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Freedom in Kant's political and ethical thought

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FREEDOM IN KANT'S POLITICAL AND ETHICAL THOUGHT

**A Thesis Presented to the
Faculty of the Department of Philosophy
San José State University**

**In Partial Fulfillment of the
Requirement for the Degree of
MASTER OF ARTS**

**by
Scott R. Stroud**

May 2002

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ABSTRACT

FREEDOM IN KANT'S POLITICAL AND ETHICAL THOUGHT

by Scott R. Stroud

This inquiry examines the relationship of Immanuel Kant's analysis of right (*Recht*) to his moral philosophy. Whereas some scholars hold that these two fields of thought, as represented in Kant's Doctrine of Right and his Doctrine of Virtue, are inherently separate, I argue that the principle of right is integrally connected to the moral law. Using the ideal of the kingdom of ends as seen from the systemic perspective, this analysis argues that right and its connection to coercion only become separated from morality when viewed from the standpoint of any given agent. The inherent limitations of human agents to know and judge the internal motivations of others leads Kant to build a pragmatic political theory around external actions, which can be judged by others. The state of right is found to be a necessary, but not sufficient, step toward the actualization of an ideal kingdom of rational and autonomous agents.

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DEDICATION

Once again, I find myself writing a thesis and reflecting on the network of support needed to undertake such a capstone of my educational pursuits. I would like to dedicate this thesis to my parents, Sandra and Herman Stroud, without whose love and constant support I could not have become the person that I am, nor be able to pursue such projects as I so choose. An individual's freedom to do what they want is conditioned and nurtured by the relationships they find themselves in; my ability to choose to undertake such educational challenges and to try to succeed at them is a result of the care and faith my parents have displayed in me. For such options of freedom, I truly thank my parents.

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CHAPTER ONE

INTRODUCTION

Freedom occupies a crucial place in the philosophy of Immanuel Kant (1724-1804); in his works on theoretical philosophy, such as the *Critique of Pure Reason* (1781/1787, *CPR*),¹ and his works on moral philosophy, such as the *Groundwork of the Metaphysics of Morals* (1785, *GMM*),² freedom is employed to explain why and how an individual engages in moral actions as an autonomous moral being. For Kant, true freedom comes when an individual is a self-legislating agent who is not determined to action based upon conditions and causes of the natural world. This thesis will examine Kant's notion of freedom, specifically the relationship between the conceptions of freedom in his moral thought and his political thought.

Freedom for Kant, in the most general terms, includes a negative concept of freedom from sensuous (natural) determination and a positive notion of self-determination. This latter notion is not simply the choice of which inclination to follow, but is instead integrally linked to a legislating of universally valid, formal laws that do not conflict with the behaviors *qua* duties of other rational beings. Thus, in the *GMM*, Kant paints a picture of the individual agent striving for control over sensuous inclinations by the willing of various maxims of action. If these maxims accord with the form of possible universal laws, then they can be considered as truly stemming from the

agent's will (*Wille*) as autonomous grounds for action. The ideal of reason is of such a being that is guided by reason, and not by inclinations that are not based in pure reason.

In the *Metaphysics of Morals* (1797, *MM*),³ one of Kant's final writings on practical philosophy, the notion of moral worth and actional value is expanded to include two subdivisions—the Doctrine of Right (*Rechtslehre*) and the Doctrine of Virtue (*Tugendslehre*). Whereas the latter appears to encompass the whole of moral philosophy as enunciated in the *Groundwork*, the former offers a “new” procedure for the acceptability of actions in a political system (one based in a condition of “right”). The agent is seen as possessing inner and outer freedom of choice (*Willkür*), and the doctrines associated with virtue and right deal respectively with each of these “realms.” As for the capability to set ends for one's projects and actions (inner freedom), Kant details the ways in which a virtuous agent is supposed to act, providing the “supreme principle of the doctrine of virtue”—“act in accordance with a maxim of *ends* that it can be a universal law for everyone to have” (*MM* 6:395). This principle appears to be very similar to the first formulation of the categorical imperative given in Section II of the *GMM*, namely, “act only in accordance with that maxim through which you can at the same time will that it become a universal law” (*GMM* 4:421). One can easily see the theoretical connections between these two principles of agent-based actions—they both address the moral duty of the agent to determine his or her actions based on grounds stemming from reason and not inclination. One's virtue or moral worth is based directly on this deliberative process of choosing to determine one's actions from duty, as opposed to sensuous determinants. Indeed, he defines virtue in the *Critique of Practical Reason*

(1788, *CPrR*)⁴ as “moral disposition *in conflict*, and not *holiness* in the supposed *possession* of a complete purity of dispositions of the will” (*CPrR* 5:84). The ideal of human volitional behavior is to reach a condition where an agent can determine his or her will from the motive of duty (the moral law), and not based upon inclinations or desires. This state, while not a perfect, everlasting state of holiness, is nonetheless an ideal that individuals should strive for in their quest for moral worth/virtue in the ends that they set in and through their actions.

What is of more interest to many scholars of Kant’s practical philosophy is his exposition of right in the *MM*. While the virtue component seems to be very similar to notions presented in his early *GMM*, the “Universal Principle of Right” appears to function in a very different manner. This principle states, “Any action is *right* if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law” (*MM* 6:230). As will be explained later, this definition of right (a state in which this principle holds for actions) is intended to cover a condition that focuses only on the actions (as mere behavior) of individual agents, and not on the motivations or ends that agents may possess. Thus, this principle of right is separate from that of virtue in that the latter focuses on the ends that virtuous agents ought to set, and the former delineates what types of actions define a rightful condition. The ability to coerce, it is said, follows analytically from this principle of right—“Resistance that counteracts the hindering of an effect promotes this effect and is consistent with it” (*MM* 6:231). In other words, if a use of freedom by an agent hinders the use of the freedom of others, resisting

such a hindrance is a promotion of the freedom of all. Thus, an agent's maxims and ends that he or she actually possesses are irrelevant to the determination of rights (*MM* 6:218-219), enshrined in what Kant labels as duties to oneself and duties to others. The latter type of duty is particularly important for Kant, as it provides the framework for agents having rights, which are essential freedoms (relating to the capacity for external action) that individuals have that must not be infringed upon by other agents—if such an infringement occurs, then coercion is allowed to remedy the situation and bring all agents back into a rightful condition of freedom for all according to universal law.

Statement of Purpose

What calls for attention, however, is this interesting evolution of Kant's practical philosophy from a system focusing on the agent *qua* willing subject to a bifurcated division of duties, duties of right (not taking account of the agent's actual maxim) and duties of virtue (focusing on freely adopted ends/maxims within the agent). The question remains—how does Kant's principle of right relate to his various formulations of the moral law (the categorical imperative)? If the principle of right is said to cover the external freedom of actors, and the moral law the internal freedom of agents, how are the two related? I will explore these issues of pressing importance in Kantian exegesis, arguing that the principle of right is not truly separate from the moral law, but is instead simply a different perspective on a phenomenon that Kant has much interest in—the willing agent being torn between his or her sensuous nature and the ideal which he or she ought to model him or herself after (a being determined to act by and through reason). The advantages to such a reading are obvious; Kant's political thought, enmeshed with

his principle of right, can now be openly related to his moral work, albeit with a recognition that right concerns the “outer” perspective that pictures agents more as things, pulled and pushed in various ways by inclinations and coercion based upon such desires. In a society of perfectly habituated and rational beings, a kingdom of ends could be realized in which all agents perform their duties to others (enunciated under the principle of right) *from* duty, and not merely in *accord* with duty and being determined *from* a sensuous motive (such as to avoid punishment, revenge, or to gain recognition). From the systemic perspective in such an ideal commonwealth, duties to others and duties to one’s self are both covered by the moral law. From the viewpoint of an agent with his or her limitation on the ability to judge other agents’ motivations, however, coercion can only be applied in relation to the “strict” duties to others (duties *not* to infringe on the legitimate use of freedom by others), in an effort to coerce certain uses of an agent’s external freedom. From the agent’s perspective, the principle of right is part of the moral law—that covering perfect duties. From the vantage of judging and coercing the actions of others, it merely limits the area in which force can be applied through legislative/executive structures to ensure a condition of right among agents.

The main argument of this work is that right is a necessary, but not sufficient, step toward the perfection of humanity in and through the exercise of their freedom. This freedom emerges as a systemic ideal as the kingdom of ends in the *GMM*, and also in the individual ideal of rational control based in reason, not in the inclinations. For Kant, right is the minimal case of the ideal of the kingdom of ends; the progress that is commanded proceeds from such a state of external freedom (right) created through

coercion to a state of the upholding of duty *from* the internal motive of duty. Freedom as realized through a system of rational beings (a kingdom of ends) is still the *telos* for practical aspirations—coercion and external control become important for Kant when the human condition is such that it is open to determination by inclination-based motives (hence, not purely rational or universally valid). The *MM*, with its separated analysis of right and virtue, is Kant's way of dealing with the reality of the human condition while continuing to base practical philosophy around the ideal of what the human agent ought to be in will and in action.

Outline of Subsequent Chapters

Chapter Two of this study will examine some of the fundamental divisions of practical philosophy as enunciated in the *MM*. The basics of the Doctrine of Right and the Doctrine of Virtue will be explicated, including the nature of the principle of right and the rights it putatively addresses in its limitation of action. Textual indices from Kant will be utilized, helping to display how he presented the principle of right, and how he states its relation to the principle of virtue. This will necessitate a short discussion of rational agency and freedom, as Kant prefaces his remarks in the *MM* with such an explanation. The agent, with his or her inner and outer freedom, is then found by Kant to be subject to two types of laws—duties of right, given and enforced externally (not necessitating a subject's consent in terms of ends), and duties of virtue, given and enforced internally (dealing with the internal freedom to set one's ends). While Kant apparently saw such an exposition as quite clear, many later commentators have failed to see the relationship between these two spheres of action and intention.

In Chapter Three, some of the more recent critical reviews of Kant's *MM* will be evaluated. Particular interest will be paid to how these commentators relate the principle of right to the moral law—while some find that it has no relation (the disjunctive view), others see it as directly related to some version of the moral law (the conjunctive view). This section will explore the readings that these commentators give, and display the reasons why they give such an interpretation. I will argue that there is a failure to see the relationship between right and virtue (moral philosophy proper) in a perspectival manner.

Chapter Four will begin to provide the groundwork for such a perspectival view of right and virtue by returning to Kant's earlier text, the *GMM*, in order to see how freedom in the agent's choice of maxims eventually leads to the concept of the kingdom of ends. For Kant, this concept and its related metaphysics expounded in Section III of the *GMM* offers a perspectival view of human existence that encompasses two standpoints—that of the sensuous (natural) and that of the intelligible. This backdrop not only allows Kant to develop his moral thought in light of scientific advances in the natural sciences, but it also facilitates this inquiry in that it sets the stage for a perspectival approach to issues of right and virtue.

Chapter Five uses such a foundation and explores the relationship between the principle of right and the moral law as one of opposing perspectives—the real situations of the human condition and the ideal of humans as perfectly rational beings. If the latter concept was reflected in reality, humanity would function as if it were an actual instantiation of the intelligible realm—a kingdom of ends actualized without need to coerce compliance with duty. Since humanity still shares important motivational factors

with the natural world, however, a political system must include such external, inclination-based means to coerce the external use of freedom into a state of right to preserve the rights and freedom of the other members of the system. What one sees emerging from such a reading of the relationship between the principle of right and the moral law is a common goal of a harmonious system of ends, an ideal that is valenced as a “higher” perspective that rational agents ought to try to instantiate through their actions and maxims.

Chapter Six will offer some conclusions to this inquiry, extending the reading of Kant provided by such authors as Paul Guyer and Barbara Herman⁵ that places the ultimate value in Kant’s system on that of individual freedom (autonomy). This study will be contextualized in this vein of interpretation, adding to it a way of reading Kant’s political philosophy (through the principle of right) that places the issues of external action in a hierarchical relationship to those of virtuous, self-guided autonomy. While external measures are beneficial to coerce a state of right, the *telos* of human behavior on both the individual level and the systemic (community) level is the preservation and promotion of freedom through acting from the motive of duty. What appears of utmost importance in Kant’s practical work is the perpetual progress toward such a state of freedom and autonomous self-legislating that is actualized in all the members of a kingdom of ends. While such a system may be an ideal, it is still the ideal that occupies a superior position in relation to what human action should aim for—the end goal is not a system where duties to others must be coerced regardless of agent motives, but a system

of ends that upholds duties to others based upon agents recognizing other agents as ends in themselves.

CHAPTER TWO

RIGHT AND VIRTUE IN THE *METAPHYSICS OF MORALS*

Kant's ethical work, the *Metaphysics of Morals*, provides an important picture of how his political and ethical thought coexisted in applied situations. Whereas the *GMM* shunned anthropological exercises in the application of the moral law to actual human conditions, the *MM* admits that it will have to include a certain amount of such empirical knowledge in its application of metaphysical principles of morality (*MM* 6:217). This work is composed of two main sections, the "Doctrine of Right" (*Rechtslehre*) and the "Doctrine of Virtue" (*Tugendslehre*).⁶ In the extensive introduction to the work as a whole, Kant explains why he has now divided moral philosophy, a seemingly unified concept in the *GMM*, into a complicated system that covers rights and duties enforceable by political entities (states), and into maxims and ends from which the virtuous agent should act. This section will first describe Kant's analysis of human freedom in the *MM*, and how it relates to laws, maxims, and incentives. After such a reading provides important distinctions between types of incentives for action and ways to coerce action, the Doctrine of Right (DR) will be discussed. It is this section that provides the fundamental principles for Kant's political philosophy, as it grounds the rights of individuals, states, and the community of states across the earth. Lastly, the Doctrine of Virtue (DV) will be discussed, focusing on the analysis of internal end-setting that agents

are capable of, and the concurrent end that is also a duty for agents to have. Not only are individuals obligated to act from the motive of duty, but they also have specific wide (imperfect) duties to perfect themselves and to help the happiness of others.

Freedom in the *Metaphysics of Morals*

The *MM* provides a concise, yet detailed rendering of human freedom and how it relates to the various capacities of such a being capable of moral action. Before the capacity for free action is discussed, Kant first paints a picture of that from which one is to be free. Beginning with some definitional parameters of the human being, Kant stipulates that the “faculty of desire is the faculty to be, by means of one’s representations, the cause of the objects of these representations” (*MM* 6:211). Beings that can so represent wanted states are seen as “living” by Kant in that they can plan and act according to a plan. Connected with ability to desire are the qualities of pleasure and pain, which Kant labels as “feelings” (*MM* 6:211). These subjective representations on the part of the being are accompanied by attraction or aversion, respectively.⁷ When this pleasure is known before a particular representation of desire, it is called desire in the “narrow sense” according to Kant. This type of causal interaction of the human with the natural world involves external stimuli affecting a human’s sense organs, or even the representation of such an effect; thus, this type of desire is caused by the natural world and its powers to alter one’s subjective state (such as to produce pleasure or pain). When the faculty of understanding connects certain desires with certain pleasures, it becomes “habitual desire,” or inclination [*Neigung*] (*MM* 6:212). Such an inclination involves the individual connecting certain desires with the anticipation of certain pleasures according

to a general rule; this state of continued desire for a certain subjective aspect of some interaction with the natural world is called an “interest” by Kant. Humans can have interests of inclination, in which pleasure precedes and grounds the desire, or they can have interests of reason, in which pleasure follows an act of the faculty of desire. In this latter category falls the pleasure that Kant finds individuals possessing after acting from the motive of moral duty; while they did not act in such a way to gain a sensuously conditioned feeling, the state did occur as a result of acting from a purely formal, intellectual determinant (the moral law). What is of importance in this initial distinction, however, is that Kant is bifurcating the types of pleasure so as to allow them footing in all types of causal sequences. If a human is determined by some aspect of the natural world, a pleasure is produced from this interest. If the determining cause comes from the agent’s own lawgiving, which we shall explore next, then it is an interest of reason and has its own sort of pleasure.

The faculty of desire, far from being a negative aspect of human constitution, is instead that which enables rational action (i.e., purposive activity). For Kant, “The faculty of desire in accordance with concepts, insofar as the ground determining it to action lies within itself and not in its object, is called a faculty to *do or to refrain from doing as one pleases*” (MM 6:213). If an individual is pushed, one cannot say that this personal motion was really an action; instead, if the individual desires something and does or refrains from doing something as a reaction to this desire, he or she is actually acting. When this capacity of desire is “joined with one’s consciousness of the ability to bring about its object by one’s action it is called *choice [Willkür]*” (MM 6:213). If one is

conscious that he or she can bring about what he or she desires and so acts upon this representation, then he or she is choosing a certain course of activity to reach a certain end. If such a consciousness of personal efficacy is not present, action *per se* is absent and the individual is having a mere “wish.” When the faculty of desire has the determining cause within the subject’s reason, Kant labels it the “will” [*Wille*] (*MM* 6:213). Thus, the faculty of desire can be considered from the aspect of actions (choice) or from the determining ground of these actions (one such ground being the will). This will as a ground of deciding choice to action is practical reason itself, and holds the ability to move the agent to action.

The important locus of freedom for Kant in the *MM* lies in “free choice.” When one chooses to act based upon pure reason (the moral law), he or she is acting freely. What one is free from is the natural world—including interests such as inclinations, which Kant labels as “sensible impulse, *stimulus*” and as falling under the title of “animal choice (*arbitum brutum*)” (*MM* 6:214). Thus, the agent is constantly pulled by such constituent factors of their interaction with the natural world (the world experienced through the senses), but is not strictly determined by such a causal influence. Instead, the agent possesses the ability to be free from these inclinations and *stimuli* of the external world. Kant is extending his analysis of freedom from the *GMM* in which he discussed the sources of determination for human actions. In the “Introduction” to the *MM*, freedom of choice is divided into a negative and positive concept. The negative concept of freedom concerns the human ability to determine their action free *from* the pull of their inclinations (*stimuli* from the external world). The positive concept of freedom,

integrally linked to this negative notion, involves the source of determination apart from the inclinations. For Kant, humans are seen to have the capacity to use their reason, a pure mental faculty, for practical purposes (i.e., as a ground for action). The way that such an abstract faculty as reason can become practical is through the mere form of moral thought itself—the categorical imperative. The agent is putatively able to determine his or her actions not from the maxims based in the sensuous world (such as hypothetical imperatives), but can instead be motivated by the concept of duty inherent in the formal law of the categorical imperative. In the *GMM*, Kant discusses this conception in greater detail, and I will return to it in Chapter Four. The important aspect to note here, however, is that individuals can be motivated in their choice by material matters (what their desires highlight, etc.) or through the mere form of their willing by itself. Kant locates this formal aspect in the abstract, universal capacity called reason. When an individual acts based upon considering if his or her maxim of action could hold as a universal law for all such actors (in other words, when one acts from the mere form of universal law), Kant finds that he or she is acting based upon non-sensuous causes (not inclinations or sensible impulses).

In the *MM*, Kant refers to this distinction by juxtaposing alternate laws of causality for the individual agent. One can be determined to choice and consequent action by *laws of nature* (such as the causal sequences that result or would result in feelings of pleasure) or from *laws of freedom*. The latter determinants are called moral laws, as they are separate from the strict, determined world of nature, in which every effect has a necessary, antecedent cause. Such freedom manifests itself on two distinct

levels in the analysis given in the *MM*. Whereas willing and acting were largely conflated in the *GMM*, in the *MM* Kant divides an individual's freedom into outer freedom and inner freedom (*MM* 6:214). The former category refers to external actions of an individual that can be assumed to be a consequence of purposive action on their part. Thus, these actions are grouped under the "external use of choice" by an agent (6:214). Inner freedom, on the other hand, refers to the internal use of choice by an agent being determined by reason itself, which is often connected to certain external actions (the choice of a certain maxim is a necessary but not sufficient condition to an agent actually acting). The latter refers to *morality*, whereas the former refers to *legality*. This conceptual split is of great importance, as it divides Kant's discussion of duties and obligations into those one has in his or her external and internal use of choice. These areas are those that are labeled by right and virtue in the *MM*.

