

Introduction

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The *Metaphysics of Morals*, Kant's final major work in moral philosophy, is wide-ranging, complex, and often provocative. Its focus is not rational beings as such, but human beings in particular, and the duties, rights, and morally practical relations that obtain among us. As a whole, the *Metaphysics of Morals* deepens Kant's accounts of morality, moral psychology, and the spheres of right and virtue. Its *Doctrine of Right* sets forth not only fundamental, coercively enforceable principles of interpersonal conduct, but also a rational idea of a peaceful community of all nations. Its *Doctrine of Virtue* develops Kant's conception of virtue and accounts of particular ethical duties. Aspects of the *Metaphysics of Morals*, such as its overall lack of abstraction relative to the *Groundwork* or second *Critique* and its richness of anthropological detail, recall Kant's lectures on ethics. Other features, such as its preliminary discussion of the relation of the faculty of desire to practical principles, clearly exhibit the commitments of his critical moral philosophy.

Some of the positions that Kant articulates here – for example, about the relationship between the fundamental principles of right and the categorical imperative, or the role of feeling in moral motivation – have long been sources of dispute among Kant's interpreters. Some of his arguments – for instance, those concerning capital punishment, or duties regarding non-human animals – have ignited debate among ethicists more broadly. The *Metaphysics of Morals* invites questions about where and how Kant augments, refines, revises, withdraws, or supplants arguments and positions set forth in earlier works, as well as about how best to understand the arguments and positions he provides here, and how plausible, defensible, or distinctive they are.

The dozen essays collected here address questions both interpretive and philosophical. They focus on passages, positions, or arguments in the *Metaphysics of Morals* that strike us as particularly interesting and important – and that we hope will engage the interest of colleagues specializing

in ethics, political philosophy, Kant interpretation, and the history of philosophy. Many of the essays in this collection draw heavily on other (often less-studied) works by Kant, thereby enriching our understanding of their topic and the relevant arguments in the *Metaphysics of Morals*. There is much here both for readers interested in the development of Kant's own thought or the history of ethics and for those curious about how best to construe and evaluate various facets of Kant's mature moral and political philosophy.

A natural place to begin our exploration is by asking about the nature of Kant's project in the *Metaphysics of Morals*. How did he conceive of this work? Why did it take so long for him to write it? How does it relate to his more overtly "critical" works in ethics? In the opening chapter, Manfred Kuehn situates the *Metaphysics of Morals* within the broad contexts of Kant's philosophical development and ethical thought. He argues that Kant's *Metaphysics of Morals* should not be disqualified as precritical, for although it contains precritical elements, they are not what is most important about it. Furthermore, it would be wrong simply to judge the *Groundwork* and the second *Critique* from the point of view of "the final form of Kant's practical philosophy," for the concerns of the *Metaphysics of Morals* are different from those of his critical philosophy. In order to establish the significance and place of Kant's late work on moral philosophy in relation to his philosophy as a whole, Kuehn first explores the history – or prehistory – of its composition, which is primarily a history of postponements. The projected *Metaphysics of Morals* radically changed several times in these deferrals, and the ways in which the project changed are not insignificant for understanding the place it ultimately assumed. Second, Kuehn briefly indicates what Kant's lectures reveal about his project of a "Metaphysics of Morals," suggesting that the relevance of these lectures has been largely underestimated in discussions of the "final form" of Kant's practical philosophy. Third, Kuehn shows how the *Metaphysics of Morals* is related to the *Groundwork* and the second *Critique*. He argues that the later work both responds to concerns different from those of the earlier two, and yet also reveals an important, new perspective on issues central to those earlier works, such as the categorical imperative.

