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The Unity of Kant's Practical Philosophy

1 Introduction

This paper argues that Kant's ethics and Kant's philosophy of right are linked by a common normative idea. I try to show that we find in Kant's exposition of the basic normative principles in the *Groundwork* the resources for grounding his philosophy of right. More specifically, my point is that Kant's conception of a realm of ends, as he develops it in the *Groundwork*, provides a common normative source for Kant's ethical Categorical Imperatives, on the one hand, and the Universal Principle of Right, on the other. The agreement on common universal principles, as it is crucial for Kant's notion of a realm of ends, yields, so my claim, a justification of the ethical Categorical Imperatives and the Universal Principle of Right. I develop this agreement-based justification in the form of a transcendental argument, thus aiming to show that it squares with Kant's methodological approach in the *Groundwork*.

2 Kant's Ethics and Philosophy of Right: A Common Ground

Several philosophers consider Kant's philosophy of right to be normatively independent from his ethics, constituting a separate normative sphere ("separation thesis").¹ The main reasons for drawing this sharp line right are due to the roles that motivation and coercion play in the two normative domains. In ethics, the incentive of action is decisive for the morality or immorality of the action. A

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¹ The separation thesis is held by Marcus Willaschek (2002) and (2009) and Allen W. Wood (2002, 6–10). Wood (1999, 322), however, concedes that "the values grounding ethics also show themselves in the system of right." Note that this paper adopts the following terminology: 'Ethics' refers to Kant's conception of morality in the *Groundwork*. The term 'practical philosophy' applies to Kant's moral philosophy in the broader sense, embracing his ethics and his philosophy of right. The term 'philosophy of right' is used for Kant's moral theory of law.

morally good action is performed out of respect for the moral law. Ethical law-giving, as Kant put it, “makes an action a duty and also makes this duty the incentive” (MS, AA 6: 219, 383).² In the realm of external freedom, the ethical nature of the incentive is not relevant for determining the correctness or incorrectness of an action. For Kant it is crucial *that* people follow laws and statutes which, in the ideal case, are consistent with the principle of right and thus the equal external freedom of others. The motivational reasons *why* persons comply are irrelevant for the fulfilment of juridical obligations. While no other person and no state institution has the right to force a person to adopt specific incentives and internal ends, the regulation of the outer relations of freedom is different. It requires the state’s enforcement of those norms that aim at securing the equal freedom of all.

In my view, these differences with respect to motivation and coercion do not entail that Kant’s ethics and philosophy of right are strictly separated. Rather, they highlight specific features of the two domains. That Kant does not require ethically motivated compliance in the sphere of right is a consequence of his conception of inner freedom (freedom of conscience) and the ensuing limits to the state’s power. And the tight connection between right and coercion is a consequence of the fact that state-exercised coercion is indispensable for securing rights and rightful relations of outer freedom. Given these specifics, ethics and the sphere of right need to be regulated by different supreme normative principles – a point which is stressed by Kant’s distinction between the ethical Categorical Imperatives (the Formula of Universal Law and the Formula of Humanity) on the one hand, and the Universal Principle of Right, on the other. Nothing, however, rules out that the guiding principles of ethics and the sphere of right have a common normative source and justification and are governed by a common supreme principle. My suggestion is that Kant’s idea of a realm of ends provides this common ground.³

² The page numbers and English quotations follow Kant (1996).

³ To avoid misunderstanding: My aim is not to come up with the ‘true account’ of what Kant actually said or meant, but to present an interpretation that amounts to a satisfactory reading of Kant’s practical philosophy.

3 The Realm of Ends and the Ethical Categorical Imperatives

Kant introduces the Formula of a Realm of Ends (FRE) in section II of the *Groundwork* following his exposition of the Formula of Humanity (FH) and the Formula of Autonomy (FA). His claim, connecting FH and FA, is that attributing unconditional value to human beings involves ascribing to them a rational will that is self-legislating and thus autonomous. Such a conception of human beings, Kant argues, gives rise to a realm of ends by which he understands “a systematic union of various rational beings through common laws” (GMS, AA 4: 433, 83).⁴ FRE itself holds: “(A)ct in accordance with the maxims of a member giving universal laws for a merely possible realm of ends” (GMS, AA 4: 439, 88).