Before discussing the duties of right and virtue, it is prudent to review some other integral notions in Kant's preliminary sketch of human action and freedom. Humans, being creatures that can determine their actions from pure reason in its practical form or from inclinations based in the natural world, find themselves in an interesting ontological situation. Moral action involves an individual being aware of an *objective* determination of his or her actions (how one should act) since he or she has access to pure reason *qua* the moral law; however, such an agent is not *subjectively* determined to act in this way since he or she is not necessitated to follow reason's commands. Instead, he or she is subjectively determined by his or her maxim, a principle an agent makes the ground for his or her choice in any given situation. Even in regard to individuals heeding the same

call of the moral law (determination through non-sensuous causes), they can have differing maxims as these are the subjective, personally chosen motivational elements in acting to uphold duty (*MM* 6:225). The moral law, also labeled the categorical imperative, only commands that individuals should “act upon a maxim that can also hold as a universal law” (6:225). Such a purely formal statement of the moral law avoids talk of ends and material involved in willing (such discussion is broached in the *GMM* and will be addressed in Chapter 4 of this study). An agent can choose to subjectively determine his or her choice *from* this formal, abstract conception of universal law, or can be subjectively determined by material aspects of the natural world (such as the maxim of self-love). Humans have access to the moral law, but since they are creatures that are not determined solely by reason, the law only commands them as an imperative, and not as a subjectively necessary cause. The categorical imperative defines the notion of obligation for the individual agent’s determination of maxims in his or her actional endeavors. In the *MM*, obligation is defined by Kant as “the necessity of a free action under a categorical imperative of reason” (*MM* 6:222). The key element of this notion of obligation is its grounding of choice in reason itself; given the formal, non-material nature of reason, the categorical imperative “refer[s] to no other property of choice (by which some purpose can be ascribed to it) than simply to its *freedom*” (*MM* 6:222). Choice can be seen as “free” in a lesser sense in being able to determine the agent in a variety of ways (animal choice), but as truly free when it determines an agent to action independently of sensuously conditioned, contingent aspects of the natural world (such as inclinations).

Thus, Kant finds that humans, following rules of their choosing (maxims), have the ability to act in accordance with the moral law or in accordance with natural law. The moral law comes from the will [*Wille*], whereas an agent's maxims come from his or her faculty of choice [*Willkür*]*—*Kant labels the latter as the only capacity that can be labeled as "free," as the will is itself only directed toward the moral law (*MM* 6:226). This freedom of choice (concerning what one grounds his or her maxims on) must not be taken in a theoretical sense to actually demonstrate certain aspects of humans as objects to be met with in experience. Kant argues

We cannot present *theoretically* freedom as a *noumenon*, that is freedom regarded as the ability of the human being merely as intelligence, and show how it can *exercise constraint* upon his sensible choice; we cannot therefore present freedom as a positive property. But we can indeed see that, although experience shows that the human being as a *sensible being* is able to choose *in opposition to* as well as *in conformity with* the law, his freedom as an *intelligible being* cannot be *defined* by this, since appearances cannot make any supersensible object (such as free choice) understandable. (*MM* 6:226)

The status of freedom is being emphasized in this section of the *MM*; Kant wants to prevent the postulation of freedom as an actual part of the world of nature (i.e., as a quality of human beings *qua* natural beings), since this topic of freedom and determinism was addressed in the *CPR* as falling outside the bounds of the theoretical employment of reason. Instead, freedom must be taken in the practical sense as a presupposition to how humans conceive of themselves *qua* members of the intelligible realm, and as agents

capable of moral action. The *MM* simply distinguishes the ways in which we practically (not theoretically) conceive of ourselves as free, and then examine what type of practical laws can follow from this division.

Freedom of choice is thus considered in two regards—the external use of choice (external freedom) and internal use of choice (end-setting that is often connected to an agent’s external behavior). The latter combined use is simply reduced to the internal use of freedom, as Kant finds that the key distinguishing factor between these two types of freedom is in regard to how one is to apply coercion or force to change it. In the first case, external freedom is simply external action of an agent, and as such will be explained as amenable to coercion in the DR. The internal setting of maxims that result in actions of wide range, however, is not open to coercion or force from others, and as such is relegated to the DV, which addresses the moral worth or virtue a certain agent possesses or lacks. The initial type of freedom can be controlled under external laws from the state, whereas the latter type of freedom can only be subject to internal laws given by the agent himself or herself. Either way, Kant emphasizes the role of lawgiving as important to the law-governed exercise of internal or external choice (*MM* 6:218). In either type of lawgiving, Kant finds two elements

first, a law, which represents an action that is to be done as *objectively* necessary, that is, which makes the action a duty; and **second**, an incentive, which connects a ground for determining choice to this action *subjectively* with the representation of the law. Hence the second element is this: that the law makes duty the incentive. (*MM* 6:218)

The law that is given by the subject or the political sovereign contains both of these elements; that one is to do or not do a certain exercise of choice, and that this law is the commanding factor in the subjective determination of the individual's choice. This latter factor is an imperative for humans, of course, since they can subjectively determine themselves to action in opposition to what a law commands as duty. It is the normative nature of laws, both external (political) and internal (of virtue) that Kant wants to emphasize here—each law stipulates a duty and relates to some type of incentive. The second element of lawgiving is what truly distinguishes laws, according to Kant in the *MM*. He points out that “All lawgiving can therefore be distinguished with respect to the incentive . . . That lawgiving which makes an action a duty and also makes this duty the incentive is *ethical*. But that lawgiving which does not include the incentive of duty in the law and so admits an incentive other than the idea of duty itself is *juridical*” (*MM* 6:219). Juridical law, covering external choice of actions, involves incentives that “must be drawn from *pathological* determining grounds of choice, inclinations and aversions, and among these, from aversions; for it is a lawgiving which constrains, not an allurement, which invites” (*MM* 6:219). Laws constraining external choice (only action) can include external, natural manners of constraint, whereas lawgiving in terms of internal constraint cannot involve the choice of others besides the agent. External lawgiving can be external (enforced by other agents), whereas internal lawgiving is that which cannot be external—it can only be done by the agent themselves (*MM* 6:220). It is from this basic division that Kant proceeds in his exposition of the DR and the DV.

The Doctrine of Right

The totality of all laws that are possible in external lawgiving is titled the “Doctrine of Right (*Ius*)” (MM 6:229). In his exposition of the DR, Kant attempts to provide a universal, necessary conception of right [*Recht*] that goes beyond merely appealing to positivist notions of law. Such a simple appeal to laws becomes an empty tautology unless one can provide some reason why certain positive laws are right and just. It is this criterion of right that Kant hopes to advance in his DR. Kant indicates that the concept of Right

has to do, *first*, only with the external and indeed practical relation of one person to another, insofar as their actions, as deeds, can have (direct or indirect) influence on each other. But, *second*, it does not signify a relation of one’s choice to the mere wish (hence also to the mere need) of the other . . . but only in relation to the other’s *choice*. *Third*, in this reciprocal relation of choice no account at all is taken of the *matter* of choice, that is, of the end each has in mind with the object he wants . . . All that is in question is the *form* in the relation of choice on the part of both, insofar as choice is regarded merely as *free*, and whether the action of one can be united with the freedom of the other in accordance with universal law. (MM 6:230)

This discussion of the aspects of right is very important for understanding the following analysis of the rights of people, governments, and the community of nations. Right, at the most basic level of application, addresses the use of choice by individuals on the external level. This use is in relation to the similar use of others, although not in a

material sense (in terms of ends held); the important aspect for the DR is not the end that an agent holds in doing an action, but the mere external action itself. It must be noted that this “external” use of freedom encompasses both *actions* and *conditions* (*MM* 6:230)—both of which can intrude upon the exercise of the freedom of others.

For example, the DR does not concern itself with whether a potential murderer elected not to kill another person from fear of retribution (punishment) or from the motive of valuing the humanity of the other person; instead, the DR only addresses the action (not murdering another person), which in this case was right since it did not formally prohibit the reciprocal use of choice of others (particularly their would-be victim). The action of murdering the other is inherently wrong (not right) because it infringes on the freedom of action on the part of the other agent. The ability of all agents to use their freedom must be unified according to a universal law, since no material issues are being taken into account at this stage of the DR. Thus, whether or not the would-be victim was a mean, cruel drain on society would make no difference to their rights in terms of freedom of external action. What is of utmost importance is that the potential murder’s action of killing the other would not be a use of choice that could be made into a universal law.

In order to explain why such actions cannot be made into universal laws, Kant offers his “Universal Principle of Right,” which stipulates that “Any action is *right* if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law” (*MM* 6:230). In a state of right, actions should be allowed that do

not adversely affect the capability for action of others; the freedom of others to act can only be infringed upon when they are exercising it in such a way as to not allow for the exercise of freedom of all in a law-like (universal) manner. While this appears to cover both the external action and the maxim of that action, Kant is quick to point out that it is the hindrance of another's freedom that is the absolutely crucial aspect of this principle; indeed, it is this element that is considered as "wrong" if it "cannot coexist with freedom in accordance with a universal law" (*MM* 6:231). A use of individual freedom ceases to be a rightful use of freedom when it infringes on the external free choice of other agents. The jurisdiction of the DR does not include the maxim of these actions in its lawgiving, however, as Kant clearly states

it cannot be required that this principle of all maxims be itself in turn my maxim, that is, it cannot be required that *I make it the maxim* of my action; for anyone can be free so long as I do not impair his freedom by my *external action*, even though I am quite indifferent to his freedom or would like in my heart to infringe upon it. That I make it my maxim to act rightly is a demand that ethics makes on me. (*MM* 6:231)

External lawgiving (that appropriate to right) cannot address these internal motives; that is the domain of internal freedom, ethics, and not that of right. A law of right constrains the maxims of an individual only insofar as these maxims are inherently linked to actions that infringe upon the freedom of others; in such a case, the maxims are both inscrutable to external sources and unnecessary because it is the infringement of others' actions

through one's external choice that is of ultimate importance. Kant argues that the principle of right

is indeed a law that lays an obligation on me, but it does not at all expect, far less demand, that I *myself should* limit my freedom to those conditions just for the sake of this obligation; instead, reason says only that freedom *is* limited to those conditions in conformity with the idea of it and that it may also be actively limited by others. (MM 6:231)

Thus, the very concept of freedom involves this reciprocal freedom of all free agents. A condition of external freedom is one in which all can act according to universal laws; if such a condition does not hold, then that state and its agents are not truly free. One sees the notion of external freedom from the material, contingent ends surfacing in this discussion, as the condition of freedom in a political situation will be one in which the external freedom of all can coexist regardless of their material motivations (such as personal ends). For the DR, the most important aspect of action is that one's freedom not unlawfully hinder the capacity of other agents to act.

Another important consequence of this conception of freedom and a free condition is the endorsement of coercion. Given that a wrongful use of freedom on the part of one hinders the rightful use of freedom on the part of another (rightful in that it supposedly would not limit the freedom of others in a wrongful way), one is authorized to resist this wrongful use in order to preserve freedom. As noted previously, freedom is the condition in which all use external freedom according to universal law; any use of freedom on the external level that accords with such a state is right. Thus, the external

use of freedom to hinder a hindrance of freedom (a wrongful act or actor) is in itself an act that preserves freedom—as Kant states, it “is consistent with freedom in accordance with universal laws, that is, it is right” (*MM* 6:231). According to Kant, this authorization to use coercive measures to bring another’s actions into accord with a state of freedom is not a synthetic proposition; it is a proposition analytically connected to the concept of right (a state of reciprocal freedom) by the principle of contradiction (*MM* 6:231). For Kant, the concept of right includes an equal coercion—the state of lawful external freedom is constituted by an equal coercion by all agents on all agents.

Since right and its authorization to utilize coercion address only external actions of agents, Kant postulates that these “completely external rights” are those “that are not mingled with anything ethical, [and] requires only external grounds for determining choice” (*MM* 6:232). Thus, external lawgiving offers laws addressing external actions and connects with this concept of reciprocal freedom for all the authorization to act against non-reciprocal external actions. The ethical is separated from this domain of juridical laws, which instead of examining the moral worth of agents and their actions, merely looks at the legality of actions (do they accord with the concept of freedom according to universal laws). These rights are labeled by Kant as “strict” rights, and are “based on everyone’s consciousness of obligation in accordance with a law; but if it is to remain pure, this consciousness may not and cannot be appealed to as an incentive to determine his choice in accordance with this law” (*MM* 6:232). Instead of relying on the motivation of the agent, strict right is confined to only external uses of choice that can be examined as to how they accord with universal use of freedom on the part of others.

Elaborating the basis for this position, Kant remarks “Strict right rests instead on the principle of its being possible to use external constraint that can coexist with the freedom of everyone in accordance with universal laws” (*MM* 6:232). Thus, the rights of individuals to action imply an obligation on others to respect them; when this respect is violated by the actions of another agent that wrongfully constrain the freedom of the innocent individual, steps can be taken to coerce the offending person into compliance with a state of right (freedom for all according to universal laws). Right and authorization to coerce are identical, according to Kant (*MM* 6:232)—the concept that links them together is the reciprocal freedom of equal agents operating in a unified system (i.e., a political state).

Kant offers an interesting excursus on the justification for such an authorization to use coercion. Drawing an analogy to the *a priori* intuitions that are involved when an individual constructs the concepts of objects of mathematics, Kant argues that the mind must *construct* the concept of the law of reciprocal coercion, and from it comes the concept of right as involving coercion against offending uses of freedom. This presentation of the concept of reciprocal coercion and right is “the *construction* of that concept, that is, the presentation of it in pure intuition *a priori*, by analogy with presenting the possibility of bodies moving freely under the law of *equality of action and reaction*” (*MM* 6:232). Like the law of action and reaction that Kant takes from Newton, the concept of right emerges when one thinks of an equal coercion applied by all members of a system on each other. To gain insight into this argument presented in the *MM*, it is necessary to bring in Kant’s thoughts on the equality of action and reaction

from his *Metaphysical Foundations of Natural Science* (1786, *MFS*).⁸ In considering the relations of material bodies to each other, Kant agrees with Newton's third law of motion and gives his "third mechanical law," which stipulates "In all communication of motion, action and reaction are always equal to one another" (*MFS* 4:544). We must always represent actions of bodies as being reciprocal in that they must be seen as affecting each other's position, motion, etc. Even incredibly small motions must be allowed to move a much larger and more powerful object (even if only in a minute amount), as they are always in relation to each other. Expanding on why this must be the case, Kant argues

This is, then, the mechanical law of the equality of action and reaction. This law is based on the fact that no communication of motion takes place except insofar as a community of these motions is presupposed. . . there is yet another, namely, dynamical, law of the equality of the action and reaction of matters, not insofar as one matter communicates its motion to another, but insofar as this first matter originally imparts its motion to the second one and by means of the second one's resistance the motion is at the same time produced in the first. (*MFS* 4:548)

The interaction of bodies (matters) occurs in a community, meaning that these motions all occur in an interacting manner. In order for one body to be seen as affecting another body, some sort of reciprocal interaction must be presupposed, no matter how extreme to one body or the other (such as in cases of a large effect of one body on another). Thus, action on one body and the reaction affected on the other body are equal in this community of interaction. For example, when one billiard ball hits a stationary ball at an incredible speed, the speeding ball will produce motion in the stationary ball and the

stationary ball's reaction (via resistance) will be conveyed to the speeding ball in the form of reduced speed. In terms of the community of human bodies, Kant seems to want to analogously apply such a law to equally free (in the external sense) humans. This community of humans is composed of individuals who all have the same capabilities to act on the external level (to possess objects, to run, to hit, etc.). Thus, with this "equal" force of freedom of external action, such a community can only be said to be a functioning community (i.e., according to laws) if all the equal forces of action and reaction cancel each other out—this is the state of rightful freedom according to universal laws.

Thus, if one's "force" is increased beyond the resistance of others to equal that force, there is no covering "natural law" similar to that of equal action and equal reaction—it is not a state of external freedom of choice in accord with universal law. Kant introduces coercion as being an integral means to create the possibility of humans functioning equally and evenly through their external freedom. Kant explains this elucidation in the *MM*; "it is not so much the *concept* of right as rather a fully reciprocal and equal coercion brought under a universal law and consistent with it, that makes the presentation of that concept possible" (*MM* 6:233). Kant provides a similar elucidation of right in *On the Common Saying: That may be Correct in Theory, but it is of No use in Practice* (1793, *TP*). In an important passage, Kant describes this notion of right as emerging from the condition of the equality of action and reaction on the part of acting subjects:

For all right consists merely in the limitation of the freedom of every other to the condition [*Bedingung*] that it can coexist with my freedom in accordance with a universal law, and public right (with a commonwealth) is merely the condition [*Zustand*] of an actual legislation in conformity with this principle and joined with power, by virtue of which all those belonging to a people of subjects are in a rightful condition as such, namely a condition of equality of action and reaction of a choice limiting one another in conformity with a universal law of freedom . . . hence the *innate right* of each in this condition . . . is altogether *equal* with respect to the authorization to coerce every other to remain always within the bounds of the consistency of the use of his freedom with mine. (TP 8:292-293)

Thus, a state of right is tied to mutual coercion; in other words, right *is* a state in which all actions and reactions of individuals using their external freedom are equal. Since the innate right of all agents entails innate equality in terms of ability to act in an external fashion, right emerges when the “force” of each (equal) agent is contained in a law-like state of equal freedom for all. Coercion is merely the creation and maintenance of this equality; without it, there would be no universal law covering the interaction of agents in such a system.

Clearly, Kant’s system of right focuses on the abstract, formal use of external freedom in a community of individuals. Such a use of freedom involves rights of individuals to reciprocally coerce others into complying with such a state, as such compliance is constitutive of the state of right. In discussing these enforceable rights of individuals to certain uses of their external freedom of choice (namely, the ability to

affect others in a way that is in accordance with a universal law), Kant elaborates the divisions of his exposition of the DR. While this study need not go into all of the details of the rights of individuals, governments, and nations, it is important to note the fundamental divisions of right. Kant points out that one could divide rights into *natural rights* or *positive rights* (MM 6:237). Natural rights stem from *a priori* principles, and positive rights flow from the lawgiving of a legislator. The “highest division of rights” according to Kant is that of *innate right* and *acquired right*. This division takes rights as “moral capacities for putting others under obligations” (MM 6:237), and as such, entails a right to coerce any infractions of such obligations to accord with a state of right according to universal law. Only one innate right exists, and it concerns an internal capacity of the human being—that right is the innate right to freedom. Kant indicates, “*Freedom* (independence from being constrained by another’s choice), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity” (MM 6:237). This right to freedom is constituted by an individual’s *innate equality*, their *being their own master*, their *being beyond reproach*, and their right to *affect another* insofar as they do not diminish what belongs to the other person (MM 6:237-238). The first authorization involves the ability of any person to bind others only insofar as he or she can bind the first person with their external freedom. Thus, the “bodies” in this community have equal “force” to act and resist each other. The second authorization involves an individual disposing of his or her body and choice as he or she likes it, unless of course such a right is restricted because of crime, danger to the rights of others, etc. The third authorization

declares that an individual is born into a state of innocence, and only through action (external use of freedom) can wrong or blame be imputed to an agent. The final authorization allows anyone to use their freedom in any way toward others, as long as it does not diminish what is theirs in terms of innate right (freedom) or acquired rights (such as property rights). For instance, Kant seems to allow non-desired speech, as long as it does not injure or damage what belongs to the other person.

