaps infinitely postponed, future. But I am interested here only in his characterization of the realm of ends. As many other interpreters have, Cavell interprets this in purely legislative terms, as a condition in which since each member of the realm chooses for herself only universalizable maxims, each may be interpreted as legislating for all and all as legislating for each.[14] And this interpretation, we may suppose, is what leads to Cavell's claim that the realm of ends must be philosophically "unrepresentable" for Kant: because this realm is defined only by its legislation, and very general legislation at that, our representation of it cannot include any particular ends of particular agents, and therefore it is an abstraction, not concrete enough for us actually to imagine, which is to say, picture. It is like a concept without intuitions, which is to say, in Kant's memorable phrase, empty.[15]

But this interpretation and this criticism are based on only half of Kant's description of the realm of ends. Kant's definition of this realm, that is, his explication of its concept, in the *Groundwork for the Metaphysics of Morals*, the only text in which he does define and use it, is that it is not just "the systematic union of several rational beings through common laws," but, more fully, "a whole of all ends

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13. Stanley Cavell, *Here and There: Sites of Philosophy*, ed. N. Bauer, A. Crary, and S. Laugier, (Cambridge, MA: Harvard University Press, 2022), 24. "Republic" should not have been italicized in the reference to Plato, since Cavell is not citing the name of Plato's book but if referring to its content, Plato's concept of the ideal republic.
14. I have provided other examples of purely or primarily legislative interpretations of Kant's concept in my "The Empire of Ends," in *Proceedings and Addresses of the American Philosophical Association* (Newark, DE: American Philosophical Association, 2022). As I explain there, I prefer the translation "empire of ends" rather than "realm of ends" because the term "empire" connotes the idea of multiple sovereigns under a highest sovereign, in the moral case multiple moral agents legislating their particular maxims but under the supreme sovereignty of the moral law itself. But I will follow Cavell's use of "realm" here.
15. Kant, *CPR*, A 51/B 75.

(of rational beings as ends in themselves, as well as the ends of its own that each of them may set for itself) in systematic connection."[16] I would argue that what Kant has in mind here is something that has to be realized in the natural history of human beings, perhaps in the indefinite future but not in an afterlife, because it is only in nature, i.e., in their ordinary circumstances, that we can conceive of human beings as having particular desires and setting particular ends for themselves, but also that it is just trivially true that we cannot concretely represent what the realm of ends for the whole of the human species would look like, because, even supposing that any of us is clear about what our current ends are (not to be taken for granted), we cannot know concretely what our own future particular ends may be, nor what the particular ends of all others currently existing are or what their future ends may be, let alone what the future ends of future humans may be. Or, more precisely, we can know only in a general way what some of the ends of current and future others, and even ourselves, will typically be, e.g., self-preservation, but we cannot know them either in complete generality or in all their particularity. We *can* know the general form of the *legislation* that is necessary for all of us, namely that we each have to set our own particular ends in ways consistent with treating ourselves and everyone else as ends in themselves, not merely as means to our own particular ends, thus that we have to act only on maxims that others could freely choose to adopt as well; but that is not to say that we can know the particular ends that will be set in an ongoing, both present and future realm of ends, thus we cannot say that the realm of ends is philosophically representable. Or perhaps it would be better to say that it is *only* philosophically representable, that is, we *can* represent about it what philosophy can represent, namely its general laws, or most general law, but that we cannot represent about it what only history, or politics, or even art can represent, namely its particularity.

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16. Kant, *Groundwork of the Metaphysics of Morals*: *A German-English Edition*, ed. and trans. M. Gregor and J. Timmermann (Cambridge: Cambridge University Press, 2011), 4:433. The paragraph of the *Groundwork* in which this definition is stated has to be read carefully, for Kant immediately precedes it with the remark that it is possible to conceive of the realm of ends only "if one abstracts from the personal differences among rational beings, and likewise from all content of their private ends." But I take this to mean that no one is to use only their private ends as reasons for endorsing the necessity of setting the realm of ends as their moral goal, i.e., to endorse it only if so doing serves their private ends, whatever they happen to be. Everyone has a moral duty to make the realm of ends their end, but within the realm of ends, particular ends are to be respected and promoted as far as is possible consistent with the first part of the definition, that everyone be treated as an end and not merely as a means.