According to Kant, the realm of ends takes shape once “we abstract from the personal differences of rational beings as well as from all the content of their private ends” so that we are “able to think of a whole of all ends in systematic connection (a whole both of rational beings as ends in themselves and of the ends of his own that each may set himself)” (GMS, AA 4: 433, 83). What Kant means is that members of a realm of ends must consider whether their maxims involve ends that are – in principle – compatible with the ends of others. This entails not pursuing ends where affected others have grounds to reasonably reject the corresponding maxims.⁵ In other words, FRE demands pursuing ends for reasons that rational agents can share. Meeting this requirement results in a community of rational beings whose relations to each other are regulated by common laws.

The idea of a realm of ends embraces the main idea of FH that rational beings ought to treat others as ends and not merely as means. Equally, the realm of ends is linked to the Formula of Universal Law (FUL) by including the condition that rational agents should act according to maxims that can be thought or willed as universal laws. And the realm of ends also makes use of the Formula of Autonomy (FA) since its members are self-legislating and thus autonomous rational agents.⁶

⁴ Note that Mary Gregor in her translation of the *Groundwork* uses the term ‘kingdom of ends’ instead of ‘realm of ends.’ Since I consider ‘realm of ends’ as a more accurate translation of ‘Reich der Zwecke’ than ‘kingdom of ends’, I have corrected her translation of this passage, replacing ‘kingdom of ends’ by ‘realm of ends’.

⁵ Examples of such maxims are to discriminate, deceive, subdue and exploit others, let alone to mistreat or even kill one’s fellow human beings.

⁶ See Reath (1997) for a detailed discussion of the relation between autonomy and the realm of ends.

Why should we consider Kant's idea of a realm of ends as the centrepiece of his practical philosophy? Why should we accept the Formula of a Realm of Ends? What considerations can we provide for making the reflective endorsement of the realm of ends and our being members of it compelling?

We get to the idea of a realm of ends by asking: On what fundamental principles must our relations to each other be based so that we, as free and rational agents, have reason to consent to them and recognize them as binding? The answer leads to the Kantian principles, the ethical Categorical Imperatives (FUL and FH), the Universal Principle of Right (UPR), but foremost the Formula of a Realm of Ends (FRE). We all agree on adopting them because this grants our autonomy and our equal standing. Our recognition of the value of humanity provides us with a normative reason to consent to the principles that are constitutive of autonomy in the sphere of inner as well as outer freedom. Exploring the normative reasons we have for consenting to membership in a community that corresponds to the ideal of a realm of ends and to regulate our relations to each other by common laws on which we all agree provides us not only with a justification of the ethical Categorical Imperatives (FUL, FH), but also of the Universal Principle of Right.

To put the point differently: Given that we affect each other by our actions, we need normative regulations that require us to live together by entertaining relations of mutual respect. Otherwise we would be in a social and ethical state of nature, not in a morally "rightful condition".⁷ That insight yields a compelling consideration, that is, a normative reason, for endorsing the realm of ends and its regulative principle FRE because there is no reasonable practical standpoint from which this ideal of living together could be rejected.

The realm of ends is, given the outlined interpretation, on another justificatory level than FUL and FH. First comes the rational agreement to common laws, the next step then is to consent to FUL and FH since they spell out in more detail the procedural requirements for ethical deliberation and the ethical dialogue with others and with myself. The requirement to form a community of rational agents bound by common laws introduces a normative idea that is not yet part of FUL and FH, namely the plural perspective of those who as socially situated beings cannot avoid the task of regulating their relations to each other.

One might object that such an agreement-based justification of the realm of ends and FRE as well as in a next step the ethical Categorical Imperatives and the Universal Principle of Right does not square with Kant's overall methodolog-

⁷ This is an application of Kant's term for a legitimate political order (TP, AA 8: 290, 291) to the sphere of morality.

ical approach. Let me therefore try to embed the proposed argument in Kant's framework.

Kant seeks to justify the Categorical Imperative by a transcendental argument. The structure of such an argument consists of a two-step procedure: the first step is to lay bare the conditions for the possibility of X (in our case morality) and to suggest a normative principle that meets those conditions; the second step consists in providing additional normative reasons for the reflective endorsement of the principle that matches those conditions. "Conditions for the possibility (of X)" are nothing other than presuppositions that amount to constitutive conditions (of X). Their reflective approval completes a transcendental argument.

Kant's reasoning in the *Groundwork* leading to FUL and FH follows that line. The first step, namely exposing the Categorical Imperative as a condition for the possibility of moral reasoning and, thus, of acting morally, is performed by what Kant calls a "regressive argument". FUL, as we know, comes up at the end of an analysis intended to identify the principle underlying the good will. Kant proceeds by exposing the conditions such a principle has to meet. The required principle must have the form of a categorical, not a hypothetical imperative and must amount to a merely formal law which holds universally. And the argument ends by stating that those conditions – categorical bindingness, formality, and universality – are exactly met by FUL.

