On the Relationship between Kant's Groundwork for the Metaphysics of Morals and the
Metaphysics of Morals

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This thesis titled
On the Relationship between Kant's Groundwork for the Metaphysics of Morals and the
Metaphysics of Morals

by

CHRISTOPHER ADAM HALL

has been approved for
the Department of Philosophy
and the College of Arts and Sciences by

__________________________________________________________________________

Mark LeBar
Associate Professor of Philosophy

__________________________________________________________________________

Benjamin M. Ogles
Dean, College of Arts and Sciences
Abstract

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On the Relationship Between Kant's *Groundwork for the Metaphysics of Morals* and the *Metaphysics of Morals* (54 pp.)

Director of Thesis: Mark LeBar

This paper looks at the relationship between Immanuel Kant’s *Groundwork for the Metaphysics of Morals* and his *The Metaphysics of Morals* and the moral principles contained in each. In this paper, a particular logical relationship, “groundedness” is offered as appropriate for this topic. Two Kant scholars, Allen Wood and Paul Guyer, who disagree with each other about the nature of the relationship between the *Groundwork* and *The Metaphysics* are presented and criticized; each is shown to have significant flaws in their respective arguments. Finally, a third approach that uses the work of Leslie Mulholland to argue for a view that corrects Guyer’s and Wood’s failings is offered. It is shown that Kant’s *Metaphysics of Morals* must be understood as grounded in his *Groundwork for the Metaphysics of Morals*.

Approved: _________________________________________________________________

Mark LeBar

Associate Professor of Philosophy
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**Introduction.**

This paper is concerned with the relationship between two of Immanuel Kant's works on moral philosophy: *Groundwork for the Metaphysics of Morals* and *The Metaphysics of Morals*. In particular, I examine two recent works of prominent Kant scholars: Paul Guyer and Allen Wood, who disagree about the nature of the relationship between *MS* and *G*. Wood argues that *MS* is logically distinct and separate from *G*. Guyer argues that *MS* “flows” from *G*. I argue that neither Wood nor Guyer get the relationship correct, and that each misses the mark for different reasons. I also show how an understanding of Guyer’s and Wood’s failures can illuminate a better way to understand these two works of Kant’s: an understanding where *MS* is “grounded in” *G*.

My agenda for this paper is as follows. In this introduction I set the stage for the paper and spell out just what relationship between *G* and *MS* I have in mind. In the presentation of Guyer and Wood we will see that specificity of terms is crucial. Given their own aims, Guyer and Wood might have room for a looser description of the relationship; this paper tries not to have such slippage.

Before turning to Guyer and Wood, I present a synopsis of Kant's work in *G* and *MS*. Obviously, each of these works has sufficient material for whole commentaries. I endeavor to focus on the portions of each work that directly bear on my thesis. To that end, in my presentation of *G*, I focus on Kant's presentation of the categorical imperative in its various forms, and his discussion of freedom. In presenting *MS*, I focus on the first

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I will also use “CI” to refer to the categorical imperative and “PR” to refer to the Principle of Right.
portion, the “Doctrine of Right”. This section contains the Principle of Right, it is this principle that both Guyer and Wood focus on. It is also the portion of MS where the relationship to G is most in question.

I then turn to Allen Wood's argument in his paper “The Final Form of Kant's Practical Philosophy.” Wood's article is an argument for reading Kant's moral philosophy generally in light of the later MS, instead of the emphasis on Kant's earlier works that Wood sees as currently prevalent. As a part of this larger argument, Wood argues that we should not (and cannot) understand MS as in any way based on G. I present his argument in favor of this claim and then evaluate it, concluding that it is mistaken.

Following the discussion of Wood, I look at Paul Guyer's argument in his article “Kant's Deduction of the Doctrine of Right.” Guyer argues that the DR is based on Kant's fundamental moral principle. However, for Guyer this is not the categorical imperative, but rather Kant's value of human freedom. I will argue that, while he does show that a portion of Wood's argument are bound to fail, Guyer's view on the relationship between G and MS is mistaken.

In some respects, the thesis of this paper is the simple claim that getting clear on the relationship between G and MS is difficult. Guyer and Wood are two eminent Kant scholars, yet both fail to adequately defend views on this matter. This leaves the question about the relationship between G and MS answered in a negative fashion; we know that these two options fail. In my final section I offer an alternative view that borrows from Leslie Mulholland, who argues that the principle of Right is based on the categorical

imperative as Kant presents it in $G$. The criticisms I make of Guyer and Wood set the
stage for this argument, which captures Kant’s emphasis on universality in a way that is
absent from Guyer and Wood.

Before turning to Kant, it will useful to be clear about the relationship in question
throughout this paper. There are a number of kinds of relationships that might exist
between two works in philosophy. One work might inspire another, one might refute
another, one might be logically entailed or derived from another, etc. In what follows, I
am trying to understand whether a certain kind of logical relationship exists between $G$
and $MS$. The task here is to choose a relationship that captures something meaningful
without being either too lax or too strict. For instance, logical entailment, where the truth
of one proposition necessitates the truth of some other proposition, seems too strong to be
helpful here. To say that $G$ entails DR would inevitably require us to say just what we
mean by saying either of these works is true in the sense required for entailment.
Remarks in a similar vein apply to the relationship of logical derivation. A statement is
derived from some other statement when the latter is a consequence of the former and
some subset of applicable logical rules for inference. Which rules should we apply to
moral theories? Modal? Deontic? Simple predicate logic? The answer is far from clear.

On the other end of this spectrum Guyer uses the language of “flowing” to
describe the relationship between Kant's moral works. Obviously this is metaphorical:
one body of water flows to another, currents flow, and sometimes we do say that ideas
flow from one another, but it is not always clear what we, or Guyer, means. How does
one disprove the flowing relationship?

I do not want to say that the relationship under consideration here is either
entailment, derivation, or flow. Instead, we want a looser relationship, but one that can still be specified in a logically useful way. Above I have talked about MS being “based on” G. Henceforth I use the term “grounded” to give a name to this relationship and turn to an explication of how I will use this concept.

Groundedness is a two place predicate relation indexed to an individual that applies to theory development and justification. In different philosophical realms there are different criteria for a theory's justification, by which I mean those factors that justify one's adoption of that theory. In philosophical discourse we appeal to these factors in evaluating theories. I am using the predicate “grounded” in this way.

I have in mind a rather common sense idea about the intellectual relationship between two works an individual might produce. When we say that one is grounded in another we mean that the latter contributes something crucial to the former. If theory X is grounded in theory Y, then Y supplies some feature or principle to X that brings X closer to being a complete theory or supplements its justification. In order to be useful to my concerns we should understand groundedness as something that can be predicated of principles, theories, and the works that contain those principles or theories. Hence, we can ask if one work is grounded in another (though we likely mean that the principles contained in one work are grounded in principles found in some other work).

As I will use the term, groundedness picks out a basis for accepting some theory X without which acceptance would require an alternative justification. The common sense idea here is that, if X is in fact grounded in Y, and Y were to be taken away or defeated, then one would no longer be justified in accepting X. The relationship between X and Y accounts for the predication I have in mind. The final part of my definition of
groundedness is the fact that the language of justification and theory acceptance applies to intellectual agents, i.e. actual people. People exist in time and space; when a theory is adopted by some person as an answer to some question, there is quite a bit of background context involved. Hence, we can usefully talk about who a theory is grounded for. I will capture this “for” by saying that the groundedness relationship is indexed to the person whose beliefs, theories, principles, etc., are actually involved. The reason I am invoking the notion of an index rather than just specifying groundedness as a three part predicate is that it seems to me that the person whose beliefs and theories are under consideration in some ways contains the predicate relationship “in the head.” The actual agent who is grounding X in Y should range over the predicate in a formal presentation of groundedness. Appealing to the idea of an index makes this easier to represent than it would be if groundedness were taken as a simple three part predicate.

To make it clear what I have in mind by introducing this index, consider the following example. Suppose that today Smith who is a cosmologist adopts a certain theory T that explains the origin of the universe. Over the course of time it becomes clear that T by itself is insufficient to account for the origin of the universe. Suppose some 500 years pass before Jones, a future cosmologist, successfully augments Smith’s theory with some further theory U. T and U taken together do explain the origin of the universe in a satisfactory manner. Does this mean that T is grounded in U? It certainly seems odd to say that Smith thought his theory was grounded in U as U was not a factor in his formulating T. Yet, it does not seem strange to suggest that, for Jones, T is grounded in U. Thus, to introduce the historical context that was involved in the actual forming of a theory, we will talk about a theory being grounded for someone and I specify this by
indexing the groundedness relation to that someone. Since this thesis is an investigation of whether or not two works of a particular person bear the grounded relationship, it seems appropriate to think that we are asking whether or not they were so grounded for Kant.