This focus on the place of particular ends set by particular agents brings me to the second passage in *Here and There* on which I want to comment. This occurs in the essay "The World as Things." Cavell comes to this issue in an essay on collecting by taking up Christine Korsgaard's thought-experiment of "someone who collects pieces of barbed wire" as someone whose end others may find difficult or impossible to understand but whom we must nevertheless respect. Cavell comments on this example:

> A crucial point of moral order is involved for Korsgaard: our respect for other persons must not await our respect for their ends, but on the contrary, respecting their ends must be a function of respecting them as fellow persons. This must be right. But what does "respecting their ends" come to? Given that it cannot require sharing their ends, as the case of the barbed wire is designed to show, it evidently means something like finding the alien end comprehensible, seeing *how* it may be valued. A good society cannot depend upon our approval of each other's desires but it does depend upon our being able, and being willing, to make ourselves comprehensible to one another.[17]

The task or challenge of making ourselves comprehensible to each other is central to Cavell's "Emersonian perfectionism": perfectionist morality begins, as Cavell says at one point in *Cities of Words*, with the challenge of "making comprehensible [...] what human beings are capable of."[18]

My first response to this statement is that, at least from a Kantian point of view, this is too weak an account of morality: understanding what another wants, why another sets a particular end, may be a *necessary* condition for *doing* something about the other's end, for example helping her achieve if one is in a position to do so, although this is what sharing the other's end might be supposed to amount to. But maybe that would not be a fair criticism of Cavell: he does say right at the outset of *Cities of Words* that "moral perfectionism" is "a register of the moral life that precedes, or intervenes in, the specification of moral theories which define the

17. Cavell, *Here and There*, 56.
18. Cavell, *Cities of Words*, 289. In the ellipsis, Cavell says that this is what Aristotle meant by "imitating." This might seem a stretch, but it is a plausible interpretation of what Aristotle meant by his claim that poetry is "more philosophic and of graver import" than history (*Poetics*, 9, 1451a5).

particular bases of moral judgments of particular acts or projects or characters as right or wrong, good or bad."[19] Cavell may mean something grander than this, but at the very least it would seem perfectly plausible to suppose that we must understand what someone's ends are before we can do anything to help them realize those ends, and certainly that we have to understand what other's intentions are before we can judge their individual actions or their character more generally as good or bad (and *mutatis mutandis* for advancing our own ends and judging our own actions and character — we have to make ourselves intelligible to ourselves in order to do this).

But perhaps rather than being too weak, any claim that morality begins with making our ends comprehensible to each other (and ourselves) is actually too strong. That is, it may be that one does not actually have to be able to make one's end — one's desire elevated into an intention — comprehensible to another for the other person to have an obligation to respect one's end, because the other has an obligation to respect one as a person, and thus to respect one's right to set one's own ends — as long as that is compatible with equal freedom for everyone else to set their own ends. To be sure, one has to comprehend, or to use Cavell's favored term, acknowledge the other as a person, as one with the ability and the right to set her own ends, subject to the moral condition — but that is not the same as actually comprehending the other's end, if that means understanding why that end is important to the other, why the other has set that end for herself. This is the point of Korsgaard's example of the collector of samples of barbed wire.

Kant points in this direction in the Introduction to the Doctrine of Virtue of the *Metaphysics of Morals* when he says that "When it comes to my promoting happiness as an end that is also a duty" — the happiness of others, he argues, controvertibly, since my own happiness is an entirely natural desire and therefore does not present itself to me as a duty — "this must therefore be the happiness of *other* human beings, *whose* (permitted) *end I thus* make *my own end as well*. It is for them to decide what they count as belonging to their happiness," although it is also "open to me to refuse them many things that *they* think will make them happy but that I do not, as long as they have no right to demand them from me as what is theirs," that is, what is already in