The rest of the essays in the first half of the book focus on questions raised primarily by Part I of the *Metaphysics of Morals*, that is, the Introduction to the *Metaphysics of Morals* and the *Doctrine of Right* proper. In chapter 2, Stephen Engstrom turns our attention to a topic within the Introduction to the *Metaphysics of Morals* that goes to the heart of Kant's moral philosophy: Kant's conception of the will as it relates to reason and

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desire. While much attention has been devoted to Kant's doctrine of the will's autonomy, Engstrom points out that Kant advances another striking proposition about the will: it is nothing but practical reason. Engstrom contends that this less-investigated idea is vitally important in its own right as well as for the light it throws on other aspects of his ethical thought, including autonomy. According to Engstrom, Kant *transforms* the traditional understanding of the will as rational desire. Kant's way of combining the notions of the will, reason, and desire in his conception of a practical or efficacious employment of the cognitive capacity of reason is responsible for much of what is distinctive in his moral philosophy. After outlining Kant's conception of reason as a cognitive capacity, Engstrom takes up Kant's conception of desire as a form of causality peculiar to living beings, which provides the broad heading under which he situates the will and relates it to the power of choice. He then draws on the preceding accounts of reason and desire to elucidate Kant's account of the will. Engstrom's interpretation places the will in the desiderative economy of human life, while underscoring the cognitivist character of Kant's conception of the will and of his practical philosophy more generally.

Chapter 3 offers a critical discussion of ongoing debates concerning the moral status of Kant's philosophy of right. Katrin Flikschuh defends an account of right as a public morality and, as such, as systematically distinct from the personal morality of Kant's ethics. It follows that the principle of autonomy, as a principle of *ethical* self-obligation, has no place within the philosophy of right which, as public, concerns the morality of *external* legislation. From the irrelevance of the principle of autonomy the non-moral status of right does not, however, follow. Flikschuh employs Kant's *Wille/Willkür* distinction to show that, within the domain of right, the a priori idea of the general united will replaces the principle of autonomy as the ground of moral obligation. As *Wille* in its juridical conception, the idea of the general united will locates the grounds of juridical moral obligation outside the subjective will of the individual agent, ensuring conformity of action of the subjective *Willkür* of each with universal laws of right. The externally free agent is, as such, *non-autonomously* free. One implication of this view is that the presumed centrality of the principle of autonomy to Kant's practical philosophy in general must be reassessed; the principle of autonomy is derivative of the philosophically deeper idea of freedom itself. Flikschuh resists attempts to close the gap between ethical and political judgment. Instead of seeking to align political with ethical judgment, we should, she says, acknowledge the political as a distinct mode of public moral judgment.

Chapter 4 considers questions concerning Kant's conception of human rights (or of the *one* human right) and how it operates within Kant's political philosophy – especially according to the *Rechtslehre*. Here, Otfried Höffe explicates the innate right to freedom, which, Kant says, belongs to every human being “by virtue of his humanity.” He aims to show how this single innate right functions as a rational criterion for multiple human rights. To this end, Höffe clarifies Kant's distinction between moral (natural) right and positive (empirical) right; the relation between the moral concept of right, the universal principle of Right, and the universal law of Right; and Kant's justification of coercive enforcement of legal rights. Provocatively, Höffe argues that Kant views self-recognition – specifically, the practical recognition of humanity in one's own person by upholding one's rightful honor and refusing to submit to legal degradation – as a primary condition for establishing oneself as a legal entity. Höffe then explores the derivation of the four human rights Kant regards as implicit within the innate right to freedom. Finally, he suggests that while the rights to own property and to live in a public legal order are not, for Kant, human rights in the strict sense, they are grounded in such a way as to be considered “quasi-human rights.”