Obviously, insofar as theory acceptance goes, there is more work needed in this vicinity. We need to know what is it about groundedness that explains why it has justificatory force. Suppose that groundedness is in fact necessary, is it sufficient, or are there other conditions required to accept some theory? These questions are outside of my scope. That being said, I offer the following formal definition of groundedness:

\[ P[Gxy] : \text{As a predicate indexed to person } P, x \text{ is grounded in } y \text{ for } P \text{ if, } x \text{ taken by itself is not sufficient to answer the relevant questions of inquiry actually posed by } P, \text{ but } x \text{ in conjunction with } y \text{ is sufficient.} \]

The above definition relies upon the undefined notion of “answering relevant questions”. I do not intend to give this a formal definition. It seems to me that, in forming theories, we have certain questions in mind to answer. These are the relevant questions for that theory. It makes no sense to appeal to a moral theory to answer questions in quantum mechanics, and vice versa. The relevant questions for this paper, and for Kant's work herein considered, have to do with the moral status of actions and maxims. Notice how this formal presentation allows the index P to range over the groundedness relation. Again, as the theories and beliefs in question belong to P the above formalization captures this claim.

Proof for groundedness consists in showing how X alone is unable to answer some important question, but that X and Y in conjunction do answer this question for the individual who is actually asking them. Proof that X is not grounded in Y could proceed
in one of two ways. First, if X alone is sufficient to answer the relevant questions of inquiry, then X is not grounded in Y. Additionally, if X and Y answer different and unrelated questions, then X cannot be grounded in Y. These are the questions I will put to Wood's and Guyer's arguments involving the relationship between the G and the DR.

Before moving on, I should clarify how it is that I will ask about the groundedness question of G and MS. Both G and MS are works on moral philosophy that present principles for moral evaluation. Hence, one way to ask if MS is grounded in G is by asking if the principle presented in DR the first part of MS, the principle of Right, is grounded in the principle presented in G, the categorical imperative. As it seems appropriate I will move back and forth between these questions: that is at times I will talk about the relationship between these two principles and at other times I will talk about the relationship between the two works.
**Kant's Groundwork for the Metaphysics of Morals.**

In German, Kant titled this work *Grundlegung zur Metaphysik der Sitten*; the word “grundlegung” is usually translated as “groundwork” and occasionally as “foundations”. The German and English translation both suggest that Kant believed the work to be foundational in some sense. Kant sees himself as analyzing common ideas about morality in *G*, believing that the good will as that which has inherent moral worth and is the appropriate starting point for his investigation. He proceeds then to analyze what it means for a will to be good. His analysis reveals three propositions regarding a good will.

First, for an act of the will to possess moral worth, it is not enough that it be done in conformity with duty, but the action must be done *from* duty. Kant's second proposition adds to this by saying that it is not actually the action that is the source for moral worth, but the maxim upon which the action is based. He says:

> …an action done from duty derives its moral worth, *not from the purpose* which is to be attained by it, but from the maxim by which it is determined, and therefore does not depend on the realization of the object of the action, but merely on the principle of volition by which the action has taken place, without regard to any object of desire (*G* 400).

The final proposition follows from the first two: “Duty is the necessity of acting from respect for the law.” This final proposition emphasizes an important aspect of Kant’s moral theory. Kant argues that in order for an action to be dutiful that action must not be done because of subjective inclinations an agent might have. Instead, in a dutiful action, “nothing remains which can determine the will except objectively the law, and subjectively pure respect for the law” (*G* 400).

Kant's propositions remove any incentive outside the law that could determine an
agent's will when they act from duty. This forces Kant to ask the question “what kind of law could it be that could determine the will simply as law?” His answer is what is perhaps the best known aspect of his moral theory: the categorical imperative: “I am never to act otherwise than so that I could also will that my maxim should become a universal law” (G 402). In this formula, Kant asserts that it is mere lawfulness that should determines the will. Further, Kant believes that the categorical imperative captures the common moral reasoning of human beings that he set out to analyze.

Book II of the *Groundwork* contains Kant's further analyses of the categorical imperative (CI). Kant argues that everything works in accordance with laws, by which he seems to mean everything that has a causal explanation must be explainable in terms of laws. Rational agents are the only creatures in nature who are capable of acting in accordance with the representation of laws. These representations are principles for action, or maxims. This ability is one way to characterize what it is for a rational creature to have a will. On Kant’s view of action, acting involves deducing action from principles and requires reason. Hence, Kant says that the will is nothing more than practical reason (G 412).

Of course, Kant recognizes that in human beings there is more than mere reason that determines a person’s actions. He makes a distinction between objective and subjective determinations of the will. Objective determinations are the deliverances of reason, subjective determinations are inclinations. When reason recognizes a principle as obligatory for the will, Kant calls this an imperative; it is expressed with the familiar “ought”. Imperatives are capable of commanding either hypothetically or categorically. Hypothetical imperatives reflect a certain contingency in reason. We might think of them
as a conditional statement “If I desire X, then I should perform Y”. In contrast categorical
imperatives “represent an action as necessary of itself without reference to another end,
that is, as objectively necessary” (G 414).

Rational beings are capable of recognizing both subjective and objective reasons
for acting, but it is the ability to act upon the representation of objective laws that sets
them apart from other kinds of beings. Reason recognizes certain laws as objectively
binding, and when it does so it issues a command to the will, an ought statement. This of
course, does not mean that the agent will act on that command, but it would be
unreasonable not to so act.

If we bear in mind the three propositions derived from the concept of a good will,
we can see why it is Kant believes the CI to be significant; it commands an action
unconditionally, without reference to any other end, this is just another way to state the
second proposition. Dutiful action is that which is done only out of respect for the law,
with reference to no other end. The CI is the command that issues duties. It is no wonder
then that Kant calls it the imperative of morality (G 416).

Before explaining how it is that the CI is actually possible for human beings, Kant
labors to make clear just what the formula’s conception contains:

When I conceive a categorical imperative, I know at once what it contains. For as
the imperative contains besides the law only the necessity that the maxims shall
conform to this law, while the law contains no conditions restricting it, there
remains nothing but the general statement that the maxim of action should
conform to universal law, and it is this conformity alone that the imperative
properly represents as necessary (G 421).

Again we see Kant emphasizing that the CI’s simple nature; other moral systems rely on
certain kinds of incentives to explain why an agent should perform some action, Kant's
view is that dutiful action cannot involve such incentives and hence the CI lacks them.
Kant argues that there is in fact only one categorical imperative: “Act only on that maxim whereby you can at the same time will that it become a universal law” (G 421). Kant does not think that he has shown that there actually is a categorical imperative at this point in G, but thinks that if he can show that all imperatives of duty follow from the CI, then at least he will have shown that it genuinely does ground our concept of duty, the topic of Book I of G.

In order to show that all duties do follow in this way, Kant presents the categorical imperative in three forms, which he says “are at bottom so many formulae of the very same law” (G 436). These three formulae are:

1) The Principle of Universal Law
2) The Principle of Humanity
3) The Principle of Autonomy

The Principle of Universal Law is the first formula Kant discusses. It takes the CI's basic point that a maxim must be able to be a universal law, and specifies that it must be possible to will it to be a universal law of nature (G 421). This formula produces four tests for a maxim that is a candidate for universal law. Two of these test the consistency of a maxim and two test the conditions required to will it to be a universal law of nature. The content of these tests, while intriguing, is beyond my interest here, save to summarize their results. The four tests reveal two classes of ways in which a maxim can fail the universal law test. Some maxims are such that, by their nature, they are impossible to even be conceived of as a universal law. Other maxims, while conceptually possible, are such that no one is actually able to will these maxims be universal laws (G 423).

One point of interest that Kant discusses in relation to the CI as universal law of
nature which will play a role in our later discussion of MS, is Kant’s analyses of wrongdoing. Kant says that when one adopts a maxim that transgresses duty, it’s not the case that one wills this maxim be a universal law. Instead, what the transgressor wants is that the opposite maxim remains a universal law, but that there be an exception allowed (G 424). The thief does not want the maxim supporting thievery to become universal law, but wishes that there be an exception in this law for his case. Hence, when we find ourselves wanting to violate our duties, Kant says, “we should find a contradiction in our own will, namely, that a certain principle should be objectively necessary as a universal law, and yet subjectively should not be universal, but admit of exceptions” (G 424).

Of the three principles, the one which first moves Kant towards a demonstration of the possibility of the CI is the “Principle of Humanity.” Kant arrives at this formula by way of showing that the categorical imperative is suitably connected with the concept of a rational being, and thereby with humanity. Kant’s deduction for this principle begins with the fact that for a moral theory to be binding it must be a priori in nature. Kant repeatedly states that for a duty to be obligatory it must bind all rational creatures with no exceptions. Having shown that the CI must be the principle behind duty, if in fact there is one, Kant then asks whether or not it is genuinely the case that rational beings must constrain their maxims by the categorical imperative (G 426). If so, he argues this connection must be due to the very nature of a rational being.