19. Cavell, *Cities of Words*, 2.

some broad sense their property or their right.[20] Kant's position here is complex. We have a general obligation not merely to acknowledge the right of others to their happiness, but to promote it; thus we clearly owe others more than mere acknowledgement and respect as ends rather than mere means, but some promotion of their own particular ends. This follows from the fact that as rational but finite beings, we must recognize that we ourselves might sometimes need the assistance of others in pursuing our own ends, but the only way *morally* to will a maxim of seeking the help of others is to be prepared to universalize it, that is, to assist others in the pursuit of their ends.[21] There are several important points here. First, we have an obligation to assist others in the realization only of their *permissible* ends, that is, their *morally* permissible ends — we obviously cannot have a moral obligation to realize any immoral end, *a fortiori* to assist anyone else in the realization of an immoral end, which, by our assistance, would in some sense become our own end as well. Second, since happiness is nothing other than the realization of (some coherent, long-term) set of an agent's ends,[22] obviously one cannot promote the happiness of others except by helping them realize *their* ends, their happiness after *their* conception of it, not one's own ends or even one's own conception of what theirs ought to be. But third, and equally obviously, no one can have an obligation to help *everyone* else in the realization of their ends, even their permissible ends, even their most genuine needs — there are simply too many needs in the world for anyone person to help with them all, and since one *cannot* do this, one *need* not (if ought implies can, then cannot implies need not). So anyone will have to use some criteria to limit their assistance of others to what is humanly possible, as well as consistent with their own legitimate right to happiness. Moral

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20. Kant, *Practical Philosophy*, ed. and trans. M. J. Gregor (Cambridge: Cambridge University Press, 1996). Includes both *Groundwork for the Metaphysics of Morals* [*Groundwork*] and the *Metaphysics of Morals* [*MM*], the first part of which is the "Doctrine of Right" [DR] and the second part of which is the "Doctrine of Virtue" [DV]. The passage is from *MM*, DV, Introduction, section V.B, 6; underlining added. The *Metaphysics of Morals*, Kant's last major work in moral philosophy, does not figure in Cavell's account of Kant (as indeed it did not in Rawls's construction of a Kant-inspired political philosophy on the basis of Kant's moral philosophy, although that is precisely what Kant himself had done in the first part of the *Metaphysics of Morals*, the Doctrine of Right). In fact, in Stanley Cavell, *Little Did I* Know, 329, Cavell refers to Kant's *Religion within the Limits of Reason Alone* (or *Religion within the Boundaries of Mere Reason*) as "old Kant's last major published work" (and also says that the *Religion* was published in 1791, the year of the death of Mozart, when its first Part was actually published as an essay in the *Berlinische* in 1792 and the whole book of four parts in 1793). The *Religion* was very important to Cavell, and it is very important for any thorough interpretation of Kant, but it was not old Kant's last major published work.
21. Kant, *MM*, DV, Introduction, section V.B, 6:387; §27, 6:451.
22. E.g., *Groundwork*, 4:418.

permissibility is one delimitation that one not only can but must use — but that will hardly be enough to limit one's obligation to the practicable, since the world will still contain more permissible ends than any one person can possibly help others realize. Comprehension and approval of others' ends might be another permissible criterion for the limitation of one's efforts. *But it might not be a necessary condition for this*, since there are other grounds of obligation for promoting the realization of the ends and therefore the happiness of others. One is obligation that one might have to others in particular relation to oneself — obligations to parents, to a spouse or partner, to children (all of which Kant explicitly discusses in the Doctrine of Virtue). Another is the obligation of gratitude, an obligation that Kant also explicitly discusses — an obligation that one might have to someone who was once one's benefactor, but who now needs help that one could afford oneself (or whose survivors do, and so on). In these kinds of cases, one still has the obligation to understand the ends of the other well enough to make sure they are permissible, but that does not mean that one has to fully comprehend the end of the other, that is, understand why it is so important. One may just owe them support because of the relationship, whether or not one really comprehends, let alone endorses their ends.

