

Generating General Duties from the Universalizability Tests

In this paper, I argue that Kant gives a philosophically plausible derivation of the general duty of benevolence and that this derivation can be used to show how to derive other general duties of commission with the universalizability tests.

The paper is divided into four sections. In the first, I explain Kant's notion of a general duty. In the second, I introduce the universalizability tests. In the third, I examine and argue against an account in the secondary literature of how to derive general duties from these tests. In the fourth, I look at Kant's derivation of the duty of benevolence in the *Metaphysics of Morals*, and I suggest how this reasoning can be extended to other duties.

Section I The Notion of a General Duty

A general duty is a formulation of a law that can apply on more than one occasion and to more than one token of a type. Rather than ruling out or requiring the adoption of specific maxims or particular actions, a general duty prescribes the adoption (or avoidance) of a kind of maxim or the performance (or omission) of a kind of action. For example, Kant thinks that there is a general duty, or law, not to commit suicide.

In his *Nachlass*, Kant distinguishes between laws formulated with mere generality and laws formulated with universality (23:384). His idea is that a law formulated with mere generality is a sort of approximation, meaning that there might be counterexamples to it, whereas a law formulated with universality is exact and has no counterexamples. Thus, if the law not to commit suicide is formulated with mere generality, then there might be instances of permissible suicide, whereas if the law not to commit suicide is formulated with universality, then there are no instances of permissible suicide, or, if there are, then the permissive clauses are contained within the law itself as limitations. That is, the idea is that the general duty not to commit suicide would be formulated as follows: it is impermissible to commit suicide except in conditions X, Y, and Z. The "except in conditions X, Y, and Z" clause is the permissive clause that incorporates exceptions into the law to give it universality. Without this clause, if there are permissible instances of suicide, the law has mere generality.

Having introduced this distinction, Kant argues that laws should be formulated with universality, not mere generality. Kant's argument for this claim is that, if a law is formulated with mere generality, then exceptions will be made haphazardly. According to Kant, exceptions should be determined in accordance with a principle. Thus, he concludes that laws should be formulated with universality and, therefore, that any exceptions should be included within the laws themselves.

However, it is crucially important for current purposes to note that Kant does not take himself to have reached universality in his discussion of general duties in the *Metaphysics of Morals*. That is, the general duties in the *Metaphysics of Morals* are formulated with mere generality rather than universality, and self-consciously so.

One way in which this may be seen is that the general duties in the *Metaphysics of Morals* are followed by sets of casuistical questions which seem precisely formulated to get us to think about the permissive clauses that still need to be incorporated into these general duties in order to make them truly universal.¹ This indicates that, in his published work, Kant thinks that one can accept general duties that, like the rules of animalism, might be rejected or modified over time as culture changes and as more is learned about us, about the world, and about the Supreme Law of Morality. Whether universality can ever really be attained or whether it is a *focus imaginarius* is left unanswered.²

This model of accepting laws that are not universal but that are generally applicable is confirmed by some of Kant's examples in the *Groundwork for a Metaphysics of Morals*. Thus, consider Kant's example of the lying promisor at 4:422. The agent knows that there is a general law against lying. But, the agent is in financial distress and lying would be a means to ready money.³ In order to determine whether lying is permissible in this case, the agent tests his maxim using the universalizability tests. Thus, there is a law against lying, and the agent is using the universalizability tests as the principle in accordance with which exceptions can be made.⁴

If this interpretation is correct, then Kant's general duties have a provisional nature. Exceptions to the duties are possible, and whether a given case is exceptional is determined using the Categorical Imperative (CI). But, the general duty itself is grounded on the CI. So, the dialectical picture is one in which we appeal to various premises, in conjunction with the CI, to arrive at a general duty, and then, in a specific instance, we ask whether the general duty holds. The CI is the common denominator in both the general duty and the exception-reasoning because the CI is exception-less. So, the provisional nature of the general duties must derive from the other premises (other than the CI) in the argument for the general duty. That is, a Kantian general duty must be argued for in the following way: general premises + formulation of the CI → general duty.