In order to explain this connection Kant turns to a further exposition of his practical theory, and to what it means to say that an agent is rational. Earlier, Kant said that the will was conceived as the ability to act in accordance with certain laws, suitably guided by reason. Kant adds to this classification by defining the “end” as that which
“serves the will as the objective grounds;” the “means” are the various possible courses of action that might achieve the ends. Among the ends a rational agent might adopt, many of them are relative to his or her situation and/or other goals. These sort of ends give rise to hypothetical imperatives. On the other hand, Kant argues that there is a kind of end capable of grounding the CI:

Supposing however that there were something whose existence has in itself an absolute worth, something which being an end in itself could be a source of definite laws, then in this and this alone would lie the source of a possible categorical imperative that is a practical law (G 428).

The ground for the CI lies in humanity and rational beings. Rationality for Kant is both acting in accordance with the representation of certain kinds of laws and the adoption of certain kinds of ends. He seems to think that rational creatures adopt ends because of the value those ends have. Humanity as an end in itself is likewise an end for all rational creatures because humanity has absolute value within its very nature.

This move gives rise to a new formula of the CI: “So act as to treat humanity, whether in your own person or in that of any other, in every case at the same time as an end, never as a means only” (G 429). The first formula of the CI emphasized its universalization requirement. The principle of humanity emphasizes the kind of ends rational agents must have. These two emphases are united, Kant argues, in the third formula of the CI, the principle of autonomy.

The principle of autonomy is “the idea of the will of every rational being as a will giving universal law” (G 430). This principle explains how it is that the will of a rational agent is attached to the objective law. We saw above that for an action to be done from duty, that action could not be motivated by any subjective inclination in the agent. This raises the question of how exactly the agent is motivated to conform to the law. Kant’s
answer is that it is the agent’s own will that is understood to give the law to which that agent must conform. Viewing the will as autonomous, i.e. as the universal law giver, requires us to view the will as not beholden to any subjective inclinations, but allows us to see that despite this, as author of the law the will is attached to it.

The concept of autonomy gives rise to what Kant calls the kingdom of ends, which is a systematic union of rational beings under common law. Here individual ends specific to particular rational agents are set aside and objective ends are emphasized, along with subsequent objective laws. Interestingly, Kant says that “morality consists then in the reference of all action to the legislation which alone can render a kingdom of ends possible” (G 434). He elaborates on this by saying that morality is the condition “under which alone a rational agent can be an end in himself” (G 435). This conception of the rational agent as an end in itself Kant also calls dignity.

At the end of book II Kant has arrived at the following account moral and practical theory. Rational agency works both by conforming to certain laws and by setting certain ends. Moral laws and ends are objective laws and ends; they hold for all rational agents. The supreme principle of morality is the categorical imperative, and it has the three forms presented above. The objective end that grounds the categorical imperative is humanity, and it is in virtue of the fact that humanity is an end in itself, capable of making universal laws (via the principle of autonomy) that gives humanity its worth, i.e. its dignity.

In Book III of the Groundwork Kant attempts an explanation of how it is that the categorical imperative is possible for creatures like us. His explanation relies heavily on his discussion of freedom. As we will see in the next section, freedom will play a crucial
role in Kant's Doctrine of Right. Freedom for Kant consists of (at least) two concepts, a positive and a negative freedom.\(^4\) The negative conception is freedom from natural necessitation. Creatures that lack freedom lack the ability to do anything that is not in accordance with laws of nature lack negative freedom. Rational creatures, are those that are free in the negative sense, and have an ability that non-free creatures lack.

The positive notion of freedom is the ability of a rational creature to act in accordance with the representation of certain laws, but laws that are not natural laws. The positive concept of freedom is the same idea Kant earlier used to define rational agency. As was seen earlier, in Kant’s view everything causally determined is explained in terms of lawfulness, but since freedom is defined negatively as not being determined to act by natural laws, Kant believes there is a class of laws we must refer to that are not natural. This class of laws are those laws given by an autonomous will:

What else can freedom of the will be but autonomy, that is the property of the will to be a law to itself? But the proposition: The will is in every action a law to itself, only expresses the principle to act on no other maxim than that which can also have as an object itself as a universal law. Now this is precisely the formula of the categorical imperative and is the principle of morality so that a free will and will subject to moral laws are one and the same (\(G\ 447\)).

In the above quote, Kant is equating freedom with autonomy, which was one of the formulas of the CI. It is because of this identity relation that the inference from a free will to a will under the moral law is justified. The two concepts are inextricably linked. Kant says that morality and its principle are analytically related to the idea of a free will. However it is a synthetic proposition, and accordingly needs a further proposition to complete the proof. It is the positive conception of freedom that provides this third

\(^4\) As we will see in a later section, Kant may have a third concept of freedom: external freedom. Of course this accounting completely ignores Kant distinction between theoretical and practical freedom.
Kant argues that it is impossible for a rational creature to conceive of herself as other than free; she must suppose that she has a free will. This means that she must conceive of herself as existing in two kinds of worlds: the world of sense where everything happens according to natural laws, and the world of the understanding where her will is autonomous and its deliverances sufficient for action. It is this two-world distinction that makes the categorical imperative possible for human beings. Human beings see themselves as members of both worlds and cannot fail to perceive things otherwise. The rational agent recognizes the deliverances of reason, but also perceives the deliverances of the senses. Humanity must recognize both and it is this dual world perspective that makes the deliverances of reason take the “ought” form of obligation that we find in duty.

We are now able to summarize what Kant has done in the *Groundwork*. He has shown that the categorical imperative is the principle that underlies duty. For the categorical imperative to be possible, human beings must be free. As a matter of practical reason, i.e. moral reasoning, the only way to make sense of a rational agents conduct is by supposing that he or she is free, but as freedom is a matter of being under a set of laws of a special kind, the agent’s freedom is identified with her autonomy and the principle of autonomy is the categorical imperative.
The Metaphysics of Morals and the Doctrine of Right.

This section presents the portions of *The Metaphysics of Morals* and the “Doctrine of Right” that are relevant to this paper's focus. Ultimately, we are concerned with whether or not the DR is grounded in *G*; this will be seen to turn on our understanding of Kant's principle of Right. In this section we will limit the discussion to the portions of Kant's text required to understand the principle of Right. Accordingly, I present portions of *MS* that recall the discussion above of the *G* as well as portions of *MS* that are entirely new to Kant's moral theory.

In contrast to *G*, Kant begins the *MS* by explaining how it is that the human mind can be related to the moral law. The link lies in concept of the will, however in the introduction of *MS*, Kant defines it in terms of desire satisfaction and choices: “The capacity for desire whose inner determining ground, hence even what pleases it, lies within the subject’s reason is called the will” (*MS* 213). At first it seems Kant has something different in mind for the will than he specified in *G*. However as he explains the capacity for desire and freedom of the will, he cashes this out in terms of freedom from sensible impulses and “the capacity of pure reason to be itself practical” (*MS* 214). This is the familiar language of negative and positive freedom from book III of *G*.

Early in *MS* Kant also introduces a distinction in his moral theory that was lacking from the *Groundwork*: the distinction between *ethical* and *juridical* lawgiving and duties. As we will see, this distinction plays a central role in determining the relationship between *G* and *MS*. The difference between the juridical and the ethical lies in terms of their different incentives to action. There are two elements to moral lawgiving: the law and the incentive to perform that which the law commands. The distinction between juridical duties and
ethical duties is explained in terms of the incentives each duty provides for acting in compliance with the law. When a law carries with it the command that respect for the law also be the incentive for action, as it was in Kant’s analysis of duty in *G*, the resulting obligation is an ethical duty. We can contrast this kind of lawgiving with the set of laws where external incentives seem applicable; there are certain duties a person can be forced into discharging. Although there is overlap between juridical and ethical duties the incentive still makes out the distinction: “The doctrine of Right and the doctrine of virtue [i.e. ethical duties] are therefore distinguished not so much by their different duties as by the difference in their lawgiving, which connects one incentive or the other with the law” (*MS* 220).

Before presenting the principle of Right, Kant lays out some preliminaries for metaphysics of morals. A number of the points he makes here seem to simply reproduce the work from *G*. The following lists Kant's “preliminary concepts” that seem to be Kant revisiting *G*:

1. The positive concept of freedom. Kant repeats his prior accounts of positive freedom as practical principles that are also “laws of a causality of pure reason for determining choice independently of any empirical conditions...On this concept of freedom...are based unconditional practical laws, which are called moral” (*MS* 221).

2. The categorical imperative as the supreme principle of morality: “The supreme principle of the doctrine of morals is, therefore: Act on a maxim that can also hold as a universal law. Any maxim that does not so qualify is contrary to morals” (*MS* 226).

Not all of the preliminaries in *MS* make an appearance in *G*, among the more noteworthy of these new ideas are:

1. Definition of a “deed”: “An action is called a deed insofar as it comes under obligatory laws and hence insofar as the subject, in doing it is considered in terms of the freedom of his choice” (*MS* 223).
2. Moral person-hood. “A person is a subject whose actions can be imputed to him. Moral personality is therefore nothing other than the freedom of a rational being under moral laws...From this it follows that a person is subject to no other laws than those he gives himself” (*MS* 223).