In other words, for Kant the duty to promote the happiness of others — the duty to share their ends in the narrow sense of helping them realize those ends when and how one can — is an imperfect duty, for which comprehensibility may be a typical but is not a strictly necessary connection. But Kant's distinction between perfect and imperfect duties, central to the organization of the *Metaphysics of Morals*, does not play a role in Cavell's picture of Kantian morality. Let me now provide some evidence of that, and say a little bit more about Kant's distinction and its importance.

3. Kant's Distinction Between Perfect and Imperfect Duties

For early modern moral philosophers prior to Kant, including Hugo Grotius, Samuel Pufendorf, and Francis Hutcheson but many others as well, the distinction between perfect and imperfect duties (or the corresponding rights) is the distinction between duties (or rights) that may be coercively enforced and those that may not be. For Kant, that is the distinction between duties of right, or juridical duties, and ethical

duties, but the distinction between perfect and imperfect duties precedes and is a necessary condition of that distinction. For him, perfect duties are the prescription or proscription of particular action-types, while imperfect duties prescribe only general ends, in fact the two great ends that are also duties, the perfection of one's own (natural and moral) capacities and the happiness of others. The specificity of perfect duties is a necessary condition for their enforceability, while the generality of imperfect duties (among other factors perhaps) blocks their coercive enforcement, because someone who seems to be failing at fulfilling an imperfect duty can always argue that he does have the requisite end but he is just not acting to advance it in this particular way at this particular moment. But the specificity of perfect duty is not a sufficient condition for its enforceability, for in certain cases no one other than the agent concerned may have the necessary standing to enforce the duty — in Kant's terms, one person's violation of a perfect duty to herself is not (intrinsically) a violation of the freedom of anyone else, and is therefore not subject to coercive enforcement.[23] For example (Kant's example), everyone might have the standing to try to coercively prevent a homicide, but no one may have the standing to try to coercively prevent another from committing suicide. Thus in Kant's scheme the prohibition of suicide is an ethical as contrasted to a juridical duty, because it is not coercively enforceable, although it is not a duty of virtue proper, since it is not a duty to promote one's own perfection or, at least considered in isolation, a duty to promote the happiness of others.[24] (Of course, while considered in the abstract suicide would be a violation only of one's own freedom, in real life it may violate the freedom of others, e.g., dependents, which makes the question of the enforcement of a prohibition of it murkier — what Kant would call a "casuistical" question.)

Now back to Cavell. What concerns me in his view of Kant is summed up in the Kant chapter of *Cities of Words*. Here Cavell writes that the Kantian account of duty, "not dependent or contingent . . but . . . unconditional,"

> is one within which Emersonian perfectionism will not seem a moral outlook at all [...] because its [Emersonian perfectionism's] concerns for others are

23. See the "Universal Principle of Right" in Kant, *MM*, DR, Introduction, §C, 6:230.
24. For the distinction between ethical duties in general and duties of virtue in particular, see Kant, *MM*, DV, Introduction, section II, 6:383.

> characteristically for friends, hence based on attraction not obligation. But the conversations characteristic of moral perfections, as exemplified in [Cavell's] genres of film, concern issues that seem to me morally real, indeed ones which make up the fabric of serious relationships [...]. To exclude such matters from the realm of morality would seem to me to confine morality either to claustrophobic scruples or to parliamentary debates on legislation.[25]

(Here Cavell is thinking of Rawls, but also of Kant's realm of ends, although on his own, purely legislative interpretation of the latter. He continues:)

> I anticipate here my sense that the featured four examples Kant presents after introducing the first formulation of the categorical imperative seem to me fantasies of essentially isolated, friendless people. From this sense, the claim that in Kant duty is shown not to be empty seems prejudicial.[26]