All of the other rights Kant discusses in the DR are external in that they are acquired through the use of external freedom in a community of agents (a state). Thus, the DR deals with humans relating to each other in terms of their external freedom of action, and as such deals with *rights*—addressing one’s humanity in their own person or in the person of others (*MM* 6:240). This use of “humanity” assumes the representation of a human being as being free, at least in the external choice of actions. The DV, on the other hand, treats humans as beings that are fully representative of humanity (*homo noumenon*), capable of setting ends and acting on ends that are also duties. This latter arena, that of inner freedom, is relegated to the discussion of ethical duties, and addresses the ends that human should set in using their internal freedom of choice.

The Doctrine of Virtue

In the introduction to the Doctrine of Virtue, Kant approaches humans as willing and end-setting beings. The DV addresses duties that involve ends, and as such, cannot be given through external lawgiving. The incentive to these laws must be internal to the agent and sufficient to determine his or her choice in regard to the adoption of that end. As has already been noted, duty involves constraint of some variety; the internal

constraint provided by the categorical imperative (the moral law) is felt by beings that are not necessarily subjectively determined by it. Thus, such beings can either act in accordance with such an imperative or they can act against it. Humans are beings that are “rational *natural* beings, who are unholy enough that pleasure can induce them to break the moral law, even though they recognize its authority” (MM 6:379). An individual must be constrained or necessitated in some fashion to obey the moral law through the internal exercise of his or her choice; when he or she chooses to act in accordance with the law, he or she “do[es] it *reluctantly* (in the face of opposition from their inclinations), and it is in this that such *constraint* properly consists” (MM 6:379). In terms of the setting of certain maxims and ends, the agent exercises a certain internal self-constraint. The inclinations offer opposition to the subjective determination of individuals in accord with the moral law, and as such, allow for the concept of virtue to be applicable to humans as agents. Virtue is the capability to withstand that which opposes the moral disposition within an agent (MM 6:380), and deals with such opposition from the realm of nature. Kant points out that humans are particularly susceptible to impulses of nature, which “involve *obstacles* within the human being’s mind to his fulfillment of duty and (sometimes powerful) forces opposing it” (MM 6:380). Virtue is the ability of an agent to will maxims that accord with duty, especially when opposed to contrary grounds of determination (such as one’s inclinations); thus, virtue is not only a self-constraint, “but also a self-constraint in accordance with a principle of inner freedom, and so through the mere representation of one’s duty in accordance with its formal law” (MM 6:394). The

DV provides a scheme of how an agent is to will in accordance with such a formal law, and hence actively constrained in the ends for which they act.

All duties have a right that corresponds to them, according to Kant. This right, however, is considered in a broad sense as simply an “*authorization to do something*” (MM 6:383). In the DR, duties addressing strict right allow others to have a right to do something when certain conditions of external freedom were infringed upon. In the DV, however, the constraint and coercion that is applicable is internal, and thus deals with the virtue of the agent in overcoming opposing inclinations. Only ends that are also duties can be included under the DV; all purely formal elements in the actions of individuals are included in the DR. The DV attempts to provide the ends that a virtuous agent would set that check the ends of inclination and nature and demonstrate that the individual is acting from the idea of duty, and not from other personal ends. Whereas the DR cannot address such internal uses of choice, the DV can lay out the objective determination of duties of ends of rational agents. These ends are going to be related to what Kant labels the “supreme principle of the doctrine of virtue,” which stipulates that one should “act in accordance with a maxim of *ends* that it can be a universal law for everyone to have” (MM 6:395).

What kind of maxim of ends does Kant exactly see as virtuous? In order to answer that question, one must first consider the nature of action and its relation to ends. No action can be undertaken without an end, as “an end is an *object* of free choice, the representation of which determines it to an action (by which the object is brought about)” (MM 6:384-385). Every action, as a free and purposive undertaking of a rational being,

must have an end to which the action “aims” or aspires. Kant clearly indicates that “to have any end of action whatsoever is an act of *freedom* on the part of the acting subject, not an effect of *nature*” (MM 6:385). The use of inner freedom to choose a certain end to attain through action is an important component of one’s freedom; as opposed to natural objects, an agent’s actions are not effects but are teleological undertakings with a certain purpose (end).

Since all actions must entail ends, and since the categorical imperative (the moral law) is binding (objectively) on the human being, Kant’s position is that there must be ends that it is also a duty for all to incorporate into their maxims (to have as ends, in other words). These ends that one must always incorporate into their maxims (as self-constraint) are “*one’s own perfection and the happiness of others*” (MM 6:385). It is not a duty to further one’s happiness, as Kant finds that this is already a natural inclination in all humans, and as such, need not be commanded as a duty. As for perfecting others, this cannot be a duty insofar as perfection consists in this—“that he himself is able to set his end with his own concepts of duty” (MM 6:386). One cannot make another perfect his or herself, as this would be a contradiction of concept of perfection; instead, one is duty-bound to perfect themselves through their own efforts and initiative.

In regard to the duty to perfect one’s self, Kant has in mind a holistic improvement of the highest nature of humanity, that of their ability to reason and to be an autonomous being. Thus, one must “*cultivate one’s faculties (or natural predispositions)*” (MM 6:387), which includes such theoretical faculties as the understanding as the source of all theoretical and practical concepts. Additionally, one’s

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will must be improved, so that the human agent can be increasingly able to set his or her own ends and resist inclinations and sensible impulses. At the high point of this cultivation is acting with the moral law “as also the incentive to his actions that conform with duty” (*MM* 6:387)—the doing of duties from the incentive of duty itself, and not from any other incentive (such as inclination, self-love, etc.).

The happiness of others is a duty that is placed on an individual due to the fact that all humans wish to be happy by nature. Given this general inclination of humans, one should not oppose the plans of others toward this end, but instead should adopt it as their end as well. Kant recognizes that this involves some scrutiny on the part of the duty-bound agent—not all sources of happiness are allowable by moral conduct. Kant points out that in promoting the happiness of others, it is “[their] (permitted) *end I thus make my own end as well*” (*MM* 6:388). This often entails helping others to be free from pain, adversity, and need. Like the duty to one’s own perfection, this duty hinges on the key idea of humanity as an end in itself; humanity, and along with it freedom, are key elements in Kant’s moral thought ranging from the *GMM* to the *MM*. As such, these ends must be incorporated into an agent’s maxim since this is the respect that is due to humanity as intrinsically valuable.

The formal principle of morality, the moral law (categorical imperative), is very similar to the supreme principle of virtue. The former commands, “So act that the maxim of your action could become a universal law” (*MM* 6:389). Kant’s formulation of the principle of virtue, however, adds “that this principle [the categorical imperative] is to be thought as the law of *your* own will and not that of will in general, which could also be

the will of others” (*MM* 6:389). Thus, considerations of an agent’s virtue concern a specific person’s will and its acting upon an end set by that specific person. Ends that are also duties command the will to hold certain maxims of actions, and not certain actions themselves. Kant consequently considers these as being “wide” or “imperfect” duties in that they provide “permission to limit one maxim of duty by another (e.g., love of one’s neighbor in general by love of one’s parents)” (*MM* 6:390). This commanded end that one’s maxims are to enshrine is not strict, as in the external lawgiving of the DR; instead, general ends are given, with the individual being virtuous if he or she can oppose inclinations and act with these ends in mind (such as in helping others toward their happiness).

In the remainder of the DV, Kant discusses the various applications of this conception of virtue to human behavior and interpersonal situations. For instance, he examines the various duties one has to him or herself, and the duties that one has in regard to the treatment of others. For the purposes of this inquiry, a close examination of these derivative duties is not necessary. Instead, it is sufficient to note the foundation of these duties in the principle and conception of virtue, which stipulates the ends to which one must will—the perfection of one’s self and the happiness of others. Both of these deal with the end of humanity, either in one’s self or in the form of others. The ability to consistently hold these ends forms the concept of virtue, which Kant further describes as “the moral strength of a *human being’s* will in fulfilling his *duty*, a moral *constraint* through his own lawgiving reason, insofar as this constitutes itself an authority *executing* the law” (*MM* 6:6:405). Thus, the focus in the DV is on the ways that a human should

display and practice moral strength over one's will and over the opposing inclinations that attempt to lead it from the path of duty.

Summary

This chapter has attempted to delineate the distinction between the DR and the DV in the *MM*. While not having the space to discuss all of the duties in Kant's late ethical work, the important foundation for this application has been examined. In the DR, Kant focuses on lawgiving that can be both external and connected with external incentives. These laws include those of legislative agents, and utilize aversion as the primary incentive (punishment or sanctions). Given that individuals possess an equal capacity for action and for infringing upon the actions of others, Kant finds that the concept of right emerges when it is seen as implying mutually enforced and equal coercion to ensure a situation that operates according to universal laws, much like a group of physical bodies that have similar levels of force in their communal interactions with each other.

The DV, on the other hand, focuses on the willing agent as one that can resist the sensible impulses of nature, and thus give him or herself laws to follow. In this situation, both the law and the incentive are internal, since the agent has freely chosen a certain (moral) end to follow. Individuals have the duty to respect humanity in themselves and in the persons of others; this, however, is a wide duty, and cannot be enforced by other agents. The DR, on the other hand, is composed of external, strict duties that can be enforced by external means (coercion by others) and thus do not consider the maxims of the individual agent.

The distinction between these two divisions of the *MM* is two-fold. First, the DR and the DV are divided because they refer to two different types or expressions of freedom—external and internal, respectively. Kant remarks that this division is based on the “concept of freedom [which] makes it necessary to divide duties into duties of *outer freedom* and duties of *inner freedom*, only the later of which are ethical” (*MM* 6:406). The inner freedom of choice concerns the setting of ends and the choosing of maxims, something that only agents can perform by themselves. On the other hand, outer freedom manifests itself in terms of overt action, and such action can be examined to see how it accords with a condition allowing the use of everyone’s freedom in accordance with universal law. Coercion is allowable when it creates a situation that has external exercise of freedom according to universal laws. The second distinguishing factor between these two areas of moral thought involves this notion of coercion. Duties of right are distinct from duties of virtue in that only the former can be externally coerced—it is contradictory to say that ends are an agent’s when someone else has forced these ends on him or her. Indeed, such a forcing of ends seems impossible according to Kant’s analysis because end-setting is internal and coercion is strictly limited to external actions and reactions. The only one that can provide constraint and “coercion” in regard to the setting of certain ends is the agent that is setting those ends; thus, Kant’s notion of virtue involves this idea of self-constraint, whereas the DR involves external constraint from others. With such an examination of the *MM*’s basic doctrines established, this inquiry can now advance to some of the problematic issues modern commentators have found in regard to this important moral treatise of Kant’s.

CHAPTER THREE

PROBLEMS BETWEEN RIGHT AND MORALITY

Many recent commentators on the *MM* have discussed the relation of the principle of right to the moral law (the categorical imperative).⁹ While the moral law has generated much scholarly examination and debate, its relationship to issues of right generates even more controversy due to the latter's obscure and cursory treatment in the *MM*. Kant goes to great lengths to clearly delineate the realm of right from the arena of morality (or virtue) in the *MM*. The DR is said to address external actions, whereas the DV is said to deal with the internal use of freedom in terms of an agent's setting of ends. Whether this is the true division, the question must still be asked, how are the principle of right and the moral law related? If there is no such relation, why does Kant formulate the principle of right in such a way so as to give the impression that it can address the universalizability of maxims (*MM* 6:230), much like the first formulation of the categorical imperative? Some scholars even go so far as to claim that the principle of right is a hypothetical imperative, and not one that commands categorically.¹⁰ While there is a vast body of literature on Kant's ethics and the basis of his political thought, this chapter will examine some important recent contributions to this debate concerning the linkage of the principle of right to the moral law. Arguments shall be divided into two sections, those claiming that there is no fundamental connection between the

principle of right and the moral law (the disjunctive approach), and those arguing that there is such a connection (the conjunctive approach).

Disjunctive Views of Right and Morality

One recent commentator on the *MM*, Thomas W. Pogge, argues that Kant's system of right (*Rechtslehre*) can be separated from his moral system.¹¹ What motivates Pogge's article is the charge from John Rawls that Kant's political system is a "comprehensive liberalism," that is, one that is wed to his notions of ethics and virtue.¹² In the course of arguing that Kant's system of right can be separated from his ethical system, Pogge provides some insight into a disjunctive way of seeing the relationship between right and morality. One of the initial distinctions he makes in order to differentiate Kant's *Rechtslehre* from his moral philosophy is in the conception of personhood presupposed by the DR. The DV, dealing with moral worth and internal end-setting, has a "narrow, strong conception of the person" which entails "being a subject whose *inner* actions are capable of imputation, a subject with (transcendental) freedom of the will."¹³ On the other hand, the DR only assumes a weak sense of person, entailing only that they are "subjects whose *external* actions can be imputed to them as expressive of their will, choice, or intentions."¹⁴ Thus, the DV assumes all the metaphysical "baggage" that comes with Kant's transcendental idealism, but the DR simplifies matters to only the external actions of a human being. This power of choice is not metaphysical, according to Pogge, since it simply refers to a domain of control that extends not only to one specific choice but to choices made over a lifetime.¹⁵ Whereas Kant's moral system assumes and requires the strong sense of person, his system of right only needs the weak

sense of person, resulting in one way in which Kant's *Rechtslehre* is not integrally tied to his moral system. One need not go into all of the metaphysics of the moral law and transcendental freedom, according to Pogge, to get the Kantian liberalism that constrains and maximizes the freedom of every individual who is involved.

Pogge also offers a slightly different reading of the state of right (*Recht*). Instead of simply a body of laws that results in a certain freedom for all actors, he instead prefers to conceptualize Kant's notion as

a property of a world of persons capable of obstructing one another's actions—or capable of constraining one another's freedom. It is instantiated in such a world if and only if this world is so structured that the external freedom of persons is, in accordance with a universal law, constrained in such a way that each person's constrained external freedom is secure. *Recht* is instantiated when persons coexist under an effective legal order that delimits and sustains mutually secure domains of external freedom.¹⁶

Thus, the weak sense of person is here coupled with a holistic understanding of what right would be like in systemic form—any body of laws could accomplish such a state, given that they sustain mutually constrained domains of control/freedom for given individuals. Pogge continues by arguing that this part of Kant's DR is freestanding from his ethical ideas; it is the further argumentation for this system from Kant that tends to link it to his substantive moral thought (such as certain rights individuals have, etc.). Pogge maintains, however, that in the final analysis, Kant's system of right does not necessarily entail his moral system.

Pogge continues his discussion of Kant's DR by pointing out that there are two versions of the principle of right. One discusses the rightness of actions in terms of maxims and actions

Any action is *right* if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law. (*MM* 6:230)

This is the "first formulation" of the principle of right according to Pogge, and it has traits that mistakenly lead commentators to link right to morality due to its misleading similarity with the moral law in the *GMM*. Kant, however, provides a second formulation of this principle of right, commanding

So act externally that the free use of your choice can coexist with the freedom of everyone in accordance with a universal law. (*MM* 6:231)

This second formulation, according to Pogge, illuminates Kant's true intention behind the principle of right; instead of providing a metaphysical deduction of it, Kant simply continues by discussing how it allows others to limit one's freedom in order to create and sustain a state of right. There is no talk of maxims that one must adopt. Instead, Pogge contends that Kant specifically argues that external lawgiving only focuses on actional compliance, and ethics concerns the ends an agent should set.

Pogge claims that the focus in *Recht* is on external actions instantiating a condition of right among actors, and as such can fit two conditions. These conditions cover situations in which a state of right has already been instantiated (through existing laws) or in a situation where right is not in place. Pogge indicates the first situation

When *Recht* is instantiated, an action is right if and only if it can coexist with everyone's freedom according to a universal law (which we must presume to be the universal law that figures in the existing instantiation of *Recht*).¹⁷

The second situation is

When *Recht* is not instantiated, an action is right if and only if pursuant to its maxim the freedom of choice of each can coexist with everyone's freedom according to a universal law.¹⁸

The first case concerns the second formulation of the principle of right in that it merely examines the external actions of each agent. Personhood in this case is assumed to be in the weak sense, and thus judgment of actions is only of the external manifestation of freedom, not of the internal end setting of a particular agent. Pogge, however, deems the second situation problematic for two reasons. First, it seems to allow any type of action whose maxim may anticipate some sort of liberal political state in the future. Pogge finds that this second formulation provides no real standards for evaluating the rightness of maxims in a state lacking external laws and standards to judge actions. Even if such a maxim accords with the moral law, the determination of its rightness is problematic without a civil condition being instantiated. The second problem with this situation, and the first formulation of the principle of right, is that it assumes all of the metaphysical, inner baggage that Kant explicitly tried to leave out of consideration of right—inner choice, internal freedom, etc. Thus, Pogge eventually argues that Kant's *Rechtslehre* is a game in which players (agents) merely bargain and sacrifice certain external freedoms to

secure the bulk of their external freedoms in a political state of right. This reading, according to Pogge, avoids the dependence of the DR on Kant's moral system.

Allen Wood, another modern commentator on Kant, argues that Kant's principle of right is not connected to his moral thought, specifically the moral law.¹⁹ Wood argues that the *MM* is a radical departure from Kant's earlier thought in ethics, as such texts as the *GMM* fail to discuss the class of juridical duties that feature so prominently in the DR. Instead, Wood claims that Kant finds the basis for these duties of right in the principle of right, and consequently derives the specific duties in the remainder of the DR. This principle of right, according to Wood, is mistakenly linked to the categorical imperative by many commentators for two reasons. First, since Kant fails to provide a deduction for it, many assume it must stem from his moral philosophy.²⁰ Second, Kant misleadingly uses the form of the categorical imperative and words such as "universal law" and "humanity" that are used in a different sense in his moral thought. For instance, Wood points out that Kant uses the concept of humanity in regard to the basis of the innate right to freedom, but then never follows through and develops this argument.²¹ Wood finds the reason for this lack of development is that the principle of right is *analytic*, and needs no derivation. Indeed, "Kant says it [the principle of right] is analytic because we do not need to go beyond the concept of freedom in order to see that external constraint is rightful if it checks the hindering of outer freedom."²² The principle of right is, according to Wood, merely an "*explication of the concept* of right, telling us what it *means* for an action to be juridically right (or not wrong, not a violation of anyone's right to external freedom)."²³ Thus, there is no link between the principle of right and the

moral law; instead, the former principle is merely an explication of the concept of external freedom in its rightful form, and does not need more basic foundations (as a synthetic proposition would require).

Wood claims that juridical duties (duties of right) lack the connection to ethics in terms of incentive—duties of right do not make the duty itself the incentive for an agent to do them. Instead, coercion and punishment can be employed to keep individuals acting in accord with right, even though they are not acting *from* the incentive of right. Such an internal incentive cannot be contained within the concept of juridical duties, for “it would be superfluous, and even contradictory to the very concept of the juridical, to include the rational incentive of duty as part of its principle.”²⁴ Duties of right contain no specific incentive within their concept, whereas Wood argues that “ethical duties are those connected in their concept with the objective incentive of duty or rational lawfulness, and their principle therefore requires a deduction in order to establish this synthetic connection.”²⁵ Thus, the principle of right, being purely analytic, needs no deduction and fails to have any connection with the moral law as its fundamental basis. For Wood, morality involves no amount of social control or coercion; instead, the DR details what exactly can be controlled—the external exercise of one’s freedom that affects others in a certain way. Wood’s overall conclusion is that “right is independent of ethics”²⁶ and that “the territory covered by the *Doctrine of Right* necessarily falls entirely outside that surveyed by both the *Groundwork* and the second *Critique*.”²⁷ Both parts fall under a system of morality in general, but the moral law (the categorical imperative) and

the principle of right have little in common besides the fact that they refer to different aspects of human action and behavior.