To make this more perspicuous, I am going to contrast my account of Kantian general duties with Korsgaard's.

¹ Sections of casuistical considerations are also prominent in the *Lectures on Ethics*. See, e.g., 27:447 where the notes indicate that Kant thought that some kinds of falsehood are permissible.

² There are, in general, two kinds of casuistical question. Given a general duty not to commit suicide, one might ask whether accepting a smallpox vaccine (with its concomitant risk of death) should count as a case of suicide. Alternatively, one might ask whether suicide is permissible when one has been infected with rabies. That is, given a general duty not to X, one might ask either (1) whether a particular action is an X, or (2) whether this particular X is permissible. Kant entertains both kinds of question in the *Metaphysics of Morals*. It is the second kind of question that is most relevant for my purposes in this paper.

³ The term Kant uses is *Geldnot*, suggesting that the agent represents himself as in a case of necessity. That is, the agent represents himself as an exception to which normal laws and considerations do not apply, as in Kant's discussion of the right of necessity in the *Metaphysics of Morals* (6:235-236).

⁴ In much the same way, Krasotkin tells Smurov: "Boy, shun a lie, that is one thing; even with a good object—that is another"—and then goes on to lie, repeatedly, during their stroll through the market.

Korsgaard distinguishes between generality, universality, and provisional universality. The distinction is as follows:

If we think of a principle as merely general, and we encounter an exception, nothing happens. The principle was only general, and we expected there to be some exceptions. But if a principle is provisionally universal, and if we encounter an exceptional case, we must now go back and revise it, bringing it a little closer to the absolute universality to which provisional universality essentially aspires. (Korsgaard, 2002, section 2.5.2; see also Korsgaard, 2008, 122)

That is, Korsgaard accepts Kant's mere-generality/universality distinction. But, she adds a third category: provisional universality. Korsgaard then argues that general duties fall into this third category: we take the general duty to be defeasibly universal, and if we encounter an exception case, we revise the general duty, incorporating the exception into the general duty as a permissive clause.

I disagree with this if it is intended as a reading of Kant. That is, if Korsgaard is arguing that *Kant's* general duties, as set forth in the *Metaphysics of Morals*, are taken *by Kant* to be formulated with provisional universality, then I think that Korsgaard is mistaken. I do not think that the notion of provisional universality accurately reflects Kant's discussion of general duties. Let me explain.

First, Kant's general duties are arrived at on the basis of argumentation. For example, in his discussion of defiling oneself through lust, Kant remarks that "it is not so easy to produce a rational proof that unnatural, and even merely unpurposive, use of one's sexual attribute is inadmissible" (6:425). He nonetheless goes on to argue that "the *ground of proof* is, indeed, that by it the human being surrenders his personality" (6:452). From this it may be seen that Kant is searching for and trying to provide arguments for his general duties. But, it would not make sense for Kant to revise such a general duty with exceptions. If revision is due, then it is the premises that need to be revised; the general duty would be tossed out and a new one would be formulated on the basis of more accurate premises that take the exception into account. This is a conceptual point: the general duties in Kant's *Metaphysics of Morals* are conclusions, so it would not make logical sense to revise them in the way that Korsgaard is suggesting.

Second, as I pointed out above, the lying promise example in the *Groundwork for a Metaphysics of Morals* suggests that Kant thinks that agents know that general duties, like the duty not to lie, have exceptions. The presence of casuistical questions in the *Metaphysics of Morals* provides further evidence for this. That is, some of the casuistical questions are about whether a given case constitutes an exception to the general duty (a special case where, for example, X-ing, although generally prohibited, is permissible). Such questions indicate that Kant expects exceptions to his general duties to arise. Moreover, the sections of casuistical questions come *after* the formulations of the general duties, and Kant does not give us any sign that he thinks the general duties need *revision* on the basis of them.