Chapter 5 addresses a question fundamental to Kant's doctrine of private right: how to have something external as one's own. Sharon Byrd traces Kant's arguments and shows that they turn on his concepts of possession. These concepts move from an *empirical concept* of possession as having something in one's hand to an *intelligible concept* of possession as having something as one's own based on a duty all others have not to interfere with what one intelligibly possesses. His arguments depend on the postulate of practical reason. This postulate has been interpreted to provide a justification. A justification, however, suggests that what would otherwise be wrongful or prohibited conduct is rightful conduct because of the situation. Byrd's position is that there is nothing wrongful about taking something external to oneself and calling it one's own. The taker thus does not need any justification for doing so. Byrd here relies on an alternative interpretation of the postulate as a *power-conferring norm*. On this reading, the postulate empowers us to have external objects of our choice as our own. Although we may unilaterally impose an obligation on all others to respect what we have declared to be ours, this power flows from our will's compatibility with the universal united will. Nothing in Kant's arguments for individual rights to have objects of choice as our own depends on the existence of a state. Indeed Kant notes that without a right to property and other objects of our choice there would be no duty

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to move to the civil social order. Property rights therefore are rights we have in the state of nature. They do not depend on social approval any more than our right to freedom of choice in general depends on social approval and recognition. The sole purpose of the state for Kant is securing rights we already have before leaving the state of nature and moving to the civil state. The state secures our right to freedom and our rights to external objects of our choice.

Chapter 6 tackles questions of the substance and justification of Kant's theory of punishment. Regarding issues about legal punishment, Kant is best known as a defender of an extreme retributivist position on the justification of punishment. Allen Wood argues, however, that the deeper truth about his views on this topic is far more complex and even troubling. According to Wood, although Kant is undoubtedly a retributivist, the justification of punishment Kant provides that is best rooted in his theory of right is *not* a retributivist one. Furthermore, Kant's retributivism is apparently *inconsistent* with some fundamental tenets of his practical philosophy.

The remaining chapters focus primarily on the *Doctrine of Virtue*. In chapter 7, Paul Guyer considers the relation of feelings to moral motivation, and traces the development of Kant's view of this matter. Kant is commonly supposed to have excluded all feeling from the incentives of morally worthy action, and accepted only the determination of the will by the moral law itself as a morally worthy motivation. Guyer shows that this view ignores Kant's increasingly sophisticated moral psychology, which reaches its zenith in the *Metaphysics of Morals*. In the *Groundwork*, Kant recognizes a feeling of respect as the *effect* of the moral law, but does not assign it any clear role in the etiology of moral action. By the *Critique of Practical Reason*, however, Kant clearly holds that the feeling of respect plays a *causal role* in the production of morally worthy action at the phenomenal level, even though he is unclear what this role is. Finally, in the Introduction to the *Doctrine of Virtue*, Kant refines this recognition into a sophisticated theory of the "aesthetic preconditions" of receptivity to duty, or complex causes of moral action at the phenomenal level, and argues that the cultivation of these predispositions is a fundamental feature of what he called, much earlier, "moral praxis."

Chapter 8 confronts a fundamental question for readers of the *Doctrine of Virtue*, namely, what is Kant's conception of virtue? Jeanine Grenberg seeks to understand Kantian virtue indirectly, by asking: what is the *enemy* of virtue? What explains the empirically undeniable fact that becoming virtuous is a struggle, something accomplished in the face of some

opposing force? As Grenberg sees it, if we do not understand what virtue has overcome, we do not really understand the state that results from the struggle. Kant, however, appears contradictory, or at least ambiguous, in identifying the enemy of virtue. He sometimes suggests that we must struggle against our inclinations; yet at other times he suggests that it is a corruption of reason itself that is the true enemy. Grenberg investigates both lines of thought, eventually showing that Kant's apparently contradictory claims in the *Metaphysics of Morals* and *Religion within the Limits of Mere Reason* can be reconciled. Ultimately, she argues, the central connection Kant makes between virtue as strength and inner freedom in the *Metaphysics of Morals* can make sense only if we reject any natural opponents of virtue and admit that the battle for virtue takes place on the territory of reason and freedom. Finally, Grenberg argues that by appeal to Kant's notion of an internal, rational enemy of virtue, we can more clearly distinguish Kantian and Aristotelian virtue.