Conjunctive Views of Right and Morality

Many modern commentators have offered arguments that right and morality are integrally linked. Some scholars, such as Mary J. Gregor and Jeffrie G. Murphy, find that the DR and the DV differ only in that they concern laws of outer and inner freedom respectively.²⁸ The categorical imperative, according to this position, is integrally linked to the principle of right—they only differ in that they concern different types of freedom. Roger J. Sullivan holds a similar view, arguing, “in the ‘Doctrine of Right,’ however, he [Kant] restricts its [the formula of universal law] application to external behavior between people.”²⁹ In such views, the principle of right is merely another version of the categorical imperative. The two commentators this section will focus on, however, are Bernd Ludwig and Paul Guyer. By honing in on these two recent responses to the disjunctive approach to the principle of right, the stage can be set for the following chapters’ attempt to connect these two principles in a new light.

Bernd Ludwig has offered an interesting response to the position espoused by Pogge in which he reaffirms the importance of Kant’s ethical thought for his philosophy of right.³⁰ Ludwig finds that the important aspect of the relation between right and morality is brought out by considering the presuppositions of freedom in the DR. *Contra* Pogge, the focus is not on why anyone would want to be part of a system of right, but instead on why force is allowable in order to coerce compliance with a system of right.³¹ The right of individuals to be unrestricted in their external and internal use of their

freedom, and in turn to restrict others who hinder their free use of such capabilities traces its foundation back to the notion of person in the *MM*. Ludwig argues that this notion of personhood is crucial—otherwise, people would be mere things without any rights against others. Instead, Ludwig posits that Kant considers the agents that he addresses in the DR and DV as persons, that is agents whose actions can be imputed to them. This imputation of the person as a free cause can be made by both the person him or herself and others around him or her. Ludwig argues that this assumption of personhood is not a weak notion, but instead serves as the foundation for both the DR and the DV as Kant indicates in the introduction to the *MM*.³² When one regards him or herself as a free being, one is “understanding oneself as a member of an intelligible order (or world). And to be such a member of such an intelligible world *means* to be a causal agent which again is nothing else but ‘acting on principle,’ being ruled by law.”³³ Ludwig’s argument here is that the subjects in a state of right still conceive themselves as a free cause in an intelligible world, and it is just such a notion of personhood that is assumed by the DR and Kant’s thought.

What confuses commentators, according to Ludwig, is Kant’s claim that the DR does not require that individuals respect the rights of others from the motive of duty. This is a mere consequence of the external nature of lawgiving in the DR. Instead of jumping from this to the conclusion of no connection between right and virtue, Ludwig argues that right from the perspective of the agent involves the presuppositions of Kant’s ethics. Ludwig’s practical argument goes as follows: individual members of the state assume that they are free of undue constraint from others, i.e., that they can exercise their

freedom. These agents assume that their faculties and the faculties of others are such that they possess freedom in the practical sense (they can choose to act on representations of principles, and not merely on instinct or natural impulse), and can conceive themselves as members of an intelligible realm (that part of them that is separable and controlling of the natural part of their constitution). When these agents are truly free causes of their actions, they must recognize themselves as acting from the moral law, and not from natural determinants.³⁴ Thus, Ludwig argues that individuals in a system of right would conceive themselves in accordance with Kant's moral philosophy. Ludwig claims that the DR assumes personhood intertwined with being a free cause (*causa libera*) and involves agents who conceive of themselves as free beings in a more significant way than just in terms of their external actions. The moral law, and the moral realm it conceptually facilitates, is integrally linked to persons and the self-conception of a person under the DR.

Paul Guyer has also advanced a similar position advocating the connection of the moral law and the principle of right.³⁵ Like Wood, Guyer finds that Kant's ultimate claim is that of the value of rational agency in the form of humanity, and that this is the primary obligating force behind universal legislation concerning all rational beings. This freedom within each individual is to be expressed in such a way that it does not undercut the freedom of other rational agents, as such a minimization of his or her freedom would result in a different value being placed on his or her worth. *Contra* Wood, Guyer does not want to exclude the principle of right and juridical duties from Kant's moral philosophy; instead, all of these areas are a manifestation of the value of freedom through

free agency, be it internal or external behavior. Duties of justice, according to Guyer, are merely a “subset of perfect duties to others,”³⁶ which Kant discusses in his *GMM*. While Kant could have labeled them in a more precise way, the famous four examples given to illustrate the various formulations of the categorical imperative fall in the following four categories—perfect duties to others, perfect duties to one’s self, imperfect duties to others, and imperfect duties to one’s self. In the first of these four is contained the duties of right, according to Guyer; the only difference between duties of right and the other duties is that it is possible to enforce those of right with external incentives.

Wood and others argue that the principle of right stipulates that these juridical duties are separate from the moral law; to counter these claims, Guyer proposes a reading of the principle of right that overcomes this disjunction and unites the moral law and the principle of right. As to the parallel between the principle of right and the formula of universal law, the similarities are claimed to be more than verbal. Indeed, both seek the application of universal law to a domain of human freedom; Guyer finds that

the principle of right can surely be seen as the consequence of applying the formula of universal law to a subset of maxims for one’s own actions, namely, those concerning the exercise of one’s external freedom, that is, the expression of one’s choice in bodily and public actions, where that might interfere with the exercise of external freedom by others.³⁷

Thus, juridical duties derived from the principle of right are merely one type of maxim-linked category of action that can be derived from the categorical imperative. These types of maxims necessarily result in a certain type of action that must always be

forbidden in a state of right; for example, lying in situations of contract is a maxim that not only undercuts the institution of promising, but also infringes on the rights of the other party involved in the contract. In this situation, the maxim that leads to the action of lying cannot be universalizable, and as such is not a moral maxim. At an even stronger level, the action of lying cannot accord with actions in line with a universal law, and refraining from lying can be coerced by others. The principle of right is simply another way of explicating one's perfect duties to others; according to Guyer, these duties are such that the mere presence of the action must not be allowed by others (through legislation, enforcement, etc.).

Another argument that Guyer gives linking the principle of right to the moral law is through the recognition of the latter's value being freedom itself. If one sees the ultimate value of humanity as lying within its freedom, then rational agency and universalizability become a means to attain this state. Guyer, citing Kant's lectures entitled *Naturrech Feyerabend* (1784, *NF*), points out that the inner value of the world for Kant was a human's freedom; Kant is quoted as saying "If rational beings can be ends in themselves, this can not be because they have reason, but because they have freedom. Reason is merely a means" (*NF* 27:1321). The formulation of universal law by reason is merely a means to the end of freedom, according to Guyer; in terms of juridical duties, "the point would simply be the preservation of freedom of action for all, rather than the promotion of the effective use of freedom that would fall into the sphere of virtue."³⁸ The principle of right merely enunciates the perfect duties in which it is crucial for individuals to preserve their external freedom. Such actions, and the maxims linked to

them, are *a priori* damaging to the freedom of other agents and must be controlled (constrained) by others. Such perfect duties always involve *not* doing something; as Guyer indicates, perfect duties forbid us from doing certain actions, and as such are usually seen as involving only demerit if the injunction is not followed. Merit, however, can accrue by “fulfilling duties of justice merely in virtue of the thought that they are our duties, regardless of any external incentives we have to fulfill them.”³⁹ Thus, virtue and right overlap in that they are describing the same four categories of duty, and also involve the merit of the individual acting from duty.

Summary

This section has examined some of the recent attempts to understand the relationship between Kant’s principle of right and the moral law. Two general views are evident—the disjunctive view, which finds no connection between right and virtue, and the conjunctive view, which links right with moral worth/virtue via the moral law. The important aspects of the first school of thought involve the conceptualized relation between the moral law and its subjects—the incentive in this case is supposed to be wholly internal, as duty provides the ground for actions *from* duty. The principle of right, on the other hand, holds room for external incentives and external coercion. It is from Kant’s comments about right not addressing the motivations of agents that commentators build this position; indeed, right does not necessitate the examination of the internal use of an agent’s freedom, as one can merely judge and examine the external manifestation of it. For the disjunctive view, the principle of right is separate from the moral law in that the latter examines the motivations and virtuous disposition (or lack thereof) in the

individual agent, both “transcendental aspects” of the individual with which right need not be concerned.

On the other hand, the conjunctive view attempts to synthesize the relationship of the moral law and the principle of right. One way in which this is done is by pointing out the presupposed transcendental freedom of the agents in a political state—they conceive of themselves in a certain way that must be extended to all other like rational agents. This self-conception is then part and parcel of a richer, more transcendental notion of human freedom—it involves inner freedom from natural determination and all the baggage of motivations that the disjunctive school did not want to accommodate. Another strategy for getting around the disjunctive approach put forth by these scholars is to analyze duties of right as a special subset of the four categories of duties the moral law commands agents to uphold. The special feature of duties of right, however, is merely their obvious physical manifestations, which allow for judgment and coercion by other agents.

The disjunctive and conjunctive approaches offer valuable ways of examining the connection between the principle of right and the moral law. Another way of viewing this conundrum, however, is possible using a more perspectival approach.⁴⁰ Implicit in much of the reading of Guyer is the idea that the next few chapters will bring to light—that of the *telos* of duties of right being individuals who fulfill them *from* the idea of the moral law (i.e., from a virtuous disposition). For much of the previous commentary on the *MM*, the arenas of right and virtue have been seen as side by side, with many philosophers examining what, if anything, connects them. This study will

argue that another, more fruitful way to conceptualize the relationship between right and moral virtue is to see issues of right as a *lower subset* of moral virtue; the ideal is a system of agents carrying out their moral duties with virtuous dispositions, whereas the less ideal case is the coercion of compliance with perfect duties to others (duties of right) from incentives extraneous to the law. As humans conceive of themselves more as members of the intelligible realm, the higher notion of all duties relating to the incentive of duty itself becomes apparent. This hierarchical, perspectival view of right and moral virtue will now be explicated in the following chapters.

CHAPTER FOUR

FREEDOM AS IDEAL IN THE *GROUNDWORK*

Before such a perspectival reading of the principle of right and the moral law can be given, the general perspectives involved must be explicated. Who is taking the perspectives and what constitutes each perspective? These important questions receive an answer in the *GMM*, where Kant delineates the sensuous world (the *phenomenal* realm) and the intelligible world (the *noumenal* realm) in relation to how humans as moral agents conceive of themselves. This general division of human self-conception will take on an added importance in Chapter Five, where it will be argued that this foundation for self-conception holds a perspectival, hierarchical status in subsuming the principle of right under the moral law.

The task of this chapter, however, is to demonstrate how freedom functions as an ideal in Kant's *GMM*. This notion of freedom, like that in the *MM*, can be seen as freedom *from* sensuous causes and as a freedom *of* positive determination (through the moral law). Freedom, in this composite notion (positive and negative senses), will be shown to be what Kant refers to as "autonomy"—individual self-direction through the moral lawgiving of one's will. This chapter will first examine Kant's exposition of the moral law through its various formulations. Such a progression eventually culminates with the "Formula of Autonomy" transforming into the "Formula of the Kingdom of

Ends.” This transition will be discussed, since it signals a transition from individual notions of autonomy to a harmony of universal legislators (agents) that individual moral acts presuppose as an ideal. After this transition has been examined, Kant’s discussion of this idealized kingdom of ends in the *GMM*’s Section III will be examined in regard to how the two-fold perspective of the world of nature and the intelligible world (the kingdom of ends) relates to the human agent. While humans are torn between both realms, the ultimate message of the *GMM* is that humans must presuppose their participation in the intelligible realm, and more importantly, tailor their actions and exercises of will so as to approximate this state in their physical condition.

Formulations of the Categorical Imperative

In his analysis of moral worth, Kant argues that the moral law can be expressed in a variety of formulations. Before these formulations are examined, some general comments about the analysis of moral worth in Section I of the *GMM* must be made. Kant begins the *GMM* by examining the source of moral worth in human actions and dispositions. He points out that all “virtues” and characteristics, such as strength and coolness, can all be used for vicious purposes, rendering their value only conditionally good—dependent upon certain purposes, situations, etc. What is morally good must be absolutely good for Kant; even considerations of certain outcomes do not hold as unconditional, as these results can be thwarted by unfortunate luck, natural circumstances, etc. Thus, the ultimate conclusion of Section I is that the good will is the highest, unconditioned good (*GMM* 4:396). The notion of good will is integrally connected to the notion of duty, which “contains that of a good will though under certain

subjective limitations and hindrances, which . . . bring it [the good will] out by contrast and make it shine forth all the more brightly” (*GMM* 4:397). A human being can possess this good will, but such a will requires a constitution that includes alternate temptations, such as the inclinations. These factors result in the human being not being subjectively necessitated by the moral law; instead, duty is a command upon the agent. The individual agent is *objectively* determined by this notion of duty, which stems from the imperative of the moral law; *subjective* determination, on the other hand, appears to be the domain of control of the individual agent with his or her reason and inclinations. What is crucial to this conception of duty is that an action is done *from* duty, not merely in accord with duty; only the former has moral worth, whereas the latter could be done for less-than-worthy reasons (self-love, greed, etc.).

The individual agent is subjectively determined by his or her maxim, a principle of volition within the subject himself or herself. A practical law, on the other hand, is an objective principle of volition that all should have (*GMM* 4:401). As will become evident later, individuals are objectively necessitated by the moral law, but are not subjectively necessitated by it (otherwise they would be “holy wills,” constrained to will from duty in every occasion). The individual agent can have moral worth if and only if he or she acts from duty. This, however, begs the question, what is duty? To this question, Kant provides his analysis of the moral law in Section II of the *GMM*.

Duty, for Kant, is integrally connected to the source of determination of an individual rational agent.⁴¹ In Section II, he analyzes the concept of the moral law and its relation to rational beings in general in order to discern the possibility of such an

imperative. Kant operates on the assumption that everything in the world that we can experience (including our own actions) must operate according to some sort of law (*GMM* 4:412). The unique feature of a rational being is that he or she can represent his or her possible actions in accordance with a representation of laws (principles). This capacity to formulate principles or maxims upon which the subject acts is constitutive of an agent's will (*Wille*). One's will is subjectively contingent, since reason does not always determine it (*GMM* 4:412). All rational beings are subject to objective principles of action, which Kant labels as "imperatives." Some of these are hypothetical, which command a certain action upon certain conditions. What Kant wants for the foundation of morality is a moral law (imperative) that commands categorically and in an unconditioned manner. Such a categorical imperative is found in the moral law; all other imperatives are conditioned and have the status of a principle, but only the categorical imperative has the status of a practical law (*GMM* 4:420). Such an imperative must be removed from any sensuous conditions, such as desires and inclinations, since those would render it conditioned. Instead, the moral law (the categorical imperative) contains nothing beyond the form of universal law and the necessity that individual maxims be in conformity with this law. Kant provides the first formulation of this categorical imperative, hereafter referred to as the Formula of Universal Law (FUL)—"*act only in accordance with that maxim through which you can at the same time will that it become a universal law*" (*GMM* 4:421). Kant further explains this law with respect to the state of nature; just as everything in the physical world occurs according to laws, so one should "*act as if the maxim of your action were to become by your will a universal law of*

nature” (*GMM* 4:421). The objective determinant of rational willing is this categorical imperative; duty consists in the demand that the individual make his or her subjective maxim of volition conform to this universal form of willing.

These two delineations of the first formulation of the categorical imperative⁴² may not be as clear as one would hope; this problem, however, is relieved as Kant discusses the other formulations of the moral law. Before those formulations are discussed, a few important aspects of this formulation should be noted. Initially, one notices that the formal aspect that Kant is drawing upon in this formulation is non-sensuous and does not include material from the physical world. It is the mere form of one’s maxim that is tested by FUL. This form must be capable of being universalized, which provides two important tests of a maxim—it must either be able to be *thought* without contradiction or it must be able to be coherently *willed* by the agent. The first test involves the logical possibility of the universalization of a certain maxim; for instance, false promises to others cannot be consistently willed as universal law (or as a universal law of nature) because doing so would result in the putative collapse of the institution (promising) that allows promise breaking to happen (*GMM* 4:422). Additionally, suicide operates on a maxim that would also be impossible to be thought as universal law, as Kant finds that it involves a contradiction with the same maxim that preserves life (*GMM* 4:422). What these two duties represent are the *perfect* duties to one’s self and to others. They are negative in that they forbid a certain maxim and its connected action (lying, suicide) because it *cannot be conceived of as universal law*. As Kant indicates, “Some actions are so constituted that their maxim cannot even be *thought* without contradiction as a

universal law of nature, far less could one *will* that it *should* become such” (*GMM* 4:424). Thus, these perfect duties stemming from the negative command of the moral law involve actions that are tied to maxims that cannot be conceived of or willed as universal laws.

Other duties emerge in regard to one’s self and to others that are imperfect. These duties involve, in Section II of the *GMM*, one *not* adopting broad maxims that preclude certain other maxims. For instance, Kant provides the duties of self-cultivation and benevolence to others as examples of these imperfect duties commanded by the moral law. What is considered to be a transgression of duty is the adoption of maxims antithetical to these broad maxims; in such a case an agent may find it possible to conceive of such maxims as potential universal laws, but instead finds it “impossible to *will* that their maxim be raised to the universality of a law of nature because such a will would contradict itself” (*GMM* 4:424). What seems to differentiate the two types of non-universalization that violate FUL is the difference between logical contradiction and the ability to be effective in what one wants to accomplish via his or her willing certain maxims. Some actions are constituted in such a way (i.e., lying) that one cannot even conceive of the maxims of these actions as being universal law; in the case of promise-breaking, the nature of such an action is one of feeding off of the trust of others in the form of the institution that they presuppose (such as promise-making).⁴³ The second test relies on the individual making an exception for him or herself in order to be successful in a given action connected with his or her willing of a certain maxim. Thus, in the case of a rational being and his or her talents, he or she cannot will a maxim that ignores the development of his or her talents in order to increase enjoyment since he or she may find

him or herself in situations where honed talents would bring about more enjoyment (*GMM* 4:423). One could *conceive* of a state of nature in which all rational beings spend their days in a supine fashion, but one cannot *will* that this be a universal law because it contradicts the purpose of his or her initial willing. It is important to note this dual conception of universalization behind one's maxims; both seek universal and unconditioned elements in one's will, but they operate at two different levels—that of logical possibility and that of the ability of one to actively will without contradiction with his or her own ends. The negative nature of the first test provides the foundation for strict (perfect) duties flowing from the moral law, and the latter provides the roots for imperfect duties dealing with the ends an agent should set. Both of these types of duties are fleshed out in the *MM*; the former coincides with the DR, addressing negative duties that forbid certain actions, and the latter dealing with the setting of ends described in the DV. One can see in the very first formulation of the categorical imperative a fundamental linkage to the principle of right in the DR. What remains to be illustrated, however, is the perspectival nature of this connection.

Before such a connection can be described, Kant's second formulation of the categorical imperative must be examined. FUL provides the form of dutiful willing, but rational creatures still need some type of end that is connected with their acts of volition. Thus, Kant scours the landscape of reason for an end that is also a duty to have, thus avoiding the subjective conditions that most ends are liable to have. Such an end would abstract from all material elements that subjective ends possess, and instead would involve an unconditional motive that is objectively necessary for agents to possess. Such

an end must be an end in itself, and must not be reliant upon any condition. Kant finds that all individuals, given their recognition of the worth of humanity in their person, would accept that the ground for such an end is that “*rational nature exists as an end in itself*” (GMM 4:428-429). This universal ground for the worth of rational nature provides the second formulation of the categorical imperative, the Formula of Humanity as an End in Itself (FHE), “*So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means*” (GMM 4:429). This end is one that all rational beings should have—it is an end that is also a duty to have.