In other words, as a matter of fact, Kant *does* not revise his general duties in the face of exception cases and, moreover, as a matter of logic, he *could* not revise his general duties in the face of exception cases, for they are conclusions, not premises. This indicates that Kant's general duties are not formulated, are not intended to be formulated, and should not be formulated with Korsgaard's provisional universality:

they are, as I have suggested, mere generalities. General duties, on Kant's account, are the ethical analogue of back-of-the-envelope calculations. If too many exceptions build up, the general duty is tossed out. But exceptions, and cases of necessity, are neither disturbing nor unexpected.

Section 2 The Universalizability Tests

The universalizability tests are the first formulations of the CI that Kant introduces in the *Groundwork for a Metaphysics of Morals*. The first universalizability test is the Formula of Universal Law (FUL):

Act only according to that maxim by which you can at the same time will that it should become a universal law. (4:421, emphasis omitted)

The second universalizability test is the Formula of a Law of Nature (FLN):

Act as if the maxim of your action should through your will become a universal law of nature. (4:421, emphasis omitted)

The difference between FUL and FLN is in willing something to be a universal law and willing it to be a law of nature. A universal law is a principle that perfectly rational agents would follow without exception (i.e., one that imperfectly rational agents ought to follow). A law of nature is a causal principle that agents follow by necessity and without exception insofar as they are members of a system of nature. The idea is not that these agents are such beings or that they are not free. Rather, agents are to regulate their conduct "as if" they could raise the principles of their wills up to principles of the system of nature to which they belong.

Looking at FUL and FLN, one sees that they determine the permissibility of a particular course of action by asking whether the maxim on which the action is to be performed can be universalized. This poses a problem for deriving general duties: how can general duties be derived from a test of individual actions? This problem is particularly pressing when it comes to general duties of commission, like the duty of benevolence. If it is unclear how a general duty can be derived from a test of individual actions, it is even less clear how a test of the *permissibility* of individual actions can generate *prescriptive* general duties. In the next section, I look at a proposal in the secondary literature for handling this.

Section 3 Herman's Generic Duties

In chapter 7 of *The Practice of Moral Judgment*, Herman argues that practical reasoning occurs in two steps. In the first step, general duties are formulated. In the second step, agents use deliberation to determine whether they are in an exception case. Importantly for present purposes, according to

Herman, general duties are derived from the universalizability tests as applied to so-called "generic maxims."⁵ Let us explore this in more detail.

Herman begins by canvassing two alternative interpretations of the test proposed in FLN, the logical contradiction interpretation and the practical contradiction interpretation.⁶ The details of these interpretations are unimportant for present purposes. What is important is that Herman favors the logical contradiction interpretation because although, according to Herman, both interpretations have problems, the particular problem that plagues the logical contradiction interpretation is tractable if the universalizability tests are used only in conjunction with generic maxims and only to derive general duties.

That is, Herman argues that all very specific maxims are universalizable on the logical contradiction interpretation even though not all such maxims are permissible. In Herman's words, the logical contradiction interpretation "*passes* all restricted maxims when quite obviously they are not all permissible" (Herman, 1993, 142). So, this interpretation has false positives. But, as will be seen momentarily, generic maxims are the opposite of very specific: they are very general. Thus, if the universalizability tests are used exclusively to derive general duties using generic maxims, then the problem with these tests can be ignored, at least according to Herman. So, we need to know what a generic maxim is on Herman's account.

According to Herman, a generic maxim is not an actual maxim that somebody uses. A generic maxim refers to a general action-justification pair with the following form: to do x-type action for y-type reason (Herman, 1993, 147). Herman thinks that, because a generic maxim represents a general pattern of justification, its rejection by the CI will establish a general duty that can set the terms for moral deliberation:

We can think of what is rejected by the CI procedure—a kind of action for a kind of reason—as setting a deliberative principle in the form of a presumption. The deliberative presumption can be rebutted by reasons (justifications) of a different sort. (Herman, 1993, 148)

Thus, if a generic maxim fails the logical contradiction test, this shows that a certain kind of action is not to be used as a "routine" means for a certain kind of end (Herman, 1993, 149). An example will make this clearer.