Kant derives FH by a regressive depiction of the conditions that underpin our valuing ourselves as human beings and rational agents. The argument begins by claiming that characteristic of rational beings is the capacity of self-determination by a will. Kant then states that the ground of the will's self-determination has to be an objective end, not an end that is only conditionally valuable. And he concludes that all rational and all human beings meet this condition; they can never have merely conditional value and can never serve merely as means. Again, Kant comes up with conditions which the sought principle has to meet, namely: it must hold categorically, it must be an objective principle of the will, and it must be able to serve as a universal practical law – conditions which are exactly fulfilled by FH (GMS, AA 4: 429, 79, 80).

Kant acknowledges that the regressive arguments do not amount to a full justification of the Categorical Imperative. This is why he undertakes a deduction of the Categorical Imperative in Section 3 of the *Groundwork*. The deduction proceeds from the claim that a rational will is an autonomous will and that an autonomous will and a moral will are one and the same to the conclusion that a rational will is a moral will. As we know, Kant himself was uneasy with his argument; he suspected it to be circular, simply presupposing the autonomy of the will without offering further support. That he indeed had every reason to be con-

cerned is evident given his underlying assumption: “If, therefore, freedom of the will is presupposed, morality together with its principle follows from it by mere analysis of its concept” (GMS, AA 4: 447, 95). Kant’s deduction, which is meant to complete the transcendental argument, is not successful, because it rests on simply postulating that morality follows analytically from autonomy. Kant thus fails to provide additional reasons why the reflective endorsement of the Categorical Imperative seems inevitable.

It is therefore essential to look for another justification of the Categorical Imperative. The agreement-based argument I presented above provides, so my thesis, such an alternative. Note, however, that I have shifted the attention to the realm of ends. Hence we need to provide a two-step argument for endorsing the realm of ends and the corresponding Categorical Imperative, namely FRE. As mentioned, a justification of a normative principle by a transcendental argument involves two steps: first to lay bare the presuppositions (constitutive conditions) of the principle and then to come up with the specific principle fulfilling those conditions (what Kant calls the regressive method), and, second, to provide reasons for why the principle deserves to be endorsed. I think that Kant provides us with the building-blocks for a transcendental grounding of the Categorical Imperative (FRE) anchored in the idea of a realm of ends.

Here is the needed two-step line of reasoning. According to Kant, the idea of a realm of ends, resulting in FRE, includes all the normative features emphasized by the various formulas of the Categorical Imperative, namely universal lawgiving (unity of the will), the kind of ends (set by the restriction of treating human beings as ends in themselves), and the possibility of shared ends (system of ends). We can read this statement as a regressive argument, exposing the presuppositions of morality, namely universality, respect for persons, and common regulations. The claim that FRE is the principle which meets the outlined presuppositions of the practice of morality completes the first step of the required transcendental argument.

The second step of the transcendental argument must offer the grounds for the approval of the principle that was the outcome of the regressive exposition, that is FRE. What considerations can we provide for making the reflective endorsement of FRE compelling? The suggested answer is: Forming our social interactions on the model of a realm of ends grants us the status of being agents who relate to each other in terms of respect. Thus, we all have normative reason to reflectively approve of FRE because this principle is constitutive for preserving our autonomy and dignity. In other words: We need to provide grounds for why we as rational agents consent to a community regulated by common laws. The relevant reasons are generated by the insight that we affect each other by our actions and therefore need normative regulations enabling us to live together

in a cooperative way, entertaining mutual relations of respect. Since we live in a shared social world, we have a normative reason to endorse principles that grant us the normative status of autonomous agents, obligating others to treat us accordingly. Otherwise, we would be at the disposal of others' arbitrary wills – degraded to an object, a kind of instrument. This completes the second step of the transcendental argument.

4 The Realm of Ends and the Universal Principle of Right

This paper's main claim is that the idea of a realm of ends links Kant's ethics and philosophy of right, thus providing a common grounding of the ethical Categorical Imperatives and the Universal Principle of Right. Hence, we need to come up with a transcendental argument for the Universal Principle of Right, involving again a two-step procedure: first we must outline the regressive argument leading to the Universal Principle of Right, and, then, we have to sketch the normative reasons for endorsing the principle.

Let us first look at the regressive argument leading to the formula of the Universal Principle of Right (UPR) which 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" (MS, AA 6: 231, 387).