Chapter 9 considers the primacy of perfect duties to oneself within Kant's moral theory. Kant makes a variety of striking pronouncements about the significance of perfect duties to oneself. But what exactly is the nature of their primacy, and why do they have it? To answer these questions, I explore the *Doctrine of Virtue* account of these duties (as concerned with one's moral self-preservation and moral health), along with two of Kant's earlier accounts from his lectures. In the Collins lecture notes, Kant explicates perfect duties to oneself as prohibiting acting against the necessary conditions of one's greatest, self-consistent use of freedom ("the essential ends of humanity"); in the Vigilantius lecture notes, as duties to which we are directly constrained by humanity in one's person (and thus as immediately grounded in "the right of humanity in our own person"). I show that on all three accounts, perfect duties to oneself bear especially fundamental, vital, and direct relations to freedom, and that these relations generate multiple, interrelated sorts of primacy for these duties.

In chapter 10, Robert Johnson raises and resolves an apparent puzzle about the duty to adopt others' happiness as our end. Because this is a wide and imperfect obligation, no one has a claim on our assistance in advancing her happiness in particular. However, in general, that we have an obligation *to* someone, as opposed to merely *regarding* her, is best understood as her having some claim on us. This apparently generates a puzzle: if we have a duty to others to adopt their end, then it seems that others have a claim on our so doing; but if our duty is wide and imperfect, then no one has a claim on our having her happiness as our end. Johnson shows that the puzzle arises only if we assume that there cannot be a collective

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right – the right of collective “others” – and argues that Kant’s followers should not assume this. Johnson begins by exploring Kant’s views on the nature of beings to whom we can owe duties and about what it means to have a duty to a person rather than merely regarding her. Johnson then turns to the relationship between our having duties to a person and the claims she may have on us as a result of such duties. Johnson argues that duties and rights are reciprocal, that there are “collective” rights, and that the reciprocity between rights and duties allows us to distinguish those *to whom* we have duties from those only *with regard to whom* we have duties in the context of Kant’s duties to others. We are then in a position to understand how the wide, imperfect duty to promote others’ happiness is nevertheless genuinely a duty *to* others.

The theme of duties *to* and duties *regarding* others continues in chapter 11, which sheds new light on Kant’s provocative insistence that we have duties *regarding*, but not *to*, non-human animals. Patrick Kain confronts questions both interpretive and philosophical about Kant’s account of moral status. Kain shows that a better appreciation of Kant’s commitments in a variety of disciplines reveals that Kant had a deeper understanding of human and non-human animals than commentators generally recognize. This sheds new light on Kant’s claims about the nature and scope of moral status, and helps to address, at least from Kant’s perspective, many of the familiar objections to his notorious account of “duties regarding animals.” According to Kain, Kant’s core principles about the nature of moral obligation structure his thoughts about the moral status of human beings and non-human animals. Through an examination of a broad array of little-studied sources, Kain shows that Kant’s commitments in biology, psychology, anthropology, and physical geography support his account of the nature of and distinction between humans and non-human animals. Kain argues that this account supports Kant’s judgment that we have duties to every human being and significant duties regarding non-human animals, duties which involve direct concern for animals because of their nature. Finally, by comparing Kant’s account with some recently proposed Kantian alternatives, Kain offers us additional perspective on some of the distinctive features, and strengths and weaknesses, of Kant’s approach.

The final chapter of the collection reviews, highlights, and raises questions about themes in Kant’s *Metaphysics of Morals*, especially the *Doctrine of Virtue*. In a wide-ranging discussion, Thomas E. Hill, Jr. comments briefly on how Kant’s normative ethics relates to science, metaphysics, metaethics, and philosophy of law and justice; the relation of