⁵ The situation specific exception-deliberation is grounded on the value of rational nature. Interestingly, in chapter 4 of *The Practice of Moral Judgment* (which was published separately—and earlier—as a standalone article), the model is reversed. That is, in chapter 4 of *The Practice of Moral Judgment*, Herman grounds step one, the general duties, in the value of rational nature, and she grounds step two, the situation specific exception-deliberation, in the universalizability tests (Herman, 1993, 87). Herman does not explain the reason for this shift. Antecedents for Herman's chapter 4 version of her two-step model can be found in (Korsgaard, 1996, chapter 5) and (O'Neill, 1989, 134). Antecedents for the chapter 7 model can be found in (Aune, 1980, 68-69) and (Ross, 1930).

⁶ For an extended discussion of these two interpretations and some recent attempts to replace them, see (Kahn, 2019).

Consider the generic maxim "to make a lying promise from self-interest," and let us assume, for the sake of argument, that this maxim does not pass the logical contradiction test. From this it follows, on Herman's account, that there is a general duty not to lie from self interest. But, in a given situation, I might think that lying is permissible. For example, if a Nazi comes to my door looking for Jews, or if a member of the Klu Klux Klan comes to my door looking for runaway slaves, then I might think that lying is permissible. In order for me to *show* that lying is permissible in these cases, I have to show that I am not guided merely by self-interest and that my reasons for lying outweigh the deliberative presumption against doing so. (Presumably this would not be terribly difficult to do in the situations I just described.)

Now, there are problems with Herman's treatment of the universalizability tests. As noted above, Herman thinks these tests, at least on her favored logical contradiction interpretation, yield mistaken results when, but only when, the maxims are too specific (Herman, 1993, 147). But, Herman has no argument for the claim the universalizability tests give mistaken results *only* when maxims are too specific, and it is entirely unclear how any such argument would go, especially if we accept the converse of this.⁷

However, the deeper problems with Herman's account--the problems that are specific to her account--are with her notion of a generic maxim, a maxim to do x-type action for y-type reason, and how it is to be used in the universalizability tests in order to generate a deliberative presumption. I am going to discuss three such problems.

The first problem with generic maxims has to do with their generality. It simply is not clear what counts as general enough to be a generic maxim.⁸ For example, Herman thinks that the action kind <deceitful promising> fails the logical contradiction interpretation of the universalizability tests whereas the action kind <paternalistic deceitful promising> passes (Herman, 1993, 141). This might lead one to think that there is a deliberative presumption against deceitful promising but not against paternalistic deceitful promising--surely a counterintuitive result.⁹ An analogy might be helpful here. In general, it is against the law to drive 40 miles per hour on a road if the posted speed limit is 25 miles per hour. But, in general, if one is driving an ambulance to an emergency and one has the lights and sirens on, then it is not against the law to drive 40 miles per hour on a road, not even if the posted speed limit is 25 miles per hour. Just so, it might be the case that the best one can do on Herman's account is to say that, in general, deceitful promising is impermissible, but, in general, paternalistic deceitful promising is permissible. And this is merely one symptom of the bigger problem, which is that it is not clear what counts as general enough to be a generic maxim.

⁷ One also might wonder why, if the universalizability tests cannot give reliable results on all maxims, we should use two different standards in the two step procedure--why not just use the reliable standard all the way through? Is it solely for architectonic reasons? This question is particularly pressing for Herman given that, in an earlier publication, she grounds general duties in the value of rational nature rather than in the universalizability tests (see note 5 of this paper).

⁸ A similar problem arises in the context of discussions of whether specific intentions, or only underlying ones, count as maxims in Kant's philosophy (Allison, 1990, 94).

⁹ I confess that I am puzzled by Herman's claim that paternalistic deceitful promising cannot be ruled out by the logical contradiction interpretation of the universalizability tests. But, I am trying to assess her procedure by her standards and according to what she had in mind.