FHE contains an important new addition to the categorical imperative as instantiated in FUL. Whereas FUL specifies the form of a maxim in accord with duty, FHE specifies its “material,” i.e., that a particular maxim is to preserve and promote humanity. Notice that this material is not conditioned in the sense of desired outcomes and hypothetical imperatives; instead, Kant finds that FHE serves as “the supreme limiting condition of the freedom of action of every human being” (GMM 4:431). This end in itself limits all other ends when they start to interfere with its realization; thus, this end is realized in a negative fashion (not destroying rational nature/humanity) and in a positive fashion (promoting the development of rational nature/humanity) (GMM 4:430). The former appears in strict, perfect duties—lying and suicide, for instance, violate the very basis of humanity in that these actions operate on a maxim that is fundamentally at odds with rational nature (the maxim cannot be conceived of as universal law). Thus, these actions are limited by this supreme end because they infringe on humanity in the

person of one's self and in others. Strict duties, in the *GMM*, are identified by their negative protection of humanity from acts that would violate this end in itself. The second category, imperfect duties, deals with the furthering of humanity, either in one's self or in others. No action can be said to be absolutely crucial to the furthering of humanity, unless it is tied with an action that would damage humanity—if that is the case, it would fall under a perfect duty to preserve humanity. What Kant has in mind in this second category are maxims that further humanity's development in terms of benevolence and self-development (his stated examples in the *GMM*). While a subjective end that does not further humanity is allowable in so far as it can be conceived without contradiction and does not damage humanity, a morally worthy agent should *will* a subjective end that is in accord with this supreme end in itself. Thus, one should adopt the end of promoting humanity in the person of one's self and also promote humanity through assisting with the ends that others have. These ends are not tied to any definite actions that can be commanded or forbidden, but they are ends that one should hold and that are related to FHE, the supreme limiting condition of all ends subjects may hold.

An important aspect to note in regard to FHE is its limiting function—certain ends/actions are eliminated from consideration because they violate the sanctity of humanity in one's self or in others. Thus, the willing agent in some cases is commanded *not* to do a certain action by the moral law because such an action would violate the end that the moral law sets for all rational agents—that of humanity as an end in itself. Other actions can be connected with maxims that promote humanity, and are consequently commanded by the moral law. As Kant's further analysis in the *MM* shows, however, the

internal setting of ends is something that cannot be done by others. In the *GMM*, these imperfect duties are simply discussed in terms of the general maxim that the agent should not actively violate in the ends that he or she sets. What is important to note about this discussion of perfect and imperfect duties in the *GMM* is that it occurs from the perspective of the lawgiving subject (agent). As will be discussed in later sections, this agent perspective has certain limitations in regard to the judging of other's motivations, whereas the ideal system of agents is conceived from an abstract, systemic viewpoint.

In terms of the practical lawgiving from the perspective of the rational agent, Kant argues in the *GMM* that "the ground of all practical lawgiving lies (in accordance with the first principle) *objectively in the rule* and the form of universality which makes it fit to be a law (possibly a law of nature); *subjectively*, however, it lies in the *end*" (*GMM* 4:431). Thus, FUL deals with the objective determination of maxims according with duty, and FHE addresses the subjective selection of the ends within one's maxims. From the perspective of the agent, FUL serves as a test of his or her maxim's fitness to be universal law (and consequently morally worthy), and FHE serves as a guide to what ends one should hold or not hold (i.e., those in accord with humanity as an end in itself). It is this addition of the second formulation (FHE) that leads Kant to the third formulation, the Formula of Autonomy.

From Autonomy to the Kingdom of Ends

The Formula of Autonomy (FA) is an important part of *GMM* Section II, as it prefaces the transition of individual autonomy to the concept of the kingdom of ends. This section will examine FA in relation to the agent's giving of law in his or her choice

of maxims and actions, and will discuss the transition of this individual concept to an idea rooted in a different perspective—that of a system of agents acting in harmony according to universal laws. FA, as first enunciated by Kant, addresses “the idea *of the will of every rational being as a will giving universal law*” (*GMM* 4:431). The will of the rational agent is able to give universal law in opposition to following the laws of the natural world; hence, Kant conceives of such a will as a “lawgiver.” This “idea” is an integral one to a rational agent’s self-conception as a free being; what is truly assumed when one supposes he or she is free in the use of their choice is that he or she holds a capability to act in such a way that is separate from pure animal choice (i.e., that which is sensuously conditioned). As all instances of action based upon the natural world are conditioned by some interest or inclination, Kant argues that one is not bound to the moral law as a subject to some interest. Instead, FA enunciates the lawgiving status of the rational agent, free of all interests that conditionally constrain it, and is therefore unconditioned (*GMM* 4:432). It is helpful to remember that in the *GMM* Section II Kant simply analyzes the concept of a rational being as such; in Section III, he begins to discuss how humans conceive of themselves as such rational beings.

FA states that an individual agent gives a formal, abstract, universal law that he or she also follows. The agent obeys such a law because he or she is the origin of it (the lawgiver). If the law was given by someone else (such as another person or God), the agent would need some interest to follow it (punishment, divine favor, etc.)—“his will had instead to be constrained by something else to act in a certain way” (*GMM* 4:433). This represents a distinction between the principles of *autonomy* and *heteronomy*; the

former deals with the will as giving law to itself, whereas the latter addresses the will following certain rules out of some interest external to it. Autonomy, for Kant, is a positive notion of freedom in that it is the ability of a rational agent to be the cause of his or her own actions separate from external incentives (such as desires based in the natural world). To bring this discussion more in line with Chapter Two and the discussion of freedom in the *MM*, one can see Kant's notion of autonomy as an exercise of choice that helps to preserve and to promote the very capability of freedom itself—while choices to follow sensible inclinations are still “free” in that they are the result of spontaneity in an agent's choice (*Willkür*), they are not truly free from external conditions and do not preserve or promote the agent's ability to act from his or her own reason as lawgiving (the positive notion of freedom). Guyer describes this as a type/token distinction, with each action being a token of “freedom”—each moral action preserves and extends the capability of the agent to act from the conception of duty and each immoral action short-circuits the continued use of freedom on the part of the agent (such as in cases of addiction, or through generally contradicting the ends that he or she sets out to achieve).⁴⁴

This conception of a subject as giving and following universal law is the source of that being's dignity (*GMM* 4:436), a worth that goes beyond any other price or value. Kant finds that FA addresses the individual level, but must also be related to the community of rational beings in which individuals may find themselves. Thus, connected to FA is the “very fruitful concept . . . of a kingdom [*Reich*] of ends” (*GMM* 4:433). FA involves the agent appraising him or herself from the point of his or her giving universal law, and as such, must also appraise similar rational beings in a similar

way. The agent must address the relation of his or her ability to determine his or her actions through the giving of universal law (autonomy) with the autonomy of other such agents (real or hypothetical). Notice that the term Kant uses for this community of ends is “*Reich*,” which can be translated as “kingdom” or as “commonwealth.” Either way, one observes the emphasis on a law-governed unity of people. Kant further elucidates this concept, stating, “By a *kingdom* I understand a systematic union of various rational beings through common laws” (*GMM* 4:433). Such a kingdom operates or is constituted by a union of individual agents through laws that apply to all of them; Kant indicates that this must result in the concept not simply including idiosyncratic personal ends but also ends that all agents hold. It is thus an all-inclusive system, in which each agent uses his or her freedom in a way that furthers the harmony of the system. What truly holds this concept together, according to Kant, is the ideal of agents treating each other as ends in themselves. It is from this ideal of rational agents and their behavior that the system of ends in themselves emerges—that is, the kingdom or commonwealth of ends. Within this kingdom, the rational agent must conceive of himself or herself as *sovereign* (as the lawgiver) in that he or she is not subject to the will of other agents (the agent gives his or her own universal laws), but must also consider him or herself as a *member* of this system in that he or she is subject to these laws (*GMM* 4:433). Thus, in a system of autonomous agents, each gives law that applies to all, including the agent him or herself. Moral worth, in this account, is the quality of maxims willed from duty that makes an individual agent’s chosen maxims fit for being universal law in a possible kingdom of ends; it is this

use of autonomy that is ultimately free in the sense that it is self-sustaining and can harmonize with other intrinsically valuable agents exerting their own autonomy.

Kant introduces the exact formulation of the moral law that involves the kingdom of ends by reviewing how FUL, FHE, and FA represent the same moral law. While they objectively refer to the same moral law, there is a subjective difference among them (how each relates to the rational agent). Kant demonstrates this by illuminating the three parts to any maxim that one may adopt. Each maxim has a *form*, which involves its universality; it is this element that is tested and validated by FUL. Each maxim has an end that serves as its *matter*; while these can include personal ends, the supreme limiting condition is the end of humanity in the person of one's self and others (FHE). This limits all conditional ends based upon personal projects and inclinations. Lastly, Kant points toward "*a complete determination of all maxims*" through the Formula of the Kingdom of Ends (FKE), "namely that all maxims from one's own lawgiving are to harmonize with a possible kingdom of ends as with [zu] a kingdom of nature" (*GMM* 4:436). Guyer, along with Pogge, argues that the translation of "zu" as "with" is misleading.⁴⁵ Instead, they advise the more literal rendering of "zu" as "into," leading Guyer to translate the phrase as "all maxims from our own legislation ought to harmonize *into* [zu] a possible kingdom of ends, as a kingdom of nature."⁴⁶ This translation helps to emphasize the ideal nature of the kingdom of ends; as a heuristic ("fruitful") concept, it helps to guide the use and systemization of individual autonomy represented by FA into a harmonious community of such agents. Whereas FUL is well-suited for moral appraisal of maxims, the complete combination of ends, universal law-giving, and agent-status all unite in

FKE, rendering this formulation as the complete determination of all maxims one could possibly adopt. The *ideal* of the kingdom of ends is represented in this imperative (*GMM* 4:433), and it is this ideal that Kant develops in Section III of the *GMM*. The next section will analyze Kant's explanation of the kingdom of ends as an ideal that regulates our moral conduct, and that also stipulates two perspectives from which the moral agent can examine his or her existential self-conception and his or her actions.

The Kingdom of Ends as the Ideal of Freedom

FKE presents Kant's ultimate notion of the categorical imperative and how it culminates in the position of the rational agent as part of a system of ends in themselves. Of pressing importance is the status of this concept—is it to refer to actual states of the world, or is it used in a regulative sense? For Kant, the answer is more of the latter, as he explicitly states that this kingdom of ends is an ideal to guide practice (*GMM* 4:433). In order for this ideal to give any purchase on understanding the relation between the moral law and the principle of right, the underlying perspectives of moral judgment must be examined, especially in regard to the constituent unit of such a kingdom, the individual rational agent. The concept of a kingdom of ends is a "fruitful" one for Kant mainly because it functions in a regulative and teleological fashion—it helps a rational agent define his or her relation to others, and how such a community would ideally function. Thus, I will argue that the kingdom of ends included in FKE is the ideal of free action among a community of free agents.

Before such an argument can be advanced, it is interesting to note that Kant does not exclude the existence of such an ideal kingdom on logical grounds. The kingdom of

ends is given as a concept through an analogy with the kingdom of nature; the latter one operates according to laws governing objects, whereas the former addresses self-legislating, autonomous agents. The kingdom of ends operates according to maxims given by subjects to themselves, whereas the kingdom of nature operates according to efficient causes expressed in those “laws of nature” (*GMM* 4:438). Thus, the physical world does not necessarily (i.e., logically) preclude the existence of a kingdom of ends since the latter merely requires the coordination and cooperation of rational agents (who choose maxims fit to be universal law). This state of affairs is recognized as possible by Kant, who claims, “such a kingdom of ends would actually come into existence through maxims whose rule the categorical imperative prescribes to all rational beings *if they were universally followed*” (*GMM* 4:438). This is the same regulative ideal that Kant alludes to in his *Critique of Pure Reason* (1781/1787, *CPR*), where he describes the idea of the “moral world” as an “object of pure reason in its practical use and a *corpus mysticum* of the rational beings in it, insofar as their free choice under moral laws has thoroughgoing systematic unity in itself and well as with the freedom of everyone else” (*CPR* A808/B836). Thus, in the *CPR* and the *GMM*, the ideal of a system of autonomous beings maximizing and promoting their freedom is held as the apex at which actions in the physical realm or world ought to aim. This ideal, however, is not precluded from empirical realization on logical grounds; what does seem to preclude its realization are simply the “facts” about the practical situation in which humans are situated. In the *CPR*, Kant argues that humans only have control over the self-legislation of their *own* maxims, there is no guarantee of actually realizing this system—the individual simply has to

uphold the duties that the moral law commands of him or her (*CPR* A809/B837). In the *GMM*, Kant extends this idea, indicating

It is true that, even though a rational being scrupulously follows this maxim himself, he cannot for that reason count upon every other to be faithful to the same maxim nor can he count upon the kingdom of nature and its purposive order to harmonize with him, as a fitting member, toward a kingdom of ends possible through himself. (*GMM* 4:438)

What the agent must do, as in the *CPR*, is to uphold the moral law and strive to determine his or her actions *from* the concept of duty contained in the moral law. If all individual agents determine their will in a similar manner, it appears that the only thing that could possibly deter the instantiation of such a kingdom of ends is possible friction with the prevailing laws of nature. Kant stops short of making such a claim because his interest appears to be in employing the kingdom of ends as a regulative ideal that will always be useful in guiding rational agents in their conduct. Such a perfection of agents and the system that they form is not to be expected by actual agents; instead, each agent is to follow the moral law in the exercise of his or her autonomy and hope that others will contribute their part to the pursuit of such a kingdom of ends.

Section III of the *GMM* further explores the way that humans conceive of themselves as rational agents, and what this means for moral thought. Such an analysis, I argue, allows one to build the basic distinction between the sensible world and the moral/intelligible world, which will be employed in Chapter Five to understand how the principle of right relates as a lower subset of the moral law. One of the most important

parts of Section III, however, is how Kant reconciles the apparent contradiction in self-conception of agents as objects affected by the world of sense (natural laws) and as free causes (determining their will from non-sensuous motivations). Kant believes that the solution to such a dualism in how humans conceive of themselves *qua* rational agents is not to be found in an epistemological reading of their objective knowledge (theoretical knowledge of the external world), but instead in a perspectival manner involving the standpoints from which agents consider their existence in the world (*GMM* 4:450). This basic perspectival distinction falls from the limits of human epistemology (such as theoretical knowledge), which is relegated in the *CPR* to the world of appearances—the realm of nature. Kant argues that one must assume *behind* this world of objects and relations that are conditioned by human forms of intuition and thought are things as they are in themselves, leading to the world of sense (nature) being differentiated from the postulated world of understanding (the intelligible realm). Humans find themselves affected by objects and relations under the laws of the natural world (such as desires, inclinations, etc.), but also find themselves as having ideas from pure reason that go beyond all notions of sensation. These ideas of reason include ideals such as that of the kingdom of ends, and the synthetic *a priori* proposition of the moral law.

From this foundational analysis, Kant states that an individual conceives of him or herself from

two standpoints from which he can regard himself and cognize laws for the use of his powers and consequently for all his actions; *first*, insofar as he belongs to the world of sense, under laws of nature (heteronomy); *second*, as belonging to the

intelligible world, under laws which, being independent of nature, are not empirical but grounded merely in reason. (*GMM* 4:452)

These two standpoints compromise the examination of the agent as being situated in the world of appearances (nature), and as participating in the world of understanding (the intelligible world). The agent finds that he or she shares important aspects of causation and existence with the world of natural *phenomena*, such as adhering to causal laws and being influenced by heteronomous causes such as desires dependent on external objects. His or her self-conception can also proceed from the vantage point of the postulated *noumenal* realm, in which he or she finds that his or her faculty of pure reason forces him or her to conceive of his or her practical existence in ways that differ from that of the phenomenal world—he or she sees him or herself as free *from* external determinants and as able to determine his or her will from self-created universal laws (i.e., maxims in accord with the moral law). Autonomy and true freedom (in the sense of sustained ability to self-legislate) are found to be inextricably linked in rational agents; humans must conceive of themselves as such agents simply due to their ability to have such regulative ideas as the moral law as a source of determination and self-legislation.

The individual agent must represent him or herself in this two-fold way. He or she must see him or herself as an object in the world of nature, and also as an autonomous agent in the intelligible world. In other words, he or she must see him or herself as *phenomenon* and as *noumenon*. These standpoints do not involve constitutive theoretical claims about the structure of the world and the objects to be experienced in it (*GMM* 4:458);⁴⁷ instead, they comprise the regulative ideas that humans (as well as other

rational beings) are guided by in their conception of themselves in the world. Indeed, Kant argues “All human beings think of themselves as having free will. From this come all judgments upon actions as being such that they *ought to have been done even though they were not done*” (GMM 4:455). Instead of theoretical claims about the actual freedom of humans dealt with in the *CPR*, Kant moves such a self-conception to the realm of the practical, indicating that such a view of ourselves is forced on us by the way we take account of our own capabilities in action. We are forced to think of ourselves as free due to our experience of freedom in practical matters; this consequently is connected to a more sophisticated stance involving the necessity of postulating two worlds (that of nature and that of the intelligible) to account for this experience of freedom and the experience of a determined natural world.

What is interesting to note about this arrangement is that the intelligible world (the noumenal realm) is valued more in terms of practical action. When humans decide how they are to act and upon what to base their maxims, the two worlds stand out in an ascending order. For Kant, the “lower” world is that of the world of sense. Confining our self-conception *solely* to this world eliminates the noble goals that the ideals of reason postulate for us. Instead, if we conceive of ourselves as members of the intelligible realm, then our actions and maxims can qualify us for participation in such a realm. If we confine ourselves to heteronomous motivations, then we are truly fit for the freedom of a turnspit—the desire and inclination based pull of the natural world. In practical matters, the standpoint of the intelligible realms serves as the ideal to which our action and willing aspires. It is the realm that can also be conceived of as the kingdom of

ends, involving individuals acting autonomously and not heteronomously, limiting their freedom so that the freedom of all is preserved and promoted. Commenting on this ideal of the kingdom of ends, Kant remarks

The idea of a pure world of understanding as a whole of all intelligences, to which we ourselves belong as rational beings (though on the other side we are also members of the world of sense), remains always a useful and permitted idea for the sake of a rational belief, even if all knowledge stops at its boundary—useful and permitted for producing in us a lively interest in the moral law by means of the noble ideal of a universal kingdom of *ends in themselves* (rational beings) to which we can belong as members only when we carefully conduct ourselves in accordance with maxims of freedom as if they were laws of nature. (*GMM* 4:462-463)

Important insights to the practical value of the differing standpoints open to human agents are available in this passage. Initially, one notices that Kant wants to preclude the extension of theoretical knowledge beyond the realm of the phenomenal. Instead, the realm of understanding is a useful (practical) concept for ordering conceptions of our autonomy and for guiding our choice of maxims. This conception of ourselves as partaking in the universal kingdom of ends through the determination of our will from the moral law is labeled as a “*noble ideal*,” leading one to see that the self-conception of one as a member of the intelligible realm of ends in themselves is the preferred practical standpoint. *Ideally*, all agents will conceive of themselves as participating in such a kingdom of ends, at which point such a kingdom may actually occur in the physical

world (*GMM* 4:438). This ideal of a system of ends in themselves guides action *because* it is a more noble conception of one's nature *qua* rational agent than the alternate conception from the standpoint of the natural world (objects being determined by external causes and laws). The kingdom of ends discussed in Section II of the *GMM* becomes the practical ideal of our participation in the intelligible world in Section III; the autonomy spoken of in FA becomes the ideal included in FKE of a system of agents acting to truly be free—that is, acting in such a way as to preserve and promote our autonomy as rational agents.