Kant's first principles to more specific moral principles and judgments; the contrast between contemporary and Kantian conceptions of duties to oneself; problems regarding moral negligence, self-deception, and weakness of will; and moral motivation. Hill emphasizes the constraints of law and justice on virtue, the moral (if not epistemological) priority of the first principles of ethics, and the irrelevance of many contemporary objections to Kant's conception of duties to oneself. Hill also highlights Kant's important second-order principles regarding due care in deliberation, self-scrutiny to expose excuses, and strength of will to resist temptations. The morally necessary motive of duty is interpreted, not as an extra duty added onto each particular duty, but as the basic choice to maintain a pervasive attitude that places moral responsibility before self-interest. Hill's exploration provides a fresh, broad perspective on Kant's mature normative ethics. This essay is a fitting one with which to conclude the collection. Partly this is because it revisits – from a different, illuminating angle – a variety of topics touched on in previous chapters. Equally, however, it is because it treats Kant's *Doctrine of Virtue* not simply as a rich, complicated work of practical philosophy, but also as a vibrant, even viable, normative ethics. By doing this, it encourages readers, whether primarily ethicists or Kant scholars, to plunge still more deeply into Kant's *Doctrine of Virtue*, *Metaphysics of Morals*, and moral philosophy as a whole, to discover all they have to offer.

CHAPTER I

*Kant's Metaphysics of Morals: the history
 and significance of its deferral*

Manfred Kuehn

I INTRODUCTION

Kant's *Metaphysics of Morals* appeared in 1797.¹ It was one of Kant's last works. Only two other books appeared later: *The Dispute of the Faculties* and the *Anthropology from a Pragmatic Point of View*, both published in 1798. The *Logic* of 1801 and the *Physical Geography* of 1802 were edited by others, namely Benjamin Jäsche and Friedrich Theodor Rink, on the basis of Kant's lecture notes. It is tempting to view the *Metaphysics of Morals* and the *Anthropology from a Pragmatic Point of View* also as editions of lecture notes. The difference is just that Kant did the editing himself, though his age and the ever-increasing weakness of his mental faculties made this task very difficult. Some have argued that it might almost have been better if someone else had taken over this task for Kant in the case of the *Metaphysics of Morals* and *Anthropology* as well.²

Many of Kant's contemporaries felt this way, in any case. Friedrich Schleiermacher wrote a very negative review of the *Anthropology*, finding that "a summary of this book could not be much more than a collection of trivial matters. If, on the other hand, it were intended to give a sketch of the plan and its execution ... it would necessarily give a distinct picture of the most peculiar confusion."³ Arthur Schopenhauer found that in the

¹ The title was *Die Metaphysik der Sitten in zwey Theilen. Abgefaßt von Immanuel Kant*. Königsberg, by Friedrich Nicolovius, 1797. "Erster Teil: Metaphysische Anfangsgründe der Rechtslehre ... Zweiter Teil: Metaphysische Anfangsgründe der Tugendlehre." One year later, it appeared again, with the title now indicating a second edition of the *Metaphysical First Principles of Right*, "with an Appendix of Explanatory Remarks and Additions." It also appeared separately as *Erläuternde Anmerkungen zu der Rechtslehre von Immanuel Kant* (Königsberg: Friedrich Nicolovius, 1798). A second edition of the *Metaphysics of Morals* was published in 1803.

² In a certain sense this has happened: Bernd Ludwig's edition of the *Metaphysics of Morals* (Hamburg: Meiner Verlag, 1986, 1990). Though Ludwig maintains that he is restoring Kant's original text, eliminating corruptions introduced by an incompetent copyist, there is absolutely no evidence that could establish that it was not Kant himself who introduced the mistakes.

³ See Friedrich Schleiermacher, *Kritische Gesamtausgabe* (Berlin: Walter de Gruyter, 1984), vol. v.i, 365–69. All other quotations from Schleiermacher are from this review.