Note that the issue I am raising has nothing to do with the phenomenon of vagueness. It is not the case that there are some maxims that are clearly general and some maxims that are clearly not general and the cut-off point between the general and the not general is not well-defined.¹⁰ The issue that I am raising is that it is not clear what counts as general, period. The worry is that Herman's generic maxim concept is merely an ill-defined catchphrase that will collapse under (minimal) pressure, especially given Herman's own seeming claim that <deceitful promising> is generic whereas <paternalistic deceitful promising> is not.

The second problem with generic maxims has to do with the fact that they include motives. Herman argues that there are only two sources of motivation: self-interest and morality (Herman, 1993, 149). She makes it clear that there will be no deliberative presumptions against doing actions for moral reasons and that there will be plenty of deliberative presumptions against doing actions for self-interest. Moreover, "an actual maxim of action can rebut a deliberative presumption only if its justificatory basis is something other than self-interest" (Herman, 1993, 149). Thus, whether an action is permissible has less to do with its intrinsic properties and more to do with why it was done. But, unless Herman is prepared to deny the problem of moral knowledge (i.e., to deny that agents can be incorrect about what the moral law commands, thus to deny that agents can act from duty when not performing a duty), the idea that acting for moral reasons always can rebut a deliberative presumption seems implausibly strong.

Let me sharpen this second issue. Consider Paton's claim about adding the proviso "when X is permissible" to a maxim:

'When I can cause anyone pleasure, I will do so' is a moral maxim if it is accompanied by the proviso that the pleasure caused must not be incompatible with moral law, as would be, for example, pleasure in the pain of others. (Paton, 1971, 137)

Paton's claim here is uninformative, for this proviso can be added to any maxim. The maxim "when I can skin anyone and eat them alive, I will do so" is not a moral maxim, and adding the proviso "to do so only when it is compatible with the moral law" does not obviously change that. But, Herman has done something exactly similar with her appeal to the moral motive. So, it looks like her account of generic maxims relies too much on motives and not enough on the actions to which those motives are attached.

The final problem that I raise for Herman's account has to do with general duties of commission. General duties of commission are general duties to perform certain types of action or to adopt certain types of maxim (e.g., to promote one's own perfection or to promote the happiness of others). But, as noted at the end of the previous section of this paper, the universalizability tests are tests of permissibility. In other words, given a generic maxim, the universalizability tests can tell us whether that generic maxim is permissible. But, these tests cannot tell us any more than that. Thus, there does not seem to be any way to generate general duties of commission from the universalizability tests if one follows Herman's strategy.¹¹ This is not to say that there could be no way to derive general duties of commission from the

¹⁰ One can imagine someone trying to structure an argument using premises about the number of words in a general maxim in place of the number of grains of sand in a heap.

¹¹ See (Kahn, 2014) and (Kahn, 2021).

universalizability tests. Indeed, in the next section I argue that Kant's derivation of the general duty of benevolence from the universalizability tests is quite plausible. But, Kant did not use Herman's strategy of testing generic maxims. And if there is a way to derive general duties of commission using Herman's strategy, it is not perspicuous.

I conclude that Herman does not succeed on her own terms in providing a good account of how to derive general duties.

Section 4 The General Duty of Benevolence

In the *Metaphysics of Morals* Kant argues that human agents have a general duty to promote the happiness of others. Kant's argument for this duty of benevolence is as follows:

I want everyone else to be benevolent to me (*benevolentiam*); hence I ought also to be benevolent toward everyone else. But since all *others* with the exception of myself would not be *all*, so that the maxim would not have within it the universality of a law, which is still necessary for imposing obligation, the law making benevolence a duty will include myself, as an object of benevolence, in the command of practical reason. This does not mean that I am thereby under obligation to love myself (for this happens unavoidably, apart from any command, so there is no obligation to it); it means instead that law-giving reason, which includes the whole species (and so myself as well) in its idea of humanity as such, includes me as giving universal law along with all others in the duty of mutual benevolence, in accordance with the principle of equality, and *permits* you to be benevolent to yourself on the condition of your being benevolent to every other as well; for it is only in this way that your maxim (of beneficence) qualifies for a giving of universal law, the principle on which every law of duty is based. (6:451)

There are a few different lines of reasoning suggested in this passage. In the first sentence, Kant makes a sort of Golden-rule argument: I want everyone else to be benevolent to me, so I ought to be benevolent to everyone else. But the discussion in the succeeding sentences reveals a different argument, which is the one I want to focus on. This different argument, which might have been underlying the suggestion in the first sentence, hinges on the claim that it is permissible for me to be benevolent to myself only if I am benevolent to everyone else, too.