Summary

The various formulations of the moral law in FUL, FHE, and FA/FKE are all important aspects to moral action. Of particular importance to this analysis, however, is the transition that occurs between the individually based FA to the systemic notion of FKE. While FA provides a rich notion of agency that the disjunctive analysis of the principle of right ignores, the move from FA into FKE provides just the notion of a community of rational agents that can allow for an adequate relationship to be postulated between the principle of right and the moral law. As with many issues in Kant's philosophical thought, understanding the various perspectives and standpoints involved is of utmost importance. This chapter has culminated with the argument that the kingdom of ends is a regulative ideal that is teleologically superior to the world of nature in terms of how humans should conceive of themselves. A self-conception based largely in the world of nature makes one fit for a system of cause and effect. A self-conception based upon the ability of pure reason to be practical through the moral law (and the autonomy it

allows) provides an inherent dignity to such beings. This self-conception based on the standpoint of the intelligible realm is what bestows dignity upon humans, and is that which must guide agents in their practical affairs. The apex of human community in the physical realm (the world of nature) is the actualization of this ideal; even if this actualization fails to occur among a given community of rational agents, it must still be part of their self-conception as an ideal of reason. It is at this point that the relationship between the principle of right, governing the external exercise of freedom, and the moral law, addressing the (inner) self-legislation of subjective maxims, can occur.

CHAPTER FIVE

RIGHT AND MORALITY AS PERSPECTIVAL

The previous chapter examined the teleological ideal of the kingdom of ends as discussed in Kant's *GMM*. This endpoint for practical action within a community of autonomous agents is the end that every agent should take as his or her goal—not to achieve as a whole, but instead as the whole towards which collective individual action ought to contribute. While the physical world does not necessarily impede the creation of such a kingdom, Kant find that this end must maintain the status of an ideal of reason because this precludes any dependence on physical realizability. In other words, even if other agents and the forces of nature do not cooperate in the realization of such a system, the system is still the ideal of concerted action among rational agents. The question may now be asked, how does the principle of right fit into this scheme of moral agents and moral ideals?

This section will provide an answer to this question, drawing on the characterization of the principle of right and its relation to virtue in Chapter Two and the reading of the moral law and FKE given in Chapter Four. By differentiating the perspectives from which human agents can view/judge themselves, their actions, and the persons of others, one can begin to see the teleological relation of the kingdom of ends to the physical realm of nature that Kant assumes in his externalist reading of the principle

of right. The traditional way of picturing right and virtue (dispositions from the moral law) is shown in Figure 1:

Figure 1: Traditional View of Right and Virtue

Right and virtue are seen as separate because of Kant's comments about the difference lying in the ability to apply coercion—duties of right address merely external actions that impact the freedom of others, and are thus amenable to the use of coercion by others (regardless of the acting agent's motivations). Thus, critics such as Wood and Pogge argue that the line dividing the two realms of duty allows no crossover, whereas others (such as Guyer and Ludwig) attempt to provide a linkage across that boundary. This rendering of the relationship between these two areas of normative thought is misleading. Instead of such a one-dimensional representation, I argue that it is best to imagine the relation between these two ideas as a hierarchical one, with the kingdom of ends being the *best* case of agents cooperating in a rational manner. Such a new view sees the two types of duties as unified at a higher, more ideal level, whereas from the standpoint of externally controlled systems they are more akin to natural systems using law-like forces to create a state of harmony. Thus, Figure 2 displays this revised representation:

Figure 2: Hierarchical View of Right and Virtue

Figure 2 represents the kingdom of ends as the ideal state of agents cooperating in a harmonious system—they are self-legislating (autonomous) and act *from* the moral law. Thus, they respect each other through the supreme limiting condition of FHE, their self-legislation accords with FUL and FA, and an actual kingdom of ends is realized per FKE. Duties of right are done in this state *from* the moral law, and not from external sources such as coercion, self-love, and inclination. The “less” ideal state is that of the kingdom of nature, a state that applies to all phenomenal objects that exist according to external laws. Whether it is a forest or humans regarded as animals, such a physical system can attain harmonious interaction through external laws, such as the laws of nature or statutory laws (operating on physical drives such as aversion). Such a state concerns the regulation and management of a system of interacting bodies—like the equality of action and reaction discussed in Chapter Two, right and external freedom emerge in a system that operates according to some universal law covering the interaction of agents who are equally free to act in an external sense. Thus, right emerges in such a system as the state of the freedom of one being united with the freedom of all under a universal law (like a

law of nature). The motivations of such agents are not the point in such a system; what is important is the creation of equilibrium among the equal forces (in this case, humans with equal powers to act). Thus, right is the minimal case of community that draws on an analogy with the kingdom of nature *because it pictures humans as phenomenon*. The ideal, however, comes closer to picturing humans as noumenal, transcendently free agents, and consequently holds the standard to which Kant wishes human communities to aspire.

Keeping the previous two figures in mind, this chapter will begin by analyzing Kant's reasons why the kingdom of ends does not exhaust an analysis of human morality—in other words, there are some important reasons for the existence of the DR that stem from Kant's reading of human nature. This will necessarily lead to a consideration of some basic problems in moral judgment that pertain to the regulation of such a system of ends; in this case, it will be argued that the kingdom of ends is the ideal each aims for, but the community of agents must minimally be held to the standards of the kingdom of nature (coercion to insure equality of action and reaction). The argument for the kingdom of ends exerting a teleological “pull” on human actions will then be discussed, along with the issue of what we are to identify as our self-conception. Kant takes this issue very seriously, and I will argue that the status of the kingdom of ends as ideal comes from its including the self-conception of a free, rational being that stands superior to his or her natural, sensuous side. Such a system of ideal beings constitutes the ideal aggregate community labeled by Kant as the kingdom of ends.

Human Nature as Dualistic

One can analyze Kant's notion of human nature by asking, what is the ideal development of an individual human? The answer to this question will provide the basic ideal "unit" in the composite concept of the kingdom of ends (composed of such perfect individuals). In the course of Kant's discussion of the practical postulate of immortality in the *Critique of Practical Reason* (1788, *CPrR*), the idea of perfection is broached in that an individual is supposedly commanded by the moral law to meet the supreme condition of "*complete conformity [Angemessenheit]* of dispositions with the moral law" (*CPrR* 5:122). This complete conformity, however, is "*holiness*, a perfection of which no rational being of the sensible world is capable at any moment of his existence" (*CPrR* 5:122). Due to a human being's dual nature as a creature of intelligence and sense, however, one will always possess such drives as those of desire, inclination, etc. that are not necessarily in accord with the moral law. Thus, Kant claims that holiness is not possible in this sensuous existence, leading him to hold immortality of the individual as a postulate of practical reason. While this inquiry need not explore the concept of immortality in depth, what is useful is the notion of individual development and perfection that is implied therein. Such a notion will provide the foundation for *why* human nature necessitates a minimal physical conception of right, with the ideal being a system of autonomous agents per FKE.

One must carefully analyze what Kant means by the "*complete conformity [Angemessenheit]* of dispositions with the moral law" (*CPrR* 5:122). Such a "holiness" of will may be implied; if so, Kant is arguing that we actually become holy wills,

something which he has indicated to be impossible in the *GMM* (4:414) and in the same section of the *CPrR* (5:122). This reading apparently fails to capture what Kant is actually trying to convey in his analysis of the ultimate object of the moral law. Instead, Kant can be seen as arguing that one hopes for the chance to cultivate him or herself into such a situation that he or she is able to act from duty (i.e., in complete conformity with the moral law) in all relevant occasions. Furthermore, *Angemessenheit* can be translated as “fitness,” thus emphasizing the ability of one to will maxims in accord with the categorical imperative. This reading of Kant’s precondition to the highest good (happiness and worthiness to be happy combined) will now be explored in more detail.

One can find two possible notions of a will that is “perfect” or has a disposition that is in “complete conformity” with the moral law. One may see such a will as *subjectively necessitated* by the moral law, thus rendering it perfect in the sense that alternate interests do not even tempt an agent to will in a contrary fashion to the moral law. Such a being could properly be called a “holy will,” as he or she is plainly predetermined in terms of his or her volitions by the moral law. The other way in which such perfection could be interpreted is by postulating a being that has alternate interests (i.e., inclinations), but instead always has enough moral fortitude to overcome these interests and will to act *from* the moral law. While the latter being is not subjectively necessitated (i.e., the possibility exists that he or she could be determined by inclination), his or her cultivation/perfection is such that he or she does not succumb to such alternate incentives. It is this notion of perfection and analogical “holiness” that Kant utilizes in his postulate of immortality, and that carries over into his later works on political

philosophy. This ideal of individual holiness is also seen in other areas of the *CPrR* and Kant's other moral works, and has an important relationship to the "composite" or systemic ideal of the kingdom of ends.

In regard to individual holiness, one could take Kant to be arguing for the first type of perfection (perhaps one could label it "literal holiness"), and as such, calling for an extermination of human inclinations. Instead, Kant appears to want a powerful control over the inclinations through practical reason, using the ideal of perfection to guide one's progress (used as "analogical holiness"). At times, he does lament the influence of the inclinations in the *GMM*, pointing out that "inclinations themselves, as sources of needs, are so far from having an absolute worth, so as to make one wish to have them, that it must instead be the universal wish of every rational being to be altogether free from them" (*GMM* 4:428). Even in such a strongly phrased claim, notice that Kant still argues that one should only wish to be free *from* them, not necessarily free *of* them. When inclinations become burdensome is when their created needs weigh down reason's projects; what is desired is a rational being's total control over these inclinations—when inclinations are creating new needs and leading the rational agent on sensuous pursuits at the cost of moral duty, etc., then they are characteristics one wishes to be free *from*. In the *CPrR*, Kant continues this line of becoming free from the control of inclinations; this perfection of the will, however, is only an ideal that is aimed for, since the human cannot exterminate his or her inclinations. In discussing "beatitude," or total independence from the influence of inclinations, Kant draws an analogue to human freedom in the sense that one's will can be seen as free from the influence of the inclinations (although not

“literally holy”); in this way freedom (and a sort of self-sufficiency) becomes enjoyment analogous to one of beatitude (*CPrR* 5:119). The human being cannot become a divinely blessed holy will free of inclinations, but instead can aim for and approximate such a condition through control of his or her inclinations and needs.

Thus, the notion of holiness and perfection on the individual level that is implied in the “*complete conformity* of dispositions with the moral law” (*CPrR* 5:122) can be better identified as a model or apex at which individual human conduct aspires. This reading is borne out by other portions of the *CPrR*, where Kant discusses the moral disposition a human ought to have. For instance, he uses the biblical injunction to “love one’s neighbor” and its commanding of love. This commandment cannot be to actually love one’s neighbor, since one cannot be commanded to have all the requisite feelings to actually have love. Instead, one is commanded to have practical love toward others, which simply means that one does his or her duties toward the other person *gladly* (*CPrR* 5:83). This disposition is not something that can be commanded and immediately had by a moral agent; instead, it is a disposition that one is commanded to *strive for*. Kant, continuing his analysis of the moral law *qua* relation to the Gospel, points out “That law of all laws ... presents the moral disposition in its complete perfection, in such a way that as an ideal of holiness it is not attainable by any creature but is yet the archetype which we should strive to approach and resemble in an uninterrupted but endless progress” (*CPrR* 5:83). To actually reach this culminating stage of holiness would entail the lack of contrary inclinations, a state that is defied by the very notion of a “creature” (such as a human). As creatures in both a world filled with physical necessitation and a moral

world of free causes, humans cannot reach such a stage free of inclinations and sensuously conditioned interests; instead, what is desired is a virtuous disposition in the face of these inclinations in which one has mastery over them (freedom *from* them). Indeed, Kant defines virtue as “moral disposition *in conflict*, and not *holiness* in the supposed *possession* of a complete purity of dispositions of the will” (*CPrR* 5:84). Indeed, virtue in its abstract form is one of an ideal that is perfect and holy; in the *GMM* Kant remarks that anyone with the ability of abstraction can see virtue in its proper form as “stripped of any admixture of the sensible and of any spurious adornments of reward or self-love” (4:426). When instantiated in human form and human volition, virtue gains the admixture of inclination as an obstacle; virtue is seen in the existential form of the human as strength of one’s disposition toward the moral law in spite of one’s inclinations. In the *MM*, Kant argues that non-holy beings (i.e., humans) can reach the highest stage of development—a stage where they are conscious of their ability to master their inclinations (*MM* 6:383). Later in that text, he equates virtue with the command “to bring all his capacities and inclinations under his (reason’s) control and so to rule over himself” (*MM* 6:408).

Thus, one can see Kant’s rendering of the postulate of immortality as involving this ideal of holiness/perfection of will on the individual level; one cannot attain that as he or she is always going to have sensuous inclinations which can possibly tempt him or her from subjective determination from the moral law, but he or she can gain in strength of disposition to not only enjoy acting from duty, but also to control and contain rogue dispositions in a variety of circumstances.⁴⁸ In the *MM*, Kant remarks

Virtue is always *in progress* and yet always starts *from the beginning*. It is always in progress because, considered *objectively*, it is an ideal and unattainable, while yet constantly approximation to it is a duty. That it always starts from the beginning has a *subjective* basis in human nature, which is affected by inclinations because of which virtue can never settle down in peace and quiet with its maxims adopted once and for all but, if it is not rising, it is unavoidably sinking. (MM 6:409)

The postulate of immortality assumes such a notion of holiness of will, utilized as an unattainable ideal that demands constant progress toward it through every act of will overcoming possible temptation by inclinations. Thus, human nature is defined by the constant struggle between its lower half, identified as that belonging to the world of nature, and its higher half, postulated as a member of the intelligible realm. In the former lie humanity's similarities to animals, such as inclinations, drives, etc.; in the latter portion lie our affinities to rational beings in general, and hypothetical holy wills who are subjectively determined by the moral law. The challenge of the human agent is to use his or her free choice to determine his or her actions *from* the moral law in spite of contrary inclinations. In order to do this, the agent progresses from a state of significant influence by his or her inclinations (the side based in nature) to an increasing control over such natural desires by the faculty of reason—if such a development would go on infinitely, the agent would reach a stage of complete conformity of his or her dispositions to the moral law (strength to always act *from* the moral law).

Limitations of Human Moral Judgment

The existential positioning of human practical reason has important implications concerning moral judgment. As Chapter Four illustrated, the *GMM* picture of human nature allows for two standpoints, that of the agent in the world of nature (as *phenomenon*) and that of the agent as member of the intelligible world (as *noumenon*). The former is available to observers in the world of sense, as it addresses humans in the same manner as any other part of the world of nature, that is, as objects acting and interacting with other surrounding objects. The use of external freedom by human agents is like any other physical action, save for the ability to impute such actions as deeds onto a richer conception of an agent (as member of the intelligible world).

This analysis of agents and how they judge other agents can be complicated, but is nonetheless important for understanding the limitations of moral action in a community of agents. In order to illustrate the ways of conceiving self and others from a particular rational agent's perspective, Figure 3 is provided:

Figure 3: Agent Standpoint of Conception

The particular rational agent can conceive of him or herself and of others in different ways. These four different ways have important implications for the judging of moral worth and for the permissibility of certain actions. One can conceive of him or herself as a mere animal, in which his or her actions will be determined only in regard to inclinations and natural desires. Obviously, the message of the *GMM* and the *MM* is that

an agent *ought* to conceive of him or herself as *homo noumenon*, which indicates that he or she determines his or her maxims according to the moral law and upholds duties *from* the internal incentive of duty itself. If his or her self-conception lies solely in the realm of nature, judgments concerning moral duty and moral worth will stem directly from external incentives and concerns, and not from the internal source of pure reason in its practical manifestations. One can conceive of other agents as either *homo noumena* or as *homo phenomena*, which will lead to treating others either as persons or as objects that can be controlled. Kant obviously has an interest in individuals judging others more as *homo noumena* and less as *homo phenomena*—for instance, FHE attempts to instill the rational end that all humans should have in regard to valuing each other as intrinsically valuable persons.

As *homo noumenon*, an agent (any agent) has the ability to determine his or her actions and maxims from the moral law or from inclinations. This decision is necessarily internal and not open to public scrutiny, since it lies within the province of practical reason and the spontaneity of choice. Kant recognizes this fact and consequently limits the ability of any particular agent to judge the motivations of other agents. In the transcribed notes of Kant's lectures (*Collins*) from 1784-1785,⁴⁹ one can see this prohibition on dispositional judgment come to the front of Kant's moral thought. In the *LEC*, Kant is recorded as stating,

What does it mean, then, to say we ought not judge others? We cannot pass any complete moral judgment on another, as to whether he is punishable or not before the divine judgment-seat, since we do not know his disposition. The moral

dispositions of others are therefore a matter for God, but in regard to my own, I am fully competent to judge. So as to the *core* of morality we cannot judge, since no man can know it. But in external matters we do have competence. . . . There is nothing that happens in the world, on which we are not allowed to pass judgment, and we are also very subtle in the assessment of actions. (*LEC 27:450-451*, emphasis added)

This line of thought is extremely crucial for relating right to morality for a simple reason—it begins to illustrate the various perspectives at work and their inherent limitations. Any individual agent can conceive of and judge him or herself as *homo noumenon*, but he or she is fundamentally limited to judging others only in regard to his or her actions as *homo phenomenon*. Notice that we are to *conceive* of others as *homo noumena* (treat them as ends), but we are precluded from *completely judging* their maxims and moral worth because we do not have certain access to this aspect of other agents. An agent cannot say another did an action from the moral law or from the inclination toward self-interest. Instead, Kant limits an agent's judging of moral issues concerning others solely to his or her actions as *homo phenomena*—as a physical actor. These actions can be imputed as deeds to agents conceived of as *homo noumena*, but the actual maxims of such agents cannot be known with complete certainty needed to judge and coerce such a member of a community of rational agents. Thus, in the *CPR* the example of the malicious liar is broached; while pathological (natural) causes can be imagined as the causes to such behavior, the liar is not excused of moral blame because he or she is assumed to always be able to determine his or her actions from the law of

reason (A554/B582). While Kant is pointing out that we can and do “judge” others in this regard, his later works assume a different type of judgment—opposed to the merely negative judgment concerning the liar’s maxims (physical causes were not the *only* possible cause), the *MM* and other works espouse Kant’s more prevalent belief that individuals cannot positively judge what maxim a given agent is acting on or from in his or her actions. Clues can be used to determine if it is probable that the agent intended to do a certain act, wanted to harm a particular person, or even was conscious of doing a certain action, but no type of evidence accessible to any agent can demonstrate what general maxim was guiding that individual’s behavior. For instance, the *DR* includes the distinction between “faults” and “crimes,” the difference being the intentionality of the transgression of the rights of others in the latter category (*MM* 6:224). From the standpoint of a particular agent determining their choice, maxims and actions are inherently connected; it is this *core* of morality (maxims, determining motives) that is effectively inscrutable to other agents. Thus, morality extends over all duties, both internal (concerning motives) and external (actual actions), but the ability to *judge* (in terms of determining and coercing) from the agent standpoint is necessarily limited to external manifestations of freedom (actions) and their intentionality.