We see then Kant is relying on his already-developed idea of moral obligation as found in *G*, but adds to it technical apparatus that lets the person concerned with moral assessment move from the content of maxims in *G*, to evaluating actions and persons in *MS*. However, the definition of moral person-hood, while introducing the notion of imputation, retains Kant's formula of autonomy from *G*. Having laid out these preliminaries, Kant turns to his presentation of the “Doctrine of Right.”

Strictly speaking the doctrine of right consists in “the sum of those laws for which an external lawgiving is possible” (*MS* 229). The doctrine of right is a body of laws consisting of both a society's positive laws; i.e. those laws that are codified in a society, as well as the laws that might possibly be codified. We are not actually concerned with this body of laws, but rather the principle that underwrites this doctrine. In other words, we are not concerned with what this or that society *says* is right, but are examining Kant's position as to what *is* right.

There are three conditions Kant believes a concept of right must satisfy. First, “the concept of Right, insofar as it is related to an obligation corresponding to it, has to do…only with the external and indeed practical relation of one person to another, insofar as their actions, as facts, can have influence on each other” (*MS* 230). We are strictly in the realm of the juridical as we examine the concept of Right. It does not concern the internal attitudes of any agent, but is limited to the ways in which one person’s actions might affect the external actions of another.
Second, the concept applies only to the relationship between individuals as a matter of their influence on each other's choice. What a person chooses to do or not do is in contrast to what they may merely wish to do or not. The limitation here is meant to keep the concept of Right from applying to acts of benevolence or callousness. Kant seems to be indicating that a person can have no right to acts of this sort; it only applies to the choice one makes in actions.

Finally, the concept of Right is restricted to the form of the relationship between individuals. It does not apply to any agent’s internal state, or the ends that agent might adopt, but is limited to how the actions of agents might affect one another. Kant thus concludes: “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 230).

The concept of Right gives rise then to the principle of Right (PR). It is this principle that underwrites the doctrine of Right. The PR is:

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 230).

What makes an action right, according to the PR, is that it does not infringe on anyone else's freedom. This produces a corresponding account of wrongful action: that the action deprives someone of their rightful external freedom. Kant argues that it also follows from the principle that when coercion inhibits a wrong action, that coercion is itself allowed, i.e. that coercion is right in this sort of case. Kant famously says, “there is connected with Right by the principle of contradiction an authorization to coerce someone who infringes upon it” (MS 231).
At this point in his presentation, Kant tries to make clear what a strict right consists in. He says:

one can locate the concept of Right directly in the possibility of connecting universal reciprocal coercion with the freedom of everyone...Strict Right rests...on the principle of its being possible to use external constraint that can coexist with the freedom of everyone in accordance with universal laws (MS 232).

Kant has in mind the following picture of the concept of Right, and rightful action generally. An action is right when it can be performed without depriving anyone else of their freedom. Any action that is not rightful is wrong and by definition deprives someone of their freedom. However, it can sometimes be legitimate to interfere with someone's action, namely when the act being interfered with is itself a hindrance to freedom.

This gives rise to an account of strict right. If coercion that “hinders a hindrance to freedom” is right, then a strict Right is that action that can legitimately constrain others action without depriving them of their freedom. This idea of coercion that is compatible with rights requires some clarification. Kant repeatedly stresses that rightful action is that which is compatible with freedom in accordance with universal law. But what does it mean to say that an act does or does not accord with universal law? Kant’s answer is made most clear in an example he gives of debt collection. A creditor has a right to collect from his debtor because “that coercion which constrains everyone to pay his debts can coexist with the freedom of everyone” (MS 232). The idea that an act is in accordance with universal law then seems to mean that there are no exceptions made to the law. Everyone who enters into debt is expected to repay, hence no individual’s freedom is unlawfully constrained by the collection because the law is applied universally. In our earlier discussion of the principle of universal law in G, Kant made a similar claim; there the wrongdoer desired an exception to universal law. Here, Kant is again insisting that
universal laws have no exceptions: if the act of forcible debt collection were not applied universally, then the rightfulness of the action would be forfeit.

This paper is ultimately concerned with the relationship between the principle of Right and the *Groundwork*. Having presented the principle, Kant turns primarily to its application in case where one might expect claims of Right to arise. It is outside my aims here to look at each of these cases and subsequent divisions. However, Kant begins his discussion of the division of the Doctrine of Right with a further discussion of freedom and Right that is worthwhile to consider.

Of freedom and right, Kant says: “Freedom (independence from being constrained by another’s choice), insofar as it can coexist with the freedom of every other in accordance with universal law, is the only right belonging to every man by virtue of his humanity” (*MS* 237). A person's freedom of external action is part of the definition of Right, presumably this is why it is the sole innate right. However, this sole innate right immediately produces others and when a dilemma arises about the obligations a person has to accept he or she “can appeal methodically to [his or her] innate right to freedom” (*MS* 238). Here then it seems that Kant is supposing that one’s being human brings with it the moral status of having at least one right: freedom. Combining this with the principle of humanity from *G* results in the idea that humanity for Kant includes the claim that a person has dignity and must be thought of as an end in himself and that a person has an innate right to freedom.

Within the context of *MS*, the doctrine of Right and its principle are set apart from the doctrine of virtue. Kant explains the distinction in terms of the analytic/synthetic division. He says:
It is clear in accordance with the principle of contradiction that, if external constraint checks the hindering of outer freedom in accordance with universal laws (and is thus a hindering of the hindrances of freedom), it can coexist with ends in general. I need not go beyond the concept of freedom to see this; the end that each has may be whatever he wills. The supreme principle of Right is therefore an analytic proposition” (MS 396).

The analytic/synthetic distinction as applied to the juridical/ethical distinction is based on Kant's claim that the principle of Right does not rely on any other concept than freedom, whereas doctrine of Virtue and its system of ethics require the concept of duty and ends, and for that reason is synthetic. In another passage Kant says that the principle of Right, while not requiring any adoption of ends, does require that reason recognize the fact that freedom is limited in the way the principle says. That this limitation is the case is “a postulate that is incapable of further proof” (MS 231).

It is beyond the scope of this paper to go into detail about how exactly Kant is using the language of analyticity, save to say that in mediating the differences between Guyer and Wood, the analyticity of the principle of Right will be at issue. Kant clearly thinks the principle of Right is analytically connected with freedom. Whether or not this precludes the principle being grounded in G will be an important part of the rest of this paper.

Kant is clearly doing something in the “Doctrine of Right” that he does not do in G: talking about the moral status of external actions and Rights. He begins MS by, more or less, recounting the work of the G. He does not specifically say whether or not he thinks the principle of Right is merely an extension of this work, or something entirely new. We turn now to Wood and Guyer’s arguments for and against the view that the principle of Right is grounded in G and Kant’s work therein.
**Wood’s Argument.**

Allan Wood argues against the view that the principle of Right is grounded in the categorical imperative as Kant developed it. Overall, Wood’s article “The Final Form of Kant’s Practical Philosophy” is an argument for understanding Kant’s moral theory in light of his last major work on the topic, the *Metaphysics of Morals*. As a part of that larger argument, Wood argues that there are distinctions in *MS* that we cannot adequately account for if we presume that it is substantially grounded in *G*. In this section I first present Wood's argument, and then shift to criticism, showing why Wood's argument is flawed and must be rejected.

Wood’s argument proceeds primarily by emphasizing the new class of juridical laws, rights, and duties that Kant introduces in the first portion of *MS*. For instance Wood says: “…the *Groundwork* does not prepare us for a whole new division of duties separate from all ethical duties, with its own fundamental principle: I mean, the principle of right and the class of juridical (or coercively enforceable) duties.” While he grants that the PR, with its requirement that action accord with universal law, resembles the CI, he claims that this resemblance is superficial.

Wood points out that Kant never provides a deduction for the principle of Right from the categorical imperative, but Wood grants that there are three places in *MS* where one might believe Kant is hinting at such a deduction. First, in the introduction to *MS* Kant presents the Formula of Universal Law as a more general example of “the general idea of legislation for freedom.” Kant then distinguishes between ethical and juridical duties as we saw above. Wood supposes that this might suggest that there is some third

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5 Allan Wood, “The Final Form of Kant’s Philosophy” in *Kant’s Metaphysics of Morals*, 5.
6 Ibid.
principle that grounds both the Formula of Universal Law and the principle of Right. However, Kant never develops an argument to explain what this third principle would be, so Wood simply dismisses this suggestion.

The second text in *MS* that Wood believes might provide evidence that Kant thought the principle of Right is derived from *G* is in Kant’s discussion of human beings’ innate right to freedom. Kant said that this innate right belongs to a person by virtue of his humanity. As was noted above this sounds very similar to the language Kant used in *G* when talking about how it is that humanity can serve as an end in itself. One might then suppose that freedom and the principle of Right are somehow grounded not merely in humanity, but in humanity as an end in itself. If this were the case, then it is plausible that the principle of Right is grounded in the principle of humanity. Again, as Kant never develops this suggestion, Wood dismisses this claim.