Tugendlehre, “this counterpart of his deplorable *Rechtslehre*, the effects of his weakness brought on by old age are predominant.”⁴ Judgments like these could be multiplied. Thus it has been argued that Kant’s practical philosophy ultimately constituted a relapse into precritical dogmatism, which is not significantly different from the theories of his predecessors and contemporaries.⁵ Nor are such verdicts without justification. The *Metaphysics of Morals*, like the *Anthropology*, *Logic*, and *Physical Geography* pales in comparison with the three *Critiques*, and it seems to be less critical than it should be. The centrality of the duty of one’s own perfection, for instance, seems to be a throwback to Wolffian ethics, just as the first legal duty of not harming anyone does not significantly depart from Pufendorf’s natural law theory.

⁴ Arthur Schopenhauer, *Werke in fünf Bänden*, Ludger Lüdtkehaus (ed.) (Ulm: Haffmanns Verlag, 1988), vol. III, 475. In the “Critique of Kantian Philosophy” (“Kritik der kantischen Philosophie”) which appeared as an Appendix to the *World as Will and Representation*, he found that the *Rechtslehre*, “one of the latest works by Kant ... is so weak ... that it seems to be not the work of this great man, but the product of an ordinary human being and has to die of its own weakness” (*Werke*, vol. I, 529–626, 607–08). It seemed to him in many places like a “satirical parody” of Kant.

I shall use “*Rechtslehre*” for the first part and “*Tugendlehre*” for the second part of the work. I will also use these terms to refer to Kant’s concerns with law and virtue throughout his various works. The main reason is that I consider the translation “Metaphysical First Principles of Right” (and, in general, the translation of “right” for “*Recht*”) as seriously misleading. The German word “*Recht*” does not mean what “right” means in English. “*Recht*” is much closer to “law” in English. “Natural law” in German means, for instance, “*Naturrecht*,” and a lawyer is a *Rechtsanwalt*, etc. Since the doctrine of rights is only a part of the doctrine of law in English, this way of translating “*Recht*” tends to identify Kant’s doctrine with only a part of law, and thus to confuse the reader. Mary Gregor argues in her “Translator’s Note on the Text of the *Metaphysics of Morals*,” in Immanuel Kant, *Practical Philosophy*, M.J. Gregor (ed. and trans.) (Cambridge University Press, 1996), 358, that “law” would obscure the conceptual ties of “*das Recht*” and “*ein Recht*.” I am not sure that there are any real or deep conceptual ties that go beyond the surface meaning of the German. But, however that may be, since these conceptual ties certainly do not exist in English, an English translation should not try to “preserve” them.

⁵ This is most often argued with regard to the *Rechtslehre*, but it also concerns the *Tugendlehre*. Thus Christian Ritter, *Der Rechtsgedanke nach den frühen Quellen Kants* (Frankfurt am Main: Vittorio Klostermann, 1971) argued that Kant’s *Rechtslehre* remains essentially precritical and is not part of his transcendental philosophy. But see also Hariolf Oberer, “Zur Frühgeschichte der Kantischen Rechtslehre,” *Kant-Studien* 64 (1973), 88–102, and Werner Busch, *Die Entstehung der kritischen Rechtsphilosophie Kants, 1762–1780* (Berlin: Walter de Gruyter, 1979). Also relevant in this context are Josef Schmucker, *Die Ursprünge der Ethik Kants in seinen vorkritischen Schriften und Reflexionen* (Meisenheim am Glan: A. Hain, 1961), and Karl-Heinz Ilting, “Gibt es eine kritische Ethik und Rechtsphilosophie Kants?” *Archiv für Geschichte der Philosophie* 63 (1983), 325–45. But it is not always clear what the question amounts to, as Ilting, for instance, thinks there is no critical moral philosophy at all, and that even the *Groundwork* and the second *Critique* are non-critical, which seems to me absurd. But it appears to me that he makes a similar mistake when he tries to show that Kant’s categorical imperative depends upon the “principle of law,” as developed by Kant in his precritical work.

I have used the translations of the Cambridge Edition of the Works of Immanuel Kant (CE). In cases where I have found it necessary to change the translations, I have indicated the changes. Where there is no CE translation yet in print, translations are my own.