In later works, Kant even questions the ability of agents to scrutinize their own motivations for any given action. In *The End of All Things* (1794, *EAT*),⁵⁰ Kant argues against absolute judgment of others and even of one’s own motivations, questioning “For what human being knows himself or others through and through” (*EAT* 8:329)? In the *MM*, Kant echoes this concern, arguing “For a human being cannot see into the depths of

his own heart so as to be quite certain, in even a *single* action, of the purity of his moral intention and the sincerity of his disposition, even when he has no doubt about the legality of the action” (*MM* 6:392). Human beings have trouble seeing into their own intentions, to which they actually have privileged access compared to the external vantage point of other agents. What Kant is highlighting in his later works is similar to themes in the *LEC*—we are to conceive of ourselves and others as *homo noumena* (FHE), but in terms of judging others we are to limit ourselves to that which we have access to, their physical actions. In terms of our own dispositions, we must try to judge them and correct them when possible, but always with the realization that we cannot be certain about such judgments. The ideal nature of individual perfection again comes into view with this reading—the individual, caught between reason and nature, cannot extirpate his or her inclinations and cannot be certain that reason is always in control. What such an agent must do, however, is to strive toward the ideal of a fully rational agent that subjugates his or her inclinations to the command of his or her higher conception, that of his or her participation in the realm of the intelligible. Figure 4 details the differences in an agent’s ability to judge others in terms of their dispositions and the rightness of their actions.

Figure 4: Agent Standpoint of Judgment

While one can conceive of others as both *noumena* and *phenomena*, one is only allowed to judge them as *homo phenomena*—from the physical manifestations of their actions.

Thus, one can see why Kant was so adamant about delineating the DR from the DV. Right deals with actions that can be judged as cohering with a condition of law-like behavior (equality of action and reaction among equal agents), whereas virtue (moral worth) deals with a perspective that is open only to the acting agent (and holds problematically even then). The principle of right is separated from the moral law in that the former involves the judgment of others and their actions as *homo phenomena* (as physical manifestations), whereas morality involves the capability to scrutinize and change one's inner dispositions on one's own initiative. This leads adherents of the disjunctive school of thought (such as Pogge) to argue that the DR and the DV are fundamentally separate. This view, I argue, is dependent upon *only adhering to the agent standpoint*. Is there another standpoint or perspective that can allow the moral law and the principle of right to cover the same group of acting agents?

Given my argument that the principle of right is a subset of duties under the moral law as an ideal case, one can construct a standpoint that is free of the agent perspective. Such a systemic perspective is represented in Figure 5:

Figure 5: Systemic Standpoint of Conception & Judgment

Just as Figure 2 represented the kingdom of ends as encompassing the purely physical reading of the DR given by Kant, Figure 5 uses the extrapolated view “from nowhere” that links these two realms in a hierarchical fashion. A system of humans can be (physically) operating in a harmonious fashion, but lacking in moral motivation (their

actions are from self-interest, etc.). Just like a system of natural objects, this state of right can be brought about simply by using external rules (laws) that coerce behavior in a certain manner. A system of humans can also be imagined that is harmonious in terms of external actions coexisting (a state of right), with agents in such a system upholding the state *from* the motivation of duty. In the ideal system imagined from the view from nowhere (the systemic standpoint), the agents *qua noumena* would determine their actions and uphold the rights of others *from* the moral law, and would consequently be part of an actual kingdom of ends. This is the ideal, of course, so Kant does not hold much stock in its actual instantiation. As an ideal, however, it can still guide action and thought concerning practical matters. Thus, the disjunctive view is incorrect in its reading that right and morality are totally separate. It is more accurate to say that right involves our actual abilities to *judge* the motivations of others, whereas morality involves the *determination* of one's own action and the *conception* of others as working toward an ideal system of agents (the kingdom of ends).

Teleology of the Kingdom of Ends in Relation to Right

The ideal of the kingdom of ends does exert an important teleological "pull" on the way humans can structure political arrangements to allow for moral actions and interaction. To say that the DR and the DV (morality) are absolutely separate is to not only oversimplify the issue of right and moral worth, but is also incorrect. This section will argue, contrary to those holding the disjunctive view of right and morality, that the *MM* allows for issues of right to be conceived of as moral duties as well, and that the kingdom of ends provides the ideal case of rights combined with the core of morality

(moral worth and motivation). What is ultimately desired is a community of free agents who are fully autonomous, meaning that their faculty of practical reason is ultimately in control of their inclinations and that they choose maxims based upon a possible legislation for all members of the community.

There are some areas of the *MM* where Kant explicitly acknowledges that the DR and the DV “overlap” in a way that makes right a part of morality. For instance, Kant talks of duties of right being “indirectly ethical” and that the rights of a human being are linked to the commands of morality—he states, “it is the *doctrine of virtue* that commands us to hold the right of human beings sacred” (*MM* 6:394). In his earlier *LEC* (1784-1785), Kant links the upholding of rights to the valuing of an agent’s humanity; Kant argues, “if he throws away his rights, he throws away his humanity” (*LEC* 27:435). The same theme is at work in both the earlier *LEC* and the later *MM*—humanity and its protections against undue force are integrally linked. Right must connect at some level to the *conception* of agents as *homo noumena*; it is the *judgment* of others, however, that is linked to physical manifestations of this conception (actions of humans *qua phenomena*). One is commanded by FHE to respect the rights of others; if such a command is not heeded, political authorities (composed of individual agents) have the authorization to judge and coerce external freedom of choice into a state that allows for universal freedom of all. Notice that the ideal case is that of all agents upholding duties of right (particularly to others) *from* the motivation of the moral law. If such an ideal is not instantiated, the DR serves as a minimal case of agents using judgment and connected coercion to *create* a state of (external) freedom among equally free agents. As opposed

to Pogge and Wood's reading, Kant states the case for the DR being a part of morality in his *Toward Perpetual Peace* (1795, *TPP*)—"This principle [of public right] is not to be regarded as *ethical* only (belonging to the doctrine of virtue) but also as *juridical* (bearing upon the right of human beings)" (*TPP* 8:381). If one approaches these duties from the standpoint of a judging agent, then these strict duties are seen as not only a part of ethics, but also as a part of right, highlighting the fact that they are duties that can be judged and coerced by other agents.

This ideal of the kingdom of ends is that which human societies should strive to achieve. Whether any given group *does* achieve it is beside the point—it is a regulative ideal that guides action and practical thought. From the imaginary systemic perspective, this ideal gets its true content. This perspective, through its ideal nature, stipulates a system of agents whom one *knows* are all acting in accord with right and with certain dispositions (from the moral law). When an agent considers his or her actual standpoint, that of the agent perspective, this knowledge of real intentions disappears; all that is left is the ability to judge external actions of individuals *qua* system components. The ideal standpoint of the systemic perspective, however, is useful precisely because it abstracts from the epistemic limits on judgments imposed by human nature and the anchoring of one's self in a particular agent's position. Thus it is an *ideal* that any individual can help a community strive toward by participating as a part of such a system. Such a system is ideally composed of rational agents who are *perfect* in the sense that they are always able to act from conformity with the moral law. Thus, the ideal of individual moral perfection stipulated by Kant's discussion of immortality relates to the ideal of a system of such

perfect individuals. This composite kingdom of ends includes agents who respect others *from* the moral law, even when their contrary inclinations tempt them with other maxims or actions.

It is the ideal of the kingdom of ends that offers individuals a choice as agents concerning what type of self-conception they can have. In order to detail this aspect of the morality and right relationship, it is helpful to examine Kant's lectures taken by Johann Friedrich Vigilantius (*Vigilantius*) in fall of 1793 (*LEV*).⁵¹ These lecture notes are quite important as they address the fundamental linkage between morality and right; in them Kant begins by addressing morality in general and then proceeds to much of the material that would soon come out in the *MM* in 1797. In this collection of Kant's lectures on the subject of the metaphysics of morals, he distinguishes between the causes of human behavior that stem from their "dual nature . . . [as] a natural being and a free being" (*LEV* 27:493). Human action can be caused by a *motivum*, which determines an agent's action "according to the laws of freedom, and thus treats him as a free being" (*LEV* 27:493). This appears to be the type of self-direction that is spoken of in FA, as the individual operates according to laws of his or her own legislation that are not conditioned on inclinations or objects of the natural world (hence, these are laws of freedom). This type of cause is chosen by the agent, and represents a particular action as a token of freedom (autonomy). The alternative source of causation is a *stimulus*, which "determines man's *arbitrium* [choice] according to the laws of nature, and is the sensory impulse" (*LEV* 27:493). This cause of a certain action or choice is conditioned upon the natural world, in a fashion similar to how nature conditions the choices of animals. This

type of cause leads humans to action based upon the natural drives and inclinations they have, and not upon the unconditioned causes found in their practical reason (the moral law). The *motivum* deals with an agent conceived of as spontaneous and free due to the determining ground of practical reason (*LEV* 27:494). Later in the *LEV*, Kant is noted as making the division between moral compulsion and pathological compulsion. The former is “compulsion by the mere idea of the moral law” (*LEV* 27:519), which involves the representation of duty and an incentive to action being internal to that representation (i.e., seeing what is commanded by the moral law and doing it because it is commanded). The latter type of compulsion “results by the law of any kind of inclination, and is drawn, therefore, from sensory impulses and personal inclinations” (*LEV* 27:520). This type of stimulus motivates through laws and objects of the natural world, such as the inclinations and the law-like connections inclinations have with the terms of one’s satisfaction. Given this distinction, one can observe how the kingdom of ends and the kingdom of nature fall into a hierarchical ordering in terms of a community of agents (Figure 2). The system of agents brought into lawful harmony (in terms of external freedom) is but a shadow of the ideal kingdom of ends—it deals in the minimal case with pathological compulsion (aversion) based upon the world of nature, whereas its most full realization is in the kingdom of ends in which such natural compulsion is not needed. Instead, the ideal involves simply moral compulsion at the level of self-constraint; each agent is pictured as an autonomous member of this system, without the need to coerce or control other agents through aversion or appetite.

The principle of right is Kant's recognition of the tragic dualism within human nature. Humans are both rational beings and animal beings, torn between the imperatives of reason and the demands of sensuous existence. The kingdom of ends is not a necessary consequence of any natural arrangement, and so the principle of right allows for the basis of such a system to exist. By coercing equally free beings into a state of equal action and reaction (thus, according to a universal law of freedom), a state of right can be brought into existence. Such a state is not a kingdom of ends, but is the starting point for a progression that *ends* in such a perfection of individual and system. If Kant were to hold right and morality as ultimately separate in terms of the goal of practical action, he would be implicitly endorsing a possible conception of civil society rooted *solely* in the natural world (that of agents capable ultimately of only pathological motivation). It is difficult to believe that Kant's architectonic thought would stop at such a limit; thus one sees how the principle of right is merely the minimal systemic condition that must be realized as a precursor to the kingdom of ends (as an ideal). What is at issue here is how humans are to conceive of themselves—as animal or as rational beings. The linkage between the principle of right and the moral law is *the* core of practical reason because it highlights the *telos* of the kingdom of ends; one indicates realizable starting conditions that take into account both weakness in human nature and limitation in human judgment, and the other highlights the perfection of a harmonious system of internally and externally free agents.

Further support for this rendering of the principle of right and the moral law can be found in the *LEV*'s discussion of right *leading* toward the ideal kingdom of ends.

Discussing the ideality of following a law *from* moral motivation, Kant is recorded as stating, “The maxim of gladly following a law is love for the law itself, which presupposes a liberation from the inclinations that hinder us from following it . . . Thus to acquire a love for the law, and respect for it, and likewise a transplanted moral love and respect for the possessor thereof, is the highest stage of morality” (*LEV* 27:720). Kant is highlighting the fact that within the dualistic human nature there exists a tendency to rebel against the moral law or laws in general that constrain an individual’s choice; this tendency is subdued to the fullest and most noble extent when the individual can uphold their duties *from* love/respect of the moral law. This is the individual ideal that composes the systemic ideal of the kingdom of ends; each agent is to get to a point where his or her mastery over his or her inclinations allows him or her to carry out his or her duties (both perfect and imperfect) to others and to his or herself *from* the motive of the moral law. What is interesting in the *LEV* is that Kant now provides more explicit links leading from the principle of right to such a systemic ideal.

Shortly after his discussion of compulsion in the *LEV*, Kant analyzes the role of compulsion from external sources on the internal actions of an agent. Giving further indications of the trail leading from right to the kingdom of ends, Kant points out that compulsion from others can result in free and autonomous action on the part of an agent. Explaining this occurrence, he notes

This happens when the other, having a right to do so, confronts the subject with his duty, i.e., the moral law by which he ought to act. If this confrontation makes an impression on the agent, he determines his will by an Idea of reason, creates

through his reason that conception of his duty which already lay previously within him, and is only quickened by the other, and determines himself according to the moral law. (*LEV 27:521*)

There is no sensory compulsion applied here, but a type of rational persuasion that triggers the individual into recognizing his or her duty and acting from such a duty. Obviously, this situation assumes that individuals can be gradually encouraged to *change* into one who has increasing control over his or her inclination via willing *from* the incentive of the moral law. Only when an agent is not well disposed in manner or habit must physical coercion be brought to bear. Even in these cases, Kant holds the hope that the determining power of the inclinations can be weakened by the sensory compulsion, leading one to dispositions controlled by reason, not by inclination. Discussing the application of external coercion, he writes

If the countermeasures are adequate to weaken the inclination, and enliven his [the offending agent] sensory feeling by another contrary feeling in collision with it, we are then in a position to ensure that continuing habituation will weaken the power of inclination, and thereafter moral grounds have an impact, so that by removal of the obstacle he is thus made free, and can be brought, by this pathological expedient, to a recognition of his duty. (*LEV 27:522*)

Here Kant argues that physical coercion *can* help individuals and communities proceed toward the ideal of the kingdom of ends by weakening the control of the inclinations. Indeed, in his 1793 *Religion within the Boundaries of mere Reason (RBR)*,⁵² Kant defines “evil” as making “the incentives of self-love and their inclinations the condition of

compliance with the moral law” (*RBR* 6:36). Kant advances the claim in *RBR* that all humans recognize the force of the moral law, it is just the extent to which they elevate or subordinate inclination-based maxims to it that determines whether they are morally good or evil. The laws given by the principle of right can be seen as one way of habituating an individual agent to gain control over his or her inclinations and thus determine his or her maxims and actions *from* the moral law. Again the *telos* of the kingdom of ends is the ideal that individual agents in a community of rational agents should aspire toward; one step toward such a community is the assisting in the cultivation of individual agents concerning the control of their inclinations. As Kant indicates in the *LEV*, coercive measures designed to bring about a state of right can help to accomplish such habituated control over the inclinations.

Summary

This chapter has used the foundation provided by FA/FKE in the previous chapter to argue that right is integrally connected to the moral law. The conception of the principle of right as separate from the sphere of morality is shown to rest on a false metaphor represented in Figure 1. Instead, a more hierarchical representation is given in Figure 2 that captures how a state of right is analogous to the state/kingdom of nature in that it simply deals with the equality of action and reaction among a community of equal agents, whereas the kingdom of ends addresses such a physical harmony being motivated *from* the conception of the moral law that FA states autonomous agents will possess. It is this system of autonomous agents that produces the ideal given in FKE, and it is toward this ideal that the establishment of a state of right represents basic progress. Human

agents, from the agent standpoint, can conceive of themselves and of others in two basic ways—that of *homo noumena* or that of *homo phenomena*. A separated state of right would simply conceive of humans as *homo phenomena*, which Kant objects to in FHE and FKE. This section clarifies this issue by highlighting two perspectives that have implications concerning conception and judgment. The agent standpoint allows for the *conception* of humans as either *phenomena* or *noumena* (although it is the latter that is *commanded* by FHE), but only allows the *judgment* of others as *homo phenomena* (*qua* physical actions). While an agent may have some access to his or her own motivations, the maxims of others as *homo noumena* remain inscrutable. From the standpoint of human agents involved in the administration or creation of a political system, right may appear as divorced from morality given this occlusion of motivation from their judgmental standpoint. Thus, Kant frames the principle of right in terms of the possibility of judging and applying external coercion to external exercises of freedom.

From the systemic standpoint, the system of agents can be conceived of as *homo noumena* or *homo phenomena*. In the latter case, the conception of agents is analogous to objects/creatures in the kingdom of nature—non-moral entities operating according to external laws not of their own legislating. The former case, however, is recognized as the ideal of the kingdom of ends from the systemic perspective. Agents are seen as operating in a harmonious system *from* the motivation of the moral law. While this ideal may not be realizable because of practical issues dealing with the dualistic nature of human character, it is not logically impossible and must still serve as an ideal for those acting in a community of rational agents. It is in this community of agents that a state of right

comes about as the necessary condition for such a kingdom of ends, and can actually assist in the progress toward such an end through the cultivation of individual control over inclinations.

CHAPTER SIX

CONCLUSION

Recent work by Paul Guyer and Barbara Herman has focused on the ideal of freedom within Kant's ethical thought.⁵³ An important thread within this line of commentary is the importance Kant gives to the conception of human agents as free beings. A crucial decision that arises in the exercise of choice in any rational agent is how the agent will conceive of him or herself. As creatures that are subjectively *undetermined*, our maxims must proceed from either the moral law itself or from the law of nature (our sensuous character). It is in this activity of moral willing that humans define themselves by aligning themselves with one half of their nature or the other. In striving to be free from sensuous inclinations, however, absolute freedom must be shunned as it holds a contradiction in its very conception—too much freedom destroys itself (the ability for free action) and prohibits a system of freedom according to universal laws (it violates FA and FKE). What is desired is freedom in accordance with its own laws, not at the behest of desire and inclination. In *LEC*, Kant discusses this problem, and argues that freedom is the inner value of the entire world. Animals are determined by “animal choice,” which differs from the non-sensory determinative base of the moral law for some human actions. Since humans truly have freedom from this world in terms of determination, “Freedom is thus the inner worth of the world” (*LEC* 27:344). On the

other hand, if freedom is *lawless* and random, it cannot be a beneficial thing as it will most likely be tied to changeable inclinations and not self-sustaining—Kant finds that “insofar as it [freedom] is not restrained under certain rules of conditioned employment, it is the most terrible thing there could ever be. . . . If freedom is not restricted by objective rules, the result is much savage disorder” (27:344). What Kant is pursuing in this analysis is the highest ideal of freedom—on the individual level, complete fortitude of disposition against contrary inclinations, and on the systemic level, a community of rational agents that act in harmony *from* the moral law (FKE). Thus, individual perfection of all agents leads to the ideal of the kingdom of ends.

Right as Progress to Ideal Freedom

The principle of right is a simple way of *not* precluding this ideal commonwealth of rational and fully autonomous agents. By using the warrants for external (physical) judgment that agents are given by nature and their epistemological limitations concerning the inner thoughts of others, a state can be created and administered that controls external freedom of choice so as to *create* a system of equal freedom among equal agents. This insight comes from Chapter Two of this inquiry and its analysis of right as analogous to physical systems involving the equality of action and reaction. If the humans involved in a physical arrangement, such as a community, possess the same capacity for action and choice, then their choices and actions should not unequally limit the choices and actions of others. If the reaction of equal agents is not equal to the action of other equal agents, then a law-like situation of freedom of action is not instantiated. The disjunctive view of Pogge must take this factor into account, as Kant is assuming a rich notion of personhood

when grounding the state of right as *creating* a state of freedom. Kant must make the metaphysical assumption of agents being equal in terms of “force” due to freedom, and it is this assumption that ties his DR to the DV and morality. In the *GMM*, another approach to this presupposition of right takes place in Kant’s discussion of FHE—all individuals are assumed to be intrinsically valuable, and this serves as a supreme limiting condition on the freedom of each. Add to this the systemic requirement of what a law-like system of nature is, and one has the principle of right’s creation of a harmonious physical system through pathological measures such as coercion.