Finally, Wood notes Kant’s claim that “a doctrine of morals is called a doctrine of duties rather than of rights because our awareness of the concept of right as well as that of duty proceeds from the moral imperative whose command gives us the concept of duty.” This third passage tells us that we derive the concept of right from the moral imperative, but does not say that the principle of Right is similarly derived. This leads Wood to claim that the PR is not derived from the moral imperative, but is instead “an explication of the concept of right.”

Additionally, Wood argues against all three of the above suggestions by claiming that Kant rules out the very idea of deriving the PR from any other principle because, as was discussed above (pp.19-20), Kant says that the principle of Right is analytic. Wood says:
The analyticity of the principle is clearly the best explanation of Kant’s omission of any deduction of it, and also renders redundant any derivation of the principle from the law of morality, since it would be nonsense to think that we need to derive an analytic proposition from a synthetic one.\(^7\)

The analyticity of the principle of Right precludes its derivation according to Wood and explains why such a derivation is never offered by Kant. However, this is not to say that Wood believes that the principle of right is wholly divorced from Kant’s prior moral theory; Wood suggests that Kant’s moral theory provides the moral incentive to respect other’s rights. What Wood insists on is that failing to recognize the distinction Kant makes between the ethical and juridical realms is to miss something of great importance to Kant. As Wood is quite emphatic on this point, it is worthwhile to quote him at length:

Now there is no question that Kant believes the dignity of humanity provides us with a moral incentive for respecting people’s rights. It might thereby also provide us with strong moral incentives for setting up a just system of right and for trying to reform existing legal and political systems so that they better protect the rights of persons and do not infringe on them. But to confuse all these (quite correct) points with the idea that this moral incentive grounds the principle of right is to miss entirely Kant’s distinction between the juridical and ethical realms and the systems of duty constituting them. That distinction is based on the idea that it is only in the ethical realm that duty must be the ground or incentive for action; juridical duties are precisely those where the ground or incentive need not be duty – it may, for example, be the threat of coercion connected to the law by the legislative authority that promulgates it…it would be superfluous, and even contradictory, to the very concept of the juridical, to include the rational incentive as part of its principle.\(^8\)

Wood’s claim is that believing that the principle of Right is grounded in the CI leaves the interpreter unable to adequately account for the juridical class of duties. Wood recognizes that Kant believes we have an ethical duty to act rightfully (MS 231), but this does not remove the ethical/juridical distinction because this blurring of the distinction

\(^7\) Ibid., 7.
\(^8\) Ibid., 8.
applies when we are considering juridical duties as ethical duties, not as juridical duties simpliciter. Wood insists that, “Considered simply as juridical duties, however, they belong to a branch of the metaphysics of morals that is entirely independent of ethics and also of its supreme principle.”

In summary, Wood's argument as presented here has two thrusts. First, Kant's claim that the principle of Right is analytic indicates that we should not expect a proof or derivation for the principle. While I think this claim is mistaken, much of what Paul Guyer says deals directly with Wood on this issue, so I will leave this part of Wood's argument until the next section. The second part of Wood's argument is his claim that the principle of Right must be seen as standing alone if we are not to “miss entirely Kant’s distinction between the juridical and ethical realms.” Here, too, I think Wood is mistaken. This is why.

Wood's argument supposes that if the principle of Right is grounded in the CI, then there would be no way to explain why Kant establishes the juridical classes of duties. We must notice the direction this argument presupposes one must take in understanding the PR and CI. In effect, it insists that, given that in the Metaphysics Kant introduces the juridical as a new class of moral evaluation, and that this class makes no appearance in G, Kant must either show us explicitly how the principle of Right depends on G, or we should think Kant is introducing something entirely new.

Approached in this way it is indeed hard to see how juridical duties, and the principle that establishes them, can be grounded in the same principle which establishes ethical duties. The distinction between the juridical and ethical is one, as was shown above, that depends on whether or not the incentive to fulfill one's obligation involves

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9 Ibid., 9. Italics in original.
one's internal state, specifically one's representation of the moral law, i.e. duty. How can we explain how the obligation to adopt certain ends, as required by ethics, and the CI, drops out of the juridical, if the principle underwriting juridical duties is grounded in the principle grounding ethical duties? Wood seems to believe that we cannot.

Whether or not Wood is correct will depend on how we think Kant is approaching the problem. If we suppose that, in the DR Kant is beginning with the external relationships between individuals and that Kant is merely trying to present an intuitive system of rights that is in accordance with commonly held beliefs, then the divide between the ethical and juridical might be just as Wood suggests. If Kant is engaged in a project similar to his work in G, where he began with the common idea of duty, but beginning with the common idea of right, then the burden of proof falls to those who would suggest a conceptual link between DR and G. On this supposition, we can view Wood as claiming that no such link can be found.

On the other hand, we might view Kant, in the DR, as trying to explain how his ethical principle might govern the interaction between actual human beings, with all our flaws, selfishness, and willingness to act irrationally. This view takes G as the conceptual starting point for Kant's thought in the DR. Kant's own comments seem to suggest that this is what he is doing: “just as there must be principles in a metaphysics of nature for applying those highest universal principles of a nature in general to objects of experience, a metaphysics of morals cannot dispense with principles of application, and we shall often have to take as our object the particular nature of man...” (MS 217). Even in the Groundwork, Kant moves from the principle of autonomy, a principle that applies to individuals, to the kingdom of ends, an attempt to extend his analysis to the interactions
between a multitude of agents. The problem with the kingdom of ends is that, in Kant’s own words, “it is only an ideal” (G 431). Hence, this second view seems to me to be the one we ought to adopt in our understanding of what Kant is doing in the DR.

The kingdom of ends presupposes that the members of the kingdom are able to abstract away from their individual ends and govern their action solely by objective ends. In the real world, the ideality of this is apparent and Kant is not unaware of this fact. He recognizes that there is nothing anyone else can do to force another to adopt any ends (MS 381). But this does not mean that his ethical theory as developed in G is useless. Clearly, Kant thought the CI was the true principle behind the common idea of duty. Given this, we might imagine him asking “what constraints does the CI place on human interactions? Which sorts of action are morally permissible and which are forbidden, etc.? It seems to me that the PR is the result of answering these kinds of questions in light of the CI.

We can see the flaws in Wood’s argument by considering the criteria Kant’s ethical principle would bring to bear in forming a principle for rights. For instance, to be an acceptable answer for Kant, no principle could depend on contingent circumstance i.e., it must be universal in its application. If an action were right for one agent in a circumstance, then it must be right for all agents in the same circumstance. That moral laws must be universal has been taken by some commentators to be Kant’s most significant contribution to moral theory, surely his principle governing human beings would include this.\textsuperscript{10}

Additionally, Kant’s principle governing interactions between people would recognize the fact that no one can force another to adopt an end. If one person cannot

\textsuperscript{10} For instance, Jefferie Murphy makes this point in his Kant: The Philosophy of Right, (Macmillan and Co, LTD. London, 1970), 65.
force another to adopt certain ends, but still wishes to control their behavior, external constraint is the only means left. The moral question here is when this sort of external constraint is legitimate? The PR meets these criteria; it is universal in its scope and explains when it is that an action is right or wrong. We have already seen that Kant's view of legitimate constraint is entailed by the PR.

Hence, Wood is mistaken when he says that supposing the principle of Right is grounded in the CI means that we cannot recognize the juridical. All that recognizing the juridical requires is that no one can force another to adopt ends, and that coercion is sometimes morally legitimate. Kant recognizes this, and appropriately applies key components of his ethical principle to external action and coercion in a way that explains when coercion is or is not morally justified.

What the above critique of Wood's argument shows is one specific thing: his claim that we cannot understand the PR as grounded in the CI is mistaken. However, the above exposition also suggests something about the grounding relationship this paper investigates. At the outset, we said that one test for groundedness was to show how one theory was insufficient to answer a question, while that theory in conjunction with some other was sufficient, i.e. the theory serving as the ground adds something crucial to the theory being grounded. The above suggests that one thing the CI adds to the PR is the universality requirement.

Wood himself recognizes that, even if we grant to Kant that the PR is analytically connected with freedom, this does not explain why “in order to do no wrong, my action must coexist with the freedom of all according to universal laws.”11 If, contrary to Wood's argument, the PR is grounded in CI, this explanation becomes clearer: in order for one's

acts to do no wrong, they must be done in accordance with universal law because that is part of the supreme principal of morality. It seems to me that, without the grounding relationship, one cannot make sense of the universal law requirement.

In this section, we have seen how one prominent Kant scholar fails to adequately explain the relationship between DR and $G$. Allen Wood's insistence that nothing in $G$ prepares us for the ethical/juridical distinction that Kant presents in the DR is simply mistaken. Adopting Kant's own view about what he is doing in $MS$ allows us to see how moral criteria developed in $G$ continue to bear on Kant's moral thought in the DR. We have also seen that adding universality as developed in connection with the CI in $G$, suggests that the PR is grounded in the CI. Since we have seen that Wood's view is wrong, it makes sense to turn to an argument in opposition.
Guyer’s Deduction of Kant's Principle of Right.