What particularly concerns me is the way in which Cavell lumps together Kant's four examples of duties derivable from the categorical imperative — that is, the duty to refrain from suicide in order to avoid a condition of more pain than pleasure, the duty to refrain from false promises to get out of financial difficulties, the duty to perfect (some of) one's own potential talents, and the duty to assist (some) others in their pursuit of their own happiness.[27] Kant chose these four examples as examples of each of the four general classes of duty, that is, perfect duty to self, perfect duty to others, imperfect duty to self, and imperfect duty to others. More precisely, the first two examples, the duties to refrain from suicide and from false promises, are indeed each instances of a more general class, while the two examples of imperfect duty are in fact the general classes — in Kant's later terminology, the two great ends that are also duties — under which more particular duties may fall. But the point is that perfect and imperfect duties are very different for Kant. Perfect duties are blanket, exceptionless prohibitions, although of course they can be put in prescriptive rather than prohibitive form — "Do make only promises that you

25. Cavell, *Cities of Words*, 133.
26. Ibid.
27. Kant, *Groundwork*, 4:422-3, repeated at 429-30.

sincerely intend to keep" gets the point across as well as "Do not make promises that you do not sincerely intend to keep." (Note that the duty is not simply "Keep all your promises," because there can be circumstances in which the most sincerely intended promise cannot or should not be kept, for example when you can keep your promise to meet your friend for coffee only by passing by a drowning child or shooting someone who is in your way.) And the blanket, exceptionless character of perfect duties does indeed mean that they are indifferent to the contingencies of personal relationships: you have as much of an obligation not to harm, e.g., take advantage of, perfect strangers as you do not to harm your loved ones or friends. For Kant, that is a big part of what it is for a duty to be a perfect duty. I don't think we would want it any other way.

But imperfect duties are quite different. I will focus on the imperfect duty to promote the happiness of others first.[28] Here, as I have already suggested, and indicated with my "(some)," it would be impossible for anyone to help everyone in all the ways everyone might need to be helped, so we do have to pick and choose whom we are going to help, and how and when — and here personal but contingent relationships are properly considered, indeed, in Kant's view, such relationships often create special obligations. Thus he is clear that we have obligations to our parents, to our children, to our benefactors (or perhaps their children, if they are now in need and we are now in a position to help in a way in which we were once helped). And indeed Kant discusses friendship — although in the *Metaphysics of Morals* (and his lectures), not in the *Groundwork* — and even argues not just that we have duties within friendship, for example, a duty to help a friend before helping a stranger, but that we actually have a duty to have friends, to enter into the kind of intimate, honest relationship that we can have only with a friend. Kant writes:

> [I]t is readily seen that friendship is only an idea (though a practically necessary one) and unattainable in practice, although striving for friendship

28. Kant divides the duty of self-perfection into two parts, the duty to strive to perfect one's natural capacities, physical and intellectual (*MM*, DV, §§19-20), and the duty to perfect one's moral capacities, foremost among which are self-knowledge and conscience (§§13-15, 21). Kant's discussion of the duty of self-knowledge certainly suggests a Cavellian idea of the moral significance of making oneself comprehensible to oneself, which in turn would be a necessary step toward making oneself comprehensible to others. But for reasons of space I will not pursue that point further here.

> (as a maximum of good disposition toward each other) is a duty set by reason, and no ordinary duty, but an honorable one. For in his relations with his neighbor how can a human being ascertain whether one of the elements requisite to this duty (e.g., benevolence toward each other) is *equal* in the disposition of each of the friends? Or, even more difficult, how can he tell what relation there is in the same person between the feeling from one duty and that from the other (the feeling from benevolence and that from respect) is *equal* in the disposition of each of the friends? Or, even more difficult, how can he tell what relation there is in the same person between the feeling from one duty and that from the other (the feeling from benevolence and that from respect)? And how can he be sure that if the *love* of one is stronger, he may not, just because of this, forfeit something of the other's *respect*, so that it will be difficult for both to bring love and respect subjectively into that equal balance required by friendship?[29]