I think the argument at 6:451 turns on the claim that human agents cannot hope (rationally) to be happy unless others will their happiness. This claim cannot be generalized to get a claim to the effect that it is permissible for a human agent to adopt a maxim to do X to herself only if she adopts a maxim to do X to others. This general claim is clearly false. It is not the case that it is permissible for me to adopt a maxim to tie my own shoelaces only if I adopt a maxim to tie the shoelaces of others. Since this general claim is clearly false, it would be uncharitable to ascribe it to Kant in the face of alternatives.

Kant's claim about the hope for happiness is particular to humans. It might be permissible for some superhuman beings to will to promote their own happiness without willing to promote the happiness of

others. But, humans are not like such beings in some crucial respects. Humans are neither omnipotent nor omniscient. Indeed, humans are not very smart or very strong. Humans are communal animals, and they depend on others, from birth until death, for everything from induction into rationality (by means of language and discussion) to general maintenance of life. A hermit might decide to leave a community and to go off into the hills for solitude. But, this decision could not take place without having accepted the help of others along the way.

This is not a claim about probability. The claim is not that it is unlikely for humans to be able to achieve much without others' help. This is a claim about humans as an animal species. Randian rational egoism might work as a theory after a fashion. But no human can be justified in being a rational egoist, for no human has the qualities that would be necessary to carry the world.

Now it might be permissible for humans to will to promote some ends (or to carry out some actions, like tying their own shoelaces) without willing to promote those ends for others. But, happiness is a special end insofar as it is so general and so far-reaching. In talking of happiness in this duty, Kant is not talking about a short-lived pleasure or even a short-lived satisfaction with one's condition. Rather, he is talking about a temporally extended state in which all of our desires are satisfied. The idea is that, given what humans are, it is impossible for them rationally to hope to achieve *this* without the help of others.

But, an agent cannot rationally pursue a goal unless she believes it to be a real possibility (i.e., unless she believes it to be logically possible and to have a ground in reality). Therefore, an agent cannot pursue happiness rationally unless she relies (at least tacitly) on the help of others. That is, an agent cannot pursue happiness rationally unless she wills that others will promote her happiness. From this it follows that, if an agent is to bring the volition in which she wills her own happiness under a maxim she actually can will to be a universal law, then that universal law will command that she will their happiness just as she wills that they will her happiness.

In order to highlight what is distinctive about the account I advocate, I want to contrast it with Herman's famous account of the Kantian duty of benevolence, the framework of which was explored in the previous section of this paper.

Herman taught us how Kant's duty of benevolence can depend on human nature—and that aliens or angels might not have such a duty (Herman, 1993, chapter 3). As is hopefully clear from the foregoing, I follow her in that. However, on Herman's account, the general duty of benevolence is derived from the nonuniversalizability of a generic maxim, and the duty of benevolence is a duty to adopt a particular maxim, the maxim "to help some others sometimes" (Herman, 1993, 63).¹² By way of contrast, on my account of Kantian benevolence, generic maxims do not enter into consideration, and there is no particular maxim that any of us must will, nor is there any particular action that must be performed or any particular end that must be adopted. There need not even be any particular moment at which I, or any

¹² In chapter 3, Herman argues that the maxim "never to help anyone" is impermissible and, therefore, it is obligatory to adopt its contradictory, the maxim "sometimes to help some others." It is unclear how this line of reasoning coheres with the chapter 7 two-step argument involving generic maxims that was examined in the previous section of this paper. For an in depth exploration of the chapter 3 line of reasoning, see the sources cited in note 9 of this paper.

other human, will to promote my own happiness through the help of others in such a way that rationally commits me to adopt a more universal end of benevolence.