In the preceding section, we saw how Allen Wood's argument against the view that the PR is grounded in G fails. It would be natural to think that an argument in the opposite direction should succeed. To that end we turn now to Paul Guyer's argument in favor of the view that the PR is grounded in G. As with the previous section, I will first present Guyer's argument before turning to criticism. Similar to Wood's argument, Guyer has two claims that I consider: 1) Wood's view on the implications of Kant's use of the term “analytic” is mistaken, and 2) Kant derives the PR from his supreme moral concept: freedom. I am in agreement with Guyer on 1, but think he is seriously mistaken on 2. I will explain why.

Before beginning, two technical points needs to be addressed. First, Guyer makes a distinction between what he calls the “universal principle of right” and “principles of right”. The universal principle of right is what we have been calling the PR. The plural “principles of right” are the principles that secure specific rights based on the PR. Among Guyer's accounting of principles of right are the authorization of coercion, the right to acquire property, and contract fulfillment.12 Accordingly, in this section, we will distinguish between the PR, a principle of right, and groups of these principles when needed.

Second, Guyer talks about the PR and CI “flowing” from Kant's concept of freedom. What kind of relationship Guyer intends this to be is left somewhat hazy. What is clear is that Guyer thinks that the value Kant places on human freedom explains something about how Kant arrives at both the CI and the PR. Since he also claims that the PR is derived from freedom, what he means by “flowing” seems to include the possibility

of derivation. When Guyer uses the language of “flow” he wants to indicate that one theory or work serves as a kind of source for another. Sticking with the metaphor, presumably to take away the source is to have the flow dry up.

While metaphorical, it seems that Guyer has in mind a relationship similar to the groundedness relation specified at the outset of this paper. On his view, the PR appeals to Kant's value of freedom to gain some level of justification; therefore the PR is grounded in freedom. As we will see, in order to show that the PR is true, Guyer believes Kant relies on the proof for the objective reality of freedom. Without such a proof, one would not be justified in accepting the PR; this is similar to the proof for groundedness suggested earlier (p. 5). Hence, we can understand Guyer's use of “flowing from” and its related variations as the “grounded in” relationship under consideration throughout this paper.

Guyer presents himself as defending the traditional and natural view that PR is based upon Kant’s supreme moral principle. He also is directly responding to the argument Wood advanced regarding the analyticity of the PR above. Guyer’s argument has two thrusts: showing that Wood’s argument regarding the analyticity of the principle of Right is not conclusive in the way that Wood argues, and showing that Kant did not intend the PR to stand alone, but instead recognized that it did require further proof, which depends upon his supreme moral concept.

Guyer begins his argument by showing how simple he thinks Kant’s move from his supreme moral principle to the principle of Right is. He says, “[Kant] appears simply to apply that fundamental principle’s requirement that we use our power of free choice in accordance with the condition that the maxims upon which we choose to act be
universalizable to the external use of our freedom."\textsuperscript{13} Guyer argues that the natural reading of Kant makes the categorical imperative “both the means by which we know of our freedom and also the principle by means of which we must restrict our freedom in order to determine …our legally enforceable rights against one another…”\textsuperscript{14} The PR then seems to be the result of applying the CI to our freedom in certain ways.

Presumably Guyer believes that this application of the CI is explained in some sense because the CI “flows” from the concept of freedom. We can see the virtue of understanding the flow metaphor in terms of groundedness at this point. If the CI is grounded in freedom, then it would have to include some element or principle that the concept of freedom does not. Guyer seems to think that the CI explains what sort of restrictions, in the form of enforceable rights, are compatible with freedom. If the CI is grounded in freedom, then this explains why one can and should appeal to it in order to restrict freedom, as opposed to some other principle unrelated to freedom. Tightening up Guyer's flow metaphor produces just the sort of results he should want.

Guyer says that he is specifically responding to arguments like Wood’s according to which Kant’s talk of analyticity amounts to a claim that the principle of Right cannot be deduced from some further principle.\textsuperscript{15} However, before moving forward Guyer makes a crucial move in regards to the supreme moral principle. In contrast to what we saw earlier in Kant’s own writing, Guyer argues that the categorical imperative is \textit{not} the supreme moral principle for Kant. Instead it is Kant’s emphasis on the value of freedom that is fundamental:

\textsuperscript{13} Ibid., 23.
\textsuperscript{14} Ibid., 25.
\textsuperscript{15} I say “like Wood's” because Guyer actually has two arguments in view in this paper: Wood's argument regarding analyticity, and an argument by Marcus Willaschek that works likes Wood's argument, but focuses on Kant's usage of the term “postulate”.
The foundational assumption of Kantian morality is that human freedom has unconditional value and both the Categorical Imperative and the universal principle of right flow directly from this fundamental normative claim: the Categorical Imperative tells us what form our maxims must take if they are to be compatible with the fundamental value of freedom, and the universal principle of right tells us what form our actions must take if they are to be compatible with the universal value of freedom, regardless of our maxims and motivations. Thus the universal principle of right may not be derived from the Categorical Imperative, but it certainly is derived from the conception of freedom and its value that is the fundamental principle of Kantian morality.\(^\text{16}\)

It is clear from the above quote that Guyer is not going to argue that the principle of Right is simply a further version of the categorical imperative. Instead, he tries to show three things: that the analyticity of the PR does not preclude derivation, that Kant believed that the principle does in fact flow from his concept of freedom, and third, how Kant deduced other rights even though Kant at times calls all principles of right analytic.\(^\text{17}\) In what follows, I present Guyer’s first two claims, focusing on the second. I reserve discussing Guyer's move from the CI as Kant's supreme principle of morality to freedom as “foundational” until the later critical portion of this section; this move is not argued for in “Kant's Deduction of the Principles of Right” and I think it is problematic for Guyer's argument.

Guyer points out two things about Kant’s view of analytic judgments that undermine Wood's claim that the analyticity of the PR makes a derivation of it impossible. First, he argues that even analytic judgments can be further justified. In particular, the analyticity of a judgment on Kant’s conception does not, by itself, secure the truth of that judgment. A demonstration of truth depends on the reality of the subject of the judgment. To take a common example, the truth of the analytic judgment “all

\(^{16}\) Ibid., 26.
\(^{17}\) Ibid., 42. Guyer cites Kant's preparatory notes for MS as a source where Kant says all principles of Right are analytic.
bachelors are unmarried men” depends upon there actually being bachelors. As the principle of right depends on the concept of freedom, according to Guyer, the truth of that principle will ultimately depend upon the reality of freedom. Guyer sums up his view on this point:

…even if Kant says that a principle of right is provable in accordance with the principle of identity or of contradiction [part of the criteria for analytic judgments], that by itself hardly implies that this principle can be known to be true without appeal to some more fundamental concept or principle…18

This conclusion leaves one to wonder what Kant did mean in saying that the principles of right are analytic. Guyer argues that the answer to this is something of a riddle. The problem is that: “Kant in fact applies the analytic/synthetic distinction to principles of right in a number of different ways, and the same principle may be analytic by one criterion but synthetic by another.”19 The answer lies in noting when it is that Kant calls the principles of right analytic and when he calls them synthetic.

When Kant applies the analytic distinction to a principle of right, he is usually contrasting rights with ethics. The CI, as the principle for Kant’s ethics, requires that an agent adopt certain ends. Kant says that the proof of the CI, like that given in the *Groundwork* is synthetic. A synthetic judgment is one which adds something to the subject of the judgment that is not already contained in that subject. Applying the analytic/synthetic distinction to the juridical/ethical distinction, Guyer reaches the following conclusion: “what Kant means is that principles of right flow directly from the fundamental moral requirement that we use our freedom only in universally acceptable ways, whereas principles of ethics depend upon the additional assumption that we

18 Ibid., 28.
19 Ibid., 41.
Guyer argues that principles of right are analytic because they flow solely from the concept of freedom, while ethical principles require a supplemental element, the adoption of ends. According to this argument, the proof for a principle of right only needs to show that the principle in question does follow from the concept of freedom, with no additional elements. Hence, Guyer believes that when Kant says that the principles of right are analytic, Kant is simply saying that all principles of right “proceed from and therefore can be proven by appeal to the concept of freedom.”

Guyer's exposition above emphasizes Kant’s characterization of principles of right as analytic. However, Guyer also notes that there are times where Kant writes that some principles of right are synthetic. Notably, after presenting the universal principle of Right, as Kant begins his elaboration of what rights we do in fact have, he maintains that the innate right to freedom is analytic, but that other rights, such as the right to property are synthetic because they rely on empirical ideas (MS 250). The innate right to freedom is analytic because to understand this right one need not understand anything beyond the concept of freedom. However, understanding the right to acquire property involves factors other than an individual’s right to his or her own body, and requires a synthetic proof. Interestingly, Guyer's analysis follows the entailment/groundedness division made in the opening section of this paper (pp. 3-4).