I have quoted this passage at such length because it raises so many issues. First of all, it suggests that anyone can be friends with only a few others — the translator Mary Gregor has Kant speak of "neighbors," as if one can and should be friends with whomever happens to live next door, but what Kant writes is *Nächsten*, i.e., "intimates," making it clear that one can have this relationship only with a few. So the duty of friendship is imperfect in the sense that one cannot be friends with everyone — and, although Kant does not say this, who one's necessarily few friends are will be based on contingent factors, such as who sat next to one in class after alphabetically-seated class in high school, who was assigned as one's freshman roommate by some unknown college official, who were one's fellow assistant professors in one's first job, and so on. But Kant is also stressing that friendship can only ever be imperfectly realized and therefore the duty to enter into friendship can only be an imperfect duty because it is hard, it requires a balance between love and respect, approach and distance, openness and discretion. This balance is hard to strike at any moment, and hard to maintain because people and their circumstances are constantly changing. And obviously, the duty of friendship will require a duty of

29. Kant, *MM*, DV, §46, 6:469-70.

comprehensibility, that is, a duty to make oneself comprehensible to oneself, comprehensible to the friend, and the friend comprehensible to oneself. Cavell is certainly on to something with his idea of making oneself comprehensible as a "register of the moral life," but this is an aspect of or an element in a duty that Kant very clearly recognizes.

At the same time, Kant also recognizes a more general duty or virtue of "social intercourse," which is more general than friendship but to which more particular friendship may be a helpful means. He writes:

> It is a duty to oneself as well as to others not to *isolate* oneself (*separatistam agere*) but to use one's moral perfections in social intercourse (*officium comercii*, *sociabilitas*). While making oneself a fixed center of one's principles, one ought to regard this circle drawn around one as also forming part of an all-inclusive circle of those who, in their disposition, are citizens of the world — not exactly in order to promote as the end what is best for the world but only to cultivate indirectly what leads to this end: to cultivate a disposition of reciprocity — agreeableness, tolerance, mutual love and respect (affability and propriety, *humanitas aesthetica et decorum*) and to associate the graces with virtue. To bring this about is itself a duty of virtue.[30]

Another remarkable passage, this time beginning with Ciceronian terms and ending with what is surely an acknowledgement of Friedrich Schiller, with whom Kant had argued over the relation between grace and duty several years earlier.[31] Kant is not imagining an ethics for isolated, friendless persons, but showing with some subtlety how friendship fits in among our more general obligations to those who are neither intimate friends nor complete strangers, but fellow citizens of the world, or perhaps of multiple worlds, circles of increasing diameter from neighbors on a block or in a neighborhood association, fellow townspeople, fellows in a state or region, fellow nationals, and so on up to citizens of the world. Tolerance and mutual respect are duties that we owe to everybody, friend and stranger — they fall under the heading of

30. Kant, *MM*, DV, §48, 6:473.
31. Kant, *Religion within the Boundaries of Mere Reason*, in *Religion and Rational Theology*, ed. and trans. A. W. Wood and G. di Giovanni (Cambridge: Cambridge University Press, 1996), 6:23-4n.

perfect duties, although they may not be coercively enforceable.[32] Agreeableness we owe to anyone we actually encounter, at least unless things take some unfortunate turn. Mutual love — well, that can be universal only in a very attenuated sense, exhausted by the other requirements and the general, imperfect duty to render assistance when possible; love more narrowly conceived is what is reserved for friends and "intimates." But of course, what we can do for friends and intimates is always constrained by what we cannot do to anybody, friend or stranger, as well as by what we may have to do in exigent circumstances — saving the proverbial drowning child.

The general point is that Kant has not in fact written an ethics for isolated, friendless persons, but, at least when we get to his actual ethics, namely the Doctrine of Virtue of the late *Metaphysics of Morals*, an ethics that recognizes the various degrees of human intimacy and relationship. Cavell would have done well to recognize this, indeed he might have seen that the gulf between Kantian ethics and Emersonian perfectionism is not as great as he at least sometimes suggested.

32. Kant includes the specific duties of respect to others, the duties to avoid arrogance, defamation, and ridicule (see *MM*, DV, §§41-4, 6:464-8) among the duties of virtue, although since they are non-coercively enforceable but not duties to promote the happiness but only part of what it is more generally to treat others as ends in themselves and not merely as means, they ought to be classified as ethical duties but not specifically duties of virtue.