The idea I advocate, instead, is that, humans being what we are, as we go through my life, we are continuously picking up (and putting down) projects that require the help of others; these projects are very often part of our happiness; and, because of the reciprocity that is baked into the universalizability tests of the CI, it follows that, if we never promote the happiness of others—if we never help someone else in the pursuit of one of their projects—then chances are very high that we have adopted at least one impermissible maxim on some particular occasion. Thus, the general duty of benevolence, and the adoption of the end of others' happiness, supervenes on the particular prohibitions from the universalizability tests that follow for a normal agent leading a normal life.

An analogy might make this clearer. Suppose that I am walking through a garden of forking paths. Knowing that I *do not* want to go due south, and holding a compass in my hand, I pick my way through the garden, one fork at a time. Supposing that each branch-point has multiple options from which to choose, the compass never determines exactly which way I should go. But, it does provide guidance by ruling out paths that I ought to avoid (which, perhaps, I sometimes take regardless). In this analogy, the compass is the CI; the paths are the different projects I might pick up (or put down); and going due south is acting impermissibly. And the point for present purposes, in arguing for the Kantian duty of benevolence, is that, provided I am guided by the CI and live a normal life, I shall wind up promoting others' happiness—and, more, I shall do so deliberately and with their happiness and their person as an end, not merely by coincidence or as a means to some further end—others' happiness will be part and parcel of the projects that I pursue.

There are many assumptions in this argument for the general duty of benevolence that will come to light only as people push on it. For example, someone might argue that Le Petit Prince will have no general duty of benevolence. Le Petit Prince is isolated, so he *cannot* promote the happiness of others. Thus, since ought implies can, it is not the case that Le Petit Prince ought to promote the happiness of others.

But, to take Le Petit Prince as a genuine counterexample or objection simply is to mistake the nature of the argument. The argument makes assumptions about human nature (that most of us pursue our own happiness; that our knowledge and powers are extremely limited); about the conditions in which we live (that most of us live in communities; that we live in relative scarcity); about the circumstances in which we act and the resources available to us (that most of us have the opportunity to promote our own happiness at the expense of others'; that most of us have the opportunity to promote others' happiness at no expense—and at our own expense), etc. Insofar as these assumptions are seen to be implausible, the general duty will be tossed out. But, they were true in Kant's time, and they seem to be true today.

From this it may be seen that there seems to be a way to derive a general duty and, more specifically, a general duty of commission from the universalizability tests. The general duty does not have universality: it is a generalization and has exceptions, as may be seen from the fact that the premises used in its derivation are only approximations. This derivation goes through without appeal to the notion of a generic maxim. Rather than using the notion of a generic maxim, it relies on plausible (but defeasible) general assumptions about humans and about the circumstances in which humans act in order to show that most humans will be "forced" (insofar as they lead a normal life and are motivated to follow the *in situ* prescriptions of the universalizability tests) to promote the happiness of others.

Now I want to wrap this paper up by suggesting how this reasoning can be extended to derive other general duties.

Given (1) the fact that most of us would be able to accomplish very little without relying on others to follow through when they say that they will, or will not, do something; and (2) empirical hypotheses about human nature and our tendency to make unwarranted excuses for ourselves—we may reason that, in general, if someone breaks a promise, they have adopted an impermissible maxim, one that involves making an unwarranted exception to the general case for themselves or for their inclinations. Similarly, given (1) the human tendency toward idleness and depravity and (2) facts about relative scarcity—we may reason that, if someone does not promote their own natural talents, they almost certainly will have adopted an impermissible maxim, such as one that involves treating themselves as a mere means. These two lines of reasoning form the foundations for, first, an argument for the general duty to keep one's promises and, second, an argument for the general duty to promote one's natural talents. Obviously much more work remains to be done in order to flesh these arguments out and defend them from objections. But the point for present purposes is merely to see how the kind of reasoning I have proposed for deriving the general duty of benevolence can be used to derive other duties as well.

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