Among the claims a reader of the Doctrine of Right comes across that most strongly suggests the analyticity of the principle of Right is Kant’s claim that “Right and the authorization to use coercion therefore mean one and the same thing” (MS 232).

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20 Ibid., 42.
21 Ibid., 43.
Guyer argues that even this passage, which he thinks is Kant's strongest claim about the analyticity of the PR, cannot be understood only as an analytic judgment.

Generally, it is understood that Kant relies on the logical notion of contradiction to show that this relationship is analytic. After all, Kant says “if a certain use of freedom is itself a hindrance to freedom…coercion that is opposed to this is consistent with freedom” (*MS* 231). Guyer argues that we cannot understand even this claim of Kant’s as analytic. Instead, in order to accept this judgment as true one needs both a proof for the objective reality of freedom and a proof that hindering a hindrance to freedom does in fact promote freedom and is not simply a case of two wrongs trying to make a right. Guyer suggests that both of these supplemental proofs would be synthetic and thereby undermine the analyticity of the PR, or at least the analyticity of the connection between the PR and authorized coercion.

We can summarize Guyer’s reply to Wood and his general argument as follows. It is unclear that Kant believed that the principle of Right was merely an analytic judgment. First, it is far from clear that Kant thought that analyticity of judgments renders them incapable of further proof, even analytic judgments need a proof for the objective reality of their subjects, and in the case of the PR, this proof would need to be synthetic. Second, when Kant uses the analytic/synthetic distinction to categorize the PR, or principles of right generally, it is usually to highlight the juridical/ethical distinction. At other points in the *MS* (e.g. *MS* 250), Kant says that principles of right, inasmuch as they involve empirical concepts in space and time, are synthetic. Finally, even the supposed analyticity between the PR and authorized coercion is only apparent. According to Guyer, this judgment rests on the reality of freedom and the proof for that concept, which would also
be synthetic. Hence, Wood's argument that the PR's analyticity means that it cannot be grounded in the CI is wrong.

The second part of Guyer's argument shows that Kant was in agreement with Guyer's view expressed above: the PR, though at times called analytic, rests on other concepts, and depends upon the proof of these concepts. Specifically, Guyer argues that Kant derives the PR from his “supreme moral concept,” which for Guyer is Kant's value of freedom. In Guyer’s terms the principle of Right ‘flows’ from Kant’s concept of freedom. This concept underwrites both Kant’s ethical principles and the principle of Right.

Guyer first advances this claim in his discussion about the analytic/synthetic distinction as applied to principles of right. As mentioned above, Guyer thinks Kant uses this distinction to call attention to the ethical/juridical distinction. Ethical duties require the adoption of certain ends, whereas juridical duties do not. Within this context, Guyer sees Kant tacitly acknowledging that the analyticity of the PR cannot mean that it stands in need of no further proof. He says:

On this account, principles of right are analytic because they simply state the conditions under which freedom can be used in accordance with universal law – that is, the conditions under which multiple persons can exercise their individual freedom of choice consistently with each other – while principles of ethics are synthetic because they assume that human beings have necessary ends and state the conditions under which the use of our power of choice is consistent with the realization of those ends. The proof of a principle of ethics must therefore appeal beyond the concept of freedom itself to a necessary end of mankind, while the proof of a principle of right need demonstrate only that a relationship among persons is one that is consistent with the concept of freedom itself. Of course, to say the latter is to say precisely that a principle of right is derived from the concept of freedom and expresses the conditions necessary for the instantiation of the concept of freedom in relations among persons. Thus Kant's claim that principles of right are analytic is itself a claim that such principles 'proceed from' and therefore can be proven by appeal to the concept of freedom.\(^\text{22}\)

\(^{22}\) Ibid., 42-43.
Guyer's position above is that, given that the concept of freedom is secured, the PR proceeds analytically from that concept. This moves the burden of proof from the PR and shifts it to the concept of freedom. As was seen earlier, Guyer argues that the PR is not grounded in the CI, but rather, both are grounded in Kant's value of freedom. Hence, we can understand Guyer as arguing both against, and (in some qualified way) for the view Wood put forward. Wood argued that the PR is not grounded in the CI, and Guyer agrees with this. Of course, Wood took this to mean that the PR was not grounded in any other principle of Kant's and Guyer disagrees with this further claim.

We now can turn to an evaluation of Guyer's argument as presented above. First, it seems clear that the first part of Guyer's argument against Wood's view regarding analyticity and the PR is correct. Kant clearly uses the analytic/synthetic distinction in a variety of manners, and none of them seem to preclude the PR being grounded in some further principle. In fact, Guyer supports this claim so thoroughly in the text that it's difficult to see why Wood maintains it in the first place. Wood doesn't deal with many of the textual nuances Guyer examines and one presumes that this explains the disparity in their views.

Inasmuch as Guyer's argument is an argument for the claim that the PR is grounded in some further principle, it is successful. However, when we consider just what that ground might be, Guyer's view becomes problematic. What we make of Guyer's argument depends on what we make of his claim that freedom is Kant's supreme moral concept. This is a claim that runs through Guyer's work on Kant's ethics. For instance, in a review of a work of Christine Korsgaard's, Guyer argues against her emphasis on Kant's view of reason, in favor of the value of freedom. Specifically, he says:
Reason, and the capacity for reflection on which its use depends, is a necessary condition for us to act freely: if we do not know what we are doing, obviously we cannot govern our actions at all. But it is not reason as such which gives us dignity, and thus it is not the concept of pure practical reason as such which we all see as the font of our moral obligations. It is the freedom of our will, which both allows and requires us to use our reason, that we see as the ultimate source of our dignity.\footnote{Guyer argues here that human dignity gives rise to moral obligations. While those obligations are prescribed by the CI, freedom is that which confers dignity is the true source of those obligations. As further evidence for his view, Guyer cites a lecture Kant gave in 1784, during the same time as Kant was writing \textit{G}. In this lecture, called \textit{Naturrecht Feyerabend} Kant says:}{\footnotetext{23}}

...if only rational beings can be an end in themselves, that is not because they have reason, but because they have freedom. Reason is merely a means....Without reason, a being cannot be an end in itself, for it cannot be conscious of its existence, cannot reflect thereon. But reason does not constitute a cause: since the human being is an end, he has dignity, which cannot be replaced by any equivalent. But reason does not give us the dignity.... Freedom, only freedom alone, makes us into an end in itself.\footnote{Based upon this passage and others like it, Guyer contends that human freedom is the starting point for Kantian ethics and explains why human beings should choose to be limited by the CI. While Guyer recognizes that this is not the common interpretation of what Kant is doing in \textit{G}, Guyer thinks it is the correct view.}{\footnotetext{24}}

I believe there are several problems with this argument of Guyer's. When he says that the PR “flows from” freedom it is unclear which view of freedom he has in mind. As we have seen above, in \textit{G}, Kant discusses both positive and negative freedom. Arguably, in \textit{MS}, he introduces a third kind of freedom, external freedom. Without knowing exactly which of these Guyer believes Kant is valuing as foundational, we cannot say for sure
what this argument amounts to.

Of the various freedom candidates, positive freedom is the most plausible. In his article on Korsgaard, Guyer says that what motivates humans to adopt the ends as required by the CI is autonomy, which as we saw in the above presentation of $G$, is positive freedom. Guyer says, “what ultimately moves us, what immediately presents a necessary end for us, is the recognition of the "inner value, i.e., dignity" of freedom or autonomy.” Supposing then that autonomy is the sort of freedom that Guyer has in mind, it remains to be seen whether or not freedom actually is foundational in the manner Guyer suggests.

On page twelve above, we presented the CI as the Formula of Autonomy, and suggested that autonomy and freedom were nearly synonymous for Kant. Henry Allison calls this feature of Kant's view “the Reciprocity Thesis.” I will argue that Guyer’s argument fails because of it.

The Reciprocity Thesis gets its name from the reciprocal relationship between freedom and autonomy in $G$ as suggested above (p. 20). Kant argued that free rational agents were not free from laws but instead acted upon a certain class of laws: the laws the will of the rational agent gave itself. The ability to give these sorts of laws and act upon them was called both positive freedom and autonomy. The Formula of Autonomy was another form of the CI, the form that explained why a rational agent is connected to the moral law. Hence, there was a reciprocal relationship between the idea of positive freedom and the CI as the Formula of Autonomy. Specifically, the relationship is one of properties of the will: a will that is free is also a will that is subject to the moral law.

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25 Ibid., 34.
Allison argues that the Reciprocity Thesis is Kant’s first move in justifying his concept of morality, and amounts to the claim that “freedom of the will is not only a necessary but sufficient condition of the moral law.” Allison suggests that this justification proceeds in four parts. First, Kant argued that, because it is a kind of causality, the will is subject to laws. Second, Kant said that these laws cannot be natural laws. Third, if the will is not governed by natural laws, it must be governed by laws it imposes on itself. Finally, Kant said that the moral laws in the form of the categorical imperative are those laws the will imposes on itself.