The principle of right is the necessary condition for approaching the ideal of the kingdom of ends; further perfection of individual agents is needed if the ideal is to be actualized. The actualization of the ideal system of ends, however, need not concern any agent in so far as it is probable or improbable. Instead, the ideal represents a goal to which imperfect agents should strive; it is a goal that helps individuals define a conception of themselves that is integrally tied to freedom as the inner value of the world. In Chapter Five, Kant’s analysis of human nature was explicated, with the prevailing image being that of a creature caught between the forces of the natural world (inclinations) and the moral world (the moral law). Such beings have free choice to determine their will as they see fit; Kant, however, finds that through this exercise of free choice one is not only promoting or inhibiting one’s capacity for freedom in future situations, but is also making a momentous choice as to how he or she conceives of him or herself. Does the agent choose to be a part of the natural world, pushed and controlled by inclinations, or does the agent choose to be a self-legislating being that is subjectively

determined according to the commands of reason? Such a choice of self-conception is an important part in the perfection and cultivation of the individual agent.

In order to see the importance of this choice of self-conception, it is useful to examine some concluding remarks in Kant's 1800 text, *Anthropology from a Pragmatic Point of View (APV)*.⁵⁴ Composed of lecture notes finalized relatively late in his life, this work represents Kant's thoughts on the composition of human nature and its subdivisions into peoples and races. In the final sections of this work, Kant discusses the character of the human species, highlighting its weaknesses and promises in terms of future development. Discussing whether humans are "good" or "bad," he provides a particularly Kantian answer—they are both, but with respect to different standpoints. The cognition of the moral law and the moral feeling of just treatment that all humans possess are labeled as the "*intelligible character* of humanity as such, and thus far man is good (by nature) according to his inborn gift" (*APV* 7:324). Human nature also reveals a negative side, however, in that

experience shows that in man there is an inclination to desire actively what is unlawful, although he knows very well that it is unlawful. This is the inclination to evil which arises as unavoidably and as soon as man begins to make use of his freedom. . . Hence, according to his *sensible character*, man must be judged as being evil (by nature). (*APV* 7:324)

Human character is dualistic by nature, with the intelligible part (*homo noumenon*) being the morally good portion, and the sensible part (*homo phenomenon*) being the base portion. With an agent's exercise of freedom comes the *choice* to determine his or her

self-conception—certain exercises of freedom (those oriented toward determining actions from the moral law) promote freedom by identifying the agent with the intelligible part in his or her nature, whereas other uses of freedom inhibit its future use due to the conditioning of external laws (of nature) and the identification of the agent with the determined physical world.

The human agent has an important part to play in this self-conception. The primary step toward such a progressive life governed by one's intelligible nature comes in the creation of a state of right; Kant remarks that

Man is destined by his reason to live in a society of other people, and in this society he has to cultivate himself, civilize himself, and apply himself to a moral purpose by the arts and sciences. No matter how great his animalistic inclination may be to abandon himself passively to the enticements of ease and comfort, which he calls happiness, he is still destined to make himself worthy of humanity by actively struggling with the obstacles that cling to him because of the crudity of his nature. (*APV* 7:324-325)

This passage is an extremely important reminder of the interconnectedness between right and morality that Kant postulates. Not only is the state of civilized behavior (right) an important step toward an ideal kingdom of ends, but it is integrally connected with the larger project of cultivating one's mastery over the inclinations within human nature. These inclinations are not something one is to be free *of*, but are instead forces one is to be free *from*—the goal of Kant's self-cultivation is the conception of one's self as the rational and autonomous agent, followed by the taking of steps to help realize such an

agent in one's person. This is the progress that is implied by the two natures of the individual, and it connects to the project of creating an ideal community of such agents (the kingdom of ends). Indeed, the civil condition of right is an important step toward such a community; while one cannot coerce others into self-cultivation, the creation of a state of freedom (right) can assist in moving the community toward the systemic ideal.

Discussing the possibility of evil in a state of right, Kant argues

In the civil constitution of a state, which represents the highest degree of artificial enhancement of the good characteristics in the human species toward the final purpose of its destiny, animality still manifests itself earlier and basically stronger than pure humanity. (*APV* 7:327)

Even though the “highest degree of artificial enhancement” is taken in regard to improving the condition of a system of humans, the freedom and possibility still exists that inclination (animality) will reign supreme in agents over the rational part of their character. Right is a *necessary* step toward the condition where all agents are autonomous through their own reason (FA and FKE), but right is not a *sufficient* measure to actualize this ideal. Human nature is much too imperfect to cultivate agents by force and coercion. Kant finds that only individuals who summon the will to undergo such self-definition and cultivation can hope to achieve this individual ideal of self-mastery. The ideal of the individual is an agent striving for perfection of disposition against the opposition of unruly inclinations; the ideal of the system of humans involves a conception of “a species of rational beings, striving among obstacles to advance constantly from the evil to the good” (*APV* 7:333). This progression toward the good

state of all being universal legislators *from* the motivation of the moral law is represented in the kingdom of ends discussed in Chapter Four of this inquiry. Right is merely a preliminary step toward such a goal, and is firmly rooted in a physical view of the world that will hopefully be transcended by a community of agents striving to become an actual kingdom of ends.

Summary

This inquiry has examined the relationship between Kant's analysis of right and his moral philosophy. Whereas some scholars maintain that these two fields of thought, as represented in Kant's DR and DV/*GMM*, are inherently separate, I have argued that the principle of right is integrally connected to the moral law. Chapter Two examined the basis for the DR and the DV in the *MM*, discussing the central distinction of right and addressing issues of external freedom and virtue/morality dealing with internal freedom. The main difference between the two parts to Kant's mature moral thought is the applicability of external coercion to agents' external actions to bring about a state of right, whereas coercion from others cannot be applied to force an agent to set certain ends that he or she will pursue. Chapter Three discussed some scholarly views on the split between right and morality. Two schools were identified—the disjunctive one arguing that right can be separated from morality because of the different conceptions of individuals, duties, etc., and the conjunctive one finding that right is merely a subset of perfect duties to others that follow from the moral law. These two approaches to the relationship between right and morality seem limited due to the simple assumptions they make concerning perspectives from which such a relationship can be postulated, so

Chapter Four discussed the foundation for perspectival changes in viewing right and morality. Chapter Four examined the various formulations of the moral law in the *GMM* (FUL, FHE, FA, and FKE), focusing on the last two incarnations. The transition from FA to FKE mirrors the conceptual transition from individual autonomy to a community of autonomous agents, which in turn provides the “fruitful” ideal of the kingdom of ends.

The ideal of fully rational and autonomous agents is then used in Chapter Five to argue that duties specified by the principle of right are commanded by the moral law. Viewing such an ideal system of ends (autonomous agents) from the abstract systemic perspective, one can see how duties of right would be commanded by the moral law and would be executed by agents *from* the moral law. Given the limitations of human judgment and epistemology, the agent perspective involved in the actual maintenance of such a state can only apply to external freedom as manifested in natural action. Thus, the principle of right emphasizes external coercion as separate from internal end setting *not because right is inherently separated from morals, but because the natural limitations of agents only allow coercion and force over external actions*. Arranged hierarchically, one can see that the principle of right *creates* a condition of freedom among equal agents, and as such, has important affinities to the kingdom of nature in that it involves physical interactions governed in a law-like state. The ideal of the kingdom of ends exerts a force on rational agents as it involves the perfection of agents and the system of agents. This perfection cannot be reached through external control (which shares important similarities with natural forces and their influence); instead, such perfection is the result of the self-conception of the individual. Depending on whether the agent chooses to be

determined by elements in his or her sensible nature or rational nature, progress toward the ideal inherent in FA and FKE is either hindered or helped.

The ultimate conclusion of this work is that right is a necessary step toward the perfection of humanity in and through the exercise of their freedom. Freedom emerges as a systemic ideal in the kingdom of ends, and also in the individual ideal of rational control based in reason, not in the inclinations. Right is the minimal case of the ideal of the kingdom of ends; the progress that is commanded proceeds from such a state of created external freedom (right) to a state of the upholding of duty *from* the internal motive of duty. Remarking on this end point and the means to achieve it, Kant argues in his 1784-1785 lectures on ethics that

The final destiny of the human race is moral perfection, so far as it is accomplished through human freedom, whereby man, in that case, is capable of the greatest happiness. . . . The destiny of man is therefore to obtain his greatest perfection by means of his freedom. . . . The universal end of mankind is the highest moral perfection; if only everyone were to so behave, that their conduct would coincide with the universal end, the highest perfection would be thereby obtained. Every individual must endeavor to order his conduct in accordance with this end, whereby he makes his contribution such, that if everyone does likewise, perfection is obtained. (*LEC 27:470*)

This passage indicates the end as the ideal of individual and systemic perfection through the rational part of human nature (i.e., the commands of the moral law). While right is a necessary step to creating the external existence of a state of law-like freedom, the hope

for the realization of this systemic ideal represented in the kingdom of ends lies in each individual striving to cultivate his or her dispositions to be that of acting in accord with duty *from* the moral law. Society must strive constantly toward such an ideal, but real progress and change can only come from the individual's own self-definition and cultivation. Coercion may show some the right way to behave, but it holds no guarantee of changing the motivations for individual action from inclination to reason. Indeed, the only hope for others truly assisting the individual in identifying with his or her intelligible nature is given by Kant—"How, then, are we to seek this perfection, and from whence is it to be hoped for? From nowhere else but education" (*LEC* 27:471). Power over others only extends so far. Right is related to morality as a first step toward the ideal of the kingdom of ends; as for how much progress is made toward that end by actual communities of agents, that depends on the cultivation of the individual through his or her own efforts of growth, education, and self-definition as a rational and autonomous agent.

NOTES

¹ References will be made using the volume and page numbers of the *Kants gesammelte Schriften* (Berlin, Walter de Gruyter), except for those of the *Critique of Pure Reason* (Trans. Paul Guyer & Allen W. Wood, Cambridge University Press, Cambridge, 1998). For this later work, references will be to the A/B edition pagination scheme. Text titles shall be abbreviated as follows:

<i>Anthropology from a Pragmatic Point of View</i>	APV
<i>Critique of Pure Reason</i>	CPR
<i>Critique of Practical Reason</i>	CPrR
<i>The End of All Things</i>	EAT
<i>Groundwork of the Metaphysics of Morals</i>	GMM
<i>Metaphysical Foundations of Natural Science</i>	MFS
<i>Metaphysics of Morals</i>	MM
<i>Naturrech Feyerabend</i>	NF
<i>On the Common Saying: That may be Correct in Theory, but it is of No use in Practice</i>	TP
<i>Toward Perpetual Peace</i>	TPP
<i>Lectures on Ethics, Collins</i>	LEC
<i>Lectures on Ethics, Vigilantius</i>	LEV
<i>Religion within the Boundaries of mere Reason</i>	RBR

² The translation of the *Groundwork of the Metaphysics of Morals* to be used is found in *Practical Philosophy* (Trans. Mary J. Gregor, Cambridge University Press, Cambridge, 1996).

³ The translation of the *Metaphysics of Morals* to be used is found in *Practical Philosophy* (Trans. Mary J. Gregor, Cambridge University Press, Cambridge, 1996).

⁴ The translation of the *Critique of Practical Reason* to be used is found in *Practical Philosophy* (Trans. Mary J. Gregor, Cambridge University Press, Cambridge, 1996).

⁵ Paul Guyer, *Kant on Freedom, Law, and Happiness* (Cambridge University Press, Cambridge, 2000); Barbara Herman, *The Practice of Moral Judgment* (Harvard University Press, Cambridge, 1993).

⁶ The first half of the work, the Doctrine of Right, was published approximately one year before the Doctrine of Virtue was released to the public.

⁷ For an additional account of pleasure and pain in Kant, consult Immanuel Kant, *Anthropology from a Pragmatic Point of View* (Trans. Victor Lyle Dowdell, Carbondale, Southern Illinois Press, 1978). For a secondary account, see Victoria S. Wike, *Kant on Happiness in Ethics* (New York, State University of New York Press, 1994).

⁸ The translation of the *Metaphysical Foundations of Natural Science* to be used is found in *Philosophy of Material Nature* (Trans. James W. Ellington, Hackett Publishing, Indianapolis 1985).

⁹ For a comprehensive overview of these issues, consult Leslie A. Mulholland, *Kant's System of Rights* (New York, Columbia University Press, 1990). For other treatments note covered in this inquiry, see Gunnar Beck, "Autonomy, History and Political Freedom in Kant's Political Philosophy," *History of European Ideas* 25 (1999): 217-241; Darian De Bolt, "Kant and Clint: Dirty Harry meets the Categorical Imperative," *Southwest Philosophy Review* 13 (1997): 21-28; Agnes Heller, "Freedom and Happiness in Kant's Political Philosophy," *Graduate Faculty Philosophical Journal* 13 (1990): 115-131; Onora O'Neill, "The Public Use of Reason," *Political Theory* 14 (1986): 523-551.

¹⁰ For this criticism, see Robert Paul Wolff, "The Completion of Kant's Moral Theory in the Tenets of the *Rechtslehre*," *Autonomy and Community* (Ed. Jane Kneller & Sidney Axinn, New York, State University of New York, 1998), 52.

¹¹ Thomas W. Pogge, "Is Kant's *Rechtslehre* Comprehensive?" *Southern Journal of Philosophy* 36 Supplement (1997): 161-188.

¹² John Rawls, "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14 (1985): 223-252.

¹³ Thomas W. Pogge, "Is Kant's *Rechtslehre* Comprehensive?" 163.

¹⁴ *Ibid.*, 163.

¹⁵ *Ibid.*, 164.

¹⁶ *Ibid.*, 166.

¹⁷ *Ibid.*, 169.

¹⁸ *Ibid.*, 169.

¹⁹ Allen Wood, "The Final Form of Kant's Practical Philosophy." *Southern Journal of Philosophy* 36 Supplement (1997): 1-20.

²⁰ *Ibid.*, 5.

²¹ *Ibid.*, 6.

²² *Ibid.*, 6.

²³ *Ibid.*, 6-7.

²⁴ *Ibid.*, 7.

²⁵ *Ibid.*, 7.

²⁶ *Ibid.*, 9.

²⁷ *Ibid.*, 8.

²⁸ Mary J. Gregor, *Laws of Freedom: A Study of Kant's Method of Applying the Categorical Imperative in the Metaphysik der Sitten* (Oxford, Basil Blackwell, 1963); John Ladd, "Introduction," In *Kant: The Metaphysical Elements of Justice* (Bobbs-Merrill, Indianapolis, 1965), xiv; Jeffrie G. Murphy, *Kant: The Philosophy of Right* (2nd ed., Macon, Georgia: Mercer University Press, 1994).

²⁹ Roger J. Sullivan, "Introduction," in *The Metaphysics of Morals* (Translated by Mary Gregor, Cambridge, Cambridge University Press, 1996), xii.

³⁰ Bernd Ludwig, "Comments: What's Great About 'Recht'?" *Southern Journal of Philosophy* 36 Supplement (1997): 189-197.

³¹ Ibid., 190.

³² Ibid., 191-192.

³³ Ibid., 193.

³⁴ Ibid., 194.

³⁵ Paul Guyer, "Comments: Justice and Morality," *Southern Journal of Philosophy* 36 Supplement (1997): 21-28.

³⁶ Ibid., 22.

³⁷ Ibid., 23.

³⁸ Ibid., 24.

³⁹ Ibid., 27.

⁴⁰ For another analysis of Kant's entire critical system as perspectival, consult Stephen R. Palmquist, *Kant's System of Perspectives: An Architectonic Interpretation of the Critical Philosophy* (New York, University Press of America, 1993); Stephen R. Palmquist, "Introduction," in *Four Neglected Essays by Immanuel Kant* (Hong Kong: Philopsychy Press, 1994).

⁴¹ The following reading of the three formulations of the categorical imperative is heavily indebted to Paul Guyer's treatment in Chapter 5 of his *Kant on Freedom, Law, and Happiness*.

⁴² For arguments concerning these two formations being separate instantiations of the categorical imperative, see H. J. Paton, *The Categorical Imperative: A Study in Kant's Moral Philosophy* (Philadelphia, University of Pennsylvania Press, 1971). For arguments countering this position, see Paul Guyer, *Kant on Freedom, Law, and Happiness*.

⁴³ For more discussion on these two tests of universalization and contradiction, see Barbara Herman, *The Practice of Moral Judgment* (Cambridge, Harvard University Press, 1993), Chapter 7.

⁴⁴ Paul Guyer, "The Value of Reason and the Value of Freedom," *Ethics* 109 (1998): 34-35.

⁴⁵ Paul Guyer, *Kant on Freedom, Law, and Happiness*, 174. Thomas Pogge, "The Categorical Imperative," *Grundlegung der Metaphysik der Sitten: Ein kooperativer Kommentar* (Ed. Ottfried Höffe, Frankfurt, Klostermann, 1989), 172-193.

⁴⁶ Guyer's translation of GMM 4:436, from *Kant on Freedom, Law, and Happiness*, 173.

⁴⁷ One must not see Kant's concepts of these two "worlds" or standpoints as referring to two separate existing worlds of objects. For an analysis of this type of misreading of Kant's perspectival noumenal and phenomenal distinction, see Henry E. Allison, *Idealism and Freedom: Essays on Kant's Theoretical and Practical Philosophy* (Cambridge University Press, Cambridge, 1996), 18-20; Henry E. Allison, *Kant's Transcendental Idealism: An Interpretation and Defense* (Yale University Press, New Haven 1983).

⁴⁸ An interesting analogue to this line of reasoning may be found in a key passage (2:4) of the *Analects* in which Confucius indicates, "At fifteen I set my heart on learning; at thirty my character had been formed; at forty I had no more perplexities; at fifty I knew the Decree of Heaven; at sixty I was at ease with whatever I heard; at seventy I followed my heart's desire without transgressing moral principles" (Trans. Wing Tsit Chan, *A Source*

Book in Chinese Philosophy, Princeton University Press, Princeton, 1963). Perhaps a similar notion to developing dispositions to gladly (from the heart's desire) do one's duty is at work here. For further Kantian interpretations of virtue, see Nancy Sherman, *Making a Necessity of Virtue: Aristotle and Kant on Virtue* (Cambridge University Press, Cambridge, 1997).

⁴⁹ The Collins translation to be use is found in *Lectures on Ethics* (Trans. Peter Heath, Cambridge University Press, Cambridge, 1997).

⁵⁰ *The End of All Things*, translated in *Religion and Rational Theology* (Trans. Allen W. Wood & George Di Giovanni, Cambridge University Press, Cambridge, 2001).

⁵¹ The *Vigilantius* translation to be use is found in *Lectures on Ethics* (Trans. Peter Heath, Cambridge University Press, Cambridge, 1997).

⁵² *Religion within the Boundaries of mere Reason*, translated in *Religion and Rational Theology* (Trans. Allen W. Wood & George Di Giovanni, Cambridge University Press, Cambridge, 2001).

⁵³ Paul Guyer, *Kant and the Experience of Freedom* (Cambridge University Press, Cambridge, 1993); Paul Guyer, *Kant on Freedom, Law, and Happiness* (Cambridge University Press, Cambridge, 2000); Barbara Herman, *The Practice of Moral Judgment* (Harvard University Press, Cambridge, 1993).

⁵⁴ *Anthropology from a Pragmatic Point of View* (Trans. Victor Lyle Dowdell, Carbondale, Southern Illinois Press, 1978).

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