The regressive argument in the *Introduction to the Doctrine of Right* is by far less elaborate than Kant's regressive expositions in the *Groundwork*, especially the one ending in FUL. Kant introduces the Universal Principle of Right abruptly and without any further elucidation at the beginning of section C of the *Introduction to the Doctrine of Right*. One has to look at the preceding section B for an explanation of why Kant comes up with this principle and why it does have the specific form outlined above.

In section B (What is Right?) Kant intends to define the concept of right. He makes clear that he is addressing "the moral concept of right", not the jurist's empirical understanding of the laws of a country (MS, AA 6: 230, 387). What is at stake is finding a principle that regulates our external practical relations, i.e., our relations of outer freedom, in a morally rightful way. Again, the sought principle must, as Kant points out, be formal and universal and directed at our choices as the manifestations of our freedom. The principle should apply to the formal relation between our choices as the manifestations of our freedom; it must neither include the material content of our choices nor their relation to

the wishes or needs of others. Decisive is whether the choice of one person, as it finds expression in action, is compatible with the freedom of the other according to a universal law. Given those prerequisites, Kant then suggests the following principle: “Right is therefore the sum of the conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom” (MS, AA 6: 230, 387).

And immediately after this definition, with which section B ends, follows the Universal Principle of Right (UPR) at the start of section C. Reading the two sections, B and C, together shows that UPR is just a more specific version of Kant’s definition of ‘right’, applying Kant’s general formulation of what is right to actions. If we take section B into account Kant’s regressive argument can then be reconstructed in the following way:

1. We are beings whose existence entails that we make choices that determine our external relations to others (freedom of choice).
2. If there are no restrictions on our freedom of choice, our choices might come into conflict with others’ choices. Some person’s freedom of choice might come at the expense of another person’s freedom of choice.
3. Such an unregulated state of conflicts is the state of nature. It entails that some persons are not treated as an end but merely as a means.
4. In order that each person’s initial claim to freedom of choice is respected, we have to leave the state of nature and move to a rightful condition.
5. The restrictions set in a rightful condition must meet the requirement that all persons have an equal claim to be considered by the principles regulating relations of external freedom.
6. This requirement can be expressed in the following way: “Right is therefore the sum of the conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom.”
7. Applied to actions, the principle reads: “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.”

The regressive argument thus leads us directly to the Universal Principle of Right. Yet the argument merely informs us about the form this principle has to take. But why is it normatively compelling? My thesis is that the normative justification of the principle is provided by the normatively grounded consent of beings aiming to preserve their freedom and autonomy in the external sphere.

The argument works on analogy with the one developed in outlining the justification of the ethical Categorical Imperatives. Valuing my own autonomy gives me a normative reason to consent to membership in the realm of ends and, as a

consequence, to accept the regulation of one's relations in the external sphere by the Universal Principle of Right since this normative structure grants my freedom as an agent whom others do not treat as a mere means.

This argument holds not only for securing internal freedom, but also for securing external autonomy. The regressive argument leading to the Universal Principle of Right, as exposed above, articulates the conditions that the principle of regulating relations of external freedom has to meet. The full justification why we should consent to the principle is provided by our agreement to membership in the realm of ends, which includes a commitment to the principles constituting a community of externally free, equal, and cooperative members.

5 Conclusion

I have argued that Kant's idea of a realm of ends, as he introduces it in the *Groundwork*, provides the unifying principle for his practical philosophy. The idea of forming such a community of rational agents covers the basic principles of Kant's ethics and his philosophy of right. The idea of a realm of ends is connected to the Categorical Imperatives and the Universal Principle of Right in the following way: first, there is the contractual agreement of all subjects to form a realm of ends, which includes the commitment to see oneself as belonging to a community of free and equal cooperative subjects. The regressive arguments show why the principles of ethics (the Categorical Imperative in the Universal Law formulation and the Humanity Formula) and the guiding principle of the philosophy of right (the Universal Principle of Right) can be considered as implementing the idea of a realm of ends in the spheres of both internal and external freedom. Regulation by the ethical Categorical Imperatives secures my autonomy in the sphere of inner motivations and convictions; the Universal Principle of Right warrants my independence from the choice of others, thus enabling me to be my own master in external relations to others.⁸ The endorsement of those principles, which completes their justification, is provided by the normative reasons we have for forming such a realm of ends and consenting to its basic rules.

⁸ See Ripstein (2009, 40–52) for a detailed discussion.

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