In order to see why it is that Guyer’s argument fails on account of the reciprocity thesis we need to clarify a few points. First, the relata that are said to bear the reciprocal relationship are the properties of positive freedom and autonomy. A will that is free is one that is autonomous and to say that will has the property of autonomy is to say that the will is governed by laws it gives itself, which Kant tried to show in $G$ is identical with a will governed by the CI. This means that saying that positive freedom is a reciprocal concept with autonomy is to say that positive freedom bears a reciprocal relationship with the categorical imperative.

A second point of clarification is the nature of the reciprocity involved. Allison quotes Kant from the *Critique of Practical Reason*, where Kant says “freedom and unconditional practical law reciprocally imply each other.” The unconditional practical law is the categorical imperative; hence it seems as that Kant thought that the reciprocal relationship was one of mutual implication.

Of course there are a variety of ways to interpret the nature of this implication.

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27 Ibid.
28 Ibid., 203.
29 Ibid.
The two most likely candidates seem to be either a metaphysical implication or an epistemic implication. By metaphysical implication I mean that to say that a will has the property of being free implies that the will is also bound by the CI, and vice versa. By epistemic implication I mean that, if we know that a will is free then we know that it is bound by the moral law, and vice versa. In this distinction the metaphysical relation has logical precedence over the epistemic: we cannot know that a will has autonomy without it actually having that property.

It seems to me that this is one point where Guyer and Kant part ways. Above (p.39) we saw that Guyer believes that the CI is the means by which we know our freedom. He seems to have an epistemic relationship between the CI and freedom in mind. On the other hand, at G 447, Kant says that a free will, in the positive sense and a will bound by the CI are “one and the same.” This seems to suggest that Kant did not take the relationship to be simply epistemic, but that there is a reciprocal relation of properties between a free will and an autonomous will that is metaphysical in nature.

Of course the epistemic relationship might be reciprocal; it might be true if we know that a will has positive freedom then we know it is bound by the CI and vice versa. The crucial point here is that at G 447 and in Allison’s quote from the *Critique of Practical Reason* Kant seems to be arguing for the metaphysical relationship. The purpose of the argument in Book III is to show how the categorical imperative is in fact possible for human beings, not about how we know about it. The import of Kant’s claim that positive freedom and autonomy are reciprocal is to show that one cannot have an agent who is positively free and not bound by the CI, and it is this metaphysical point that supports Kant’s conclusion that human beings, as creatures that we must suppose have
positive freedom, are in fact bound by the CI.

While this argument alone does not justify Kant’s moral theory, Allison believes it does show “we cannot both affirm our freedom and reject the categorical imperative.” Guyer argues that it is the unconditional value of freedom that serves as the source for Kant’s moral theory. However, if the reciprocity thesis holds, then one cannot say that freedom is somehow prior to the CI, because freedom implies the CI, and vice versa. Viewing freedom as more important fails to grasp the bi-directionality that the reciprocity thesis implies.

In other words, the Reciprocity Thesis shows that, if one wishes to claim as Guyer does that the PR is grounded in Kant’s concept of freedom, one cannot also hold that it is not grounded in the CI. For any principle to be grounded in Kant's view of freedom is for the principle to be grounded in Kant's view of autonomy, which just is one formula of the CI. They cannot be separated the way Guyer supposes.

In this section we have seen another excellent Kant scholar’s arguments about the relationship between MS and G. While Guyer gets much more correct than Wood regarding the PR, his argument about just what the PR is grounded in ultimately fails. This is further evidence for the difficulty in nailing down this relationship. The considerations raised by Allison's Reciprocity Thesis suggest that, whatever relationship we ultimately settle on, it must take into account the conceptual interconnectedness of Kant's concept of freedom and his supreme moral principle, the categorical imperative.

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30 Ibid., 213.
Conclusion.

We have seen that neither Wood's nor Guyer's arguments for or against the grounding relationship between $G$ and $MS$, or the CI and the PR are successful. The question is, where does this leave us? First, we have to acknowledge the difficulty of the project. Wood and Guyer are very capable Kant scholars and each fails on this topic. Clearly, this should make us wary of easy answers to the question of the relationship between $G$ and $MS$. With an aim toward providing a sketch of a positive answer, I turn to Leslie Mulholland's argument in his *Kant's System of Rights*. According to this argument, PR is grounded in CI.

Mulholland takes Kant's concept of a Right as a starting point. The concept of Right concerns the form of the relationship of multiple wills, insofar as those wills are “regarded merely as capable of setting ends and entering into external practical relations to one another to obtain ends which they might set.” The concept of Right also involves whether the actions of those wills can be united with the freedom of others in accordance with universal law. Mulholland says that the relevant question we need to ask in understanding Kant's derivation is “in accordance with what principle does each attempt to further his/her ends in the relation of wills?” It is in identifying this principle that we can see Kant's reliance on $G$.

Mulholland says “we can determine whether the action whereby one person influences another's freedom is a right way of influencing his freedom by determining whether the maxim on which he acts when he influences the others' freedom, regardless of end contained in the maxim, is a maxim which can be willed to be universal law for

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32 Ibid.
the relation of one person's external freedom to another's."33 Clearly, this account depends on the CI in the Formula of Universal Law from $G$, and its justification will rest upon the justification Kant provided for this formula of the CI in $G$.

While this is a rather abbreviated account of Mulholland's argument, it seems to get the gist just right, and it puts us into a position to better reproduce Kant's thinking about the moral status of right action. An action is right because it infringes on no one's freedom, i.e. it can be combined with the freedom of all others under universal law. Should someone ask: “why should I care about universal law?” Kant's reply is that an action needs to be done in accordance with universal law because the maxim for that action should accord with universal law. That maxim should accord with universal law because this is what it means for an action to be done in accordance with duty, which is what it means for an action to be practically rational.

Following Mulholland, we can put this reasoning in terms of groundedness. The PR is grounded in the CI because we could not otherwise account for the PR's reliance on the idea of an act being done in accordance with universal law. Taken alone, the PR does not justify the universal requirement. But when taken in combination with the CI, specifically in the Formula of Universal Law, the PR's reliance on universalization makes perfect sense. Universalizability is one of the first criteria Kant gives in $G$ for the moral acceptability of a maxim. As actions are based on maxims, it makes sense that this criteria would apply to actions as well. Since the PR is grounded in the CI, we can conclude that DR and MS are grounded in $G$. The work Kant does in $G$ is truly groundwork for his later moral theory.

Of course, this is only a sketch for the claim that the PR is grounded in $G$.

33 Ibid., 182.
Mulholland uses the language of derivation, so it might be that we can produce a stronger relationship between PR and G. My own suspicion is that this would depend on Allison's Reciprocity Thesis and a more careful analysis of how Kant's account of freedom applies to external action. We have seen that Kant thought that the three formulae of the CI were different representations of the same principle (G 436), so Mulholland should not run afoul of the Reciprocity Thesis as Guyer did. Regardless, were the PR derived from the CI as Mulholland argues, then certainly the claim that MS is grounded in G would stand.

While I think that the Mulholland's argument is on the right track, it is not without limits. For instance, Mulholland does not explain how his view preserves the ethical/juridical distinction. It's fairly easy to imagine a critic like Wood arguing that Mulholland's sort of thinking is just the kind of argument he was reacting to. Obviously, I think Mulholland should not find this kind of objection too difficult to deal with; he simply does not take it up.

In conclusion, we have seen the following: Understanding the relationship between G and MS is not as simple as the titles might suggest. Allen Wood offered an argument that G and the PR are conceptually distinct, and that one cannot make sense of the ethical/juridical distinction Kant presents in the DR if one blurs the boundary between G and the PR. Wood was seen to be mistaken; if we understand Kant in the DR as engaged in applying the CI, his supreme moral principle developed in G, to the empirical realities of human beings, then we can make sense of the juridical and the ethical realms. In fact, we better understand the PR if we read the DR in this way.

Guyer too was seen to be incorrect, but for different reasons than Wood. While correct about the analyticity of the PR, Guyer's further claim that the PR is grounded in or
“flows from” Kant's value of freedom was shown to be mistaken. Allison's Reciprocity Thesis captures Kant's view on the relationship between the CI, positive freedom, and autonomy. Saying that the PR flows from Kant's value of freedom in the form of autonomy, as Guyer does, forces one to also accept the claim that the PR is grounded in the CI.

Finally, we moved from the inadequacies of Wood's and Guyer's arguments to a brief positive argument from Leslie Mulholland. Mulholland showed how we can understand the PR as an application of the CI in the formula of Universal Law to the maxims and actions by which people affect one another's external freedom. This view captures Kant's emphasis on universalization lacking in Wood's argument. It also should avoid Guyer's error regarding reciprocity. This leaves us then understanding that the PR is grounded in the CI, and therefore $MS$ is grounded in $G$. 