AUTONOMY, MORAL WORTH, AND RIGHT:
Kant on Obligatory Ends, Respect for Law, and Original Acquisition

Prospectus of the Argument

PART I: OBLIGATORY ENDS, MATERIAL PRACTICAL PRINCIPLES, AND PRACTICAL LAW IN KANT’S DOCTRINE OF MORALS

Chapter 1: Beginning with the *Metaphysics of Morals*’ systematic portrayal of reason’s universally legislative role with respect to duties of right and duties of virtue, I explain why Kant requires the concept of an end that is also a duty if the distinction that he draws between juridical and ethical lawgiving is to ground the basic architectonic setup of his overall doctrine of morals, i.e., its division into a doctrine of right and a doctrine of virtue. Then, after explicating this a priori concept of an objectively necessary end of morally practical reason, I treat Kant’s account of one’s own perfection and others’ happiness as the only two promotable ends of action that are eligible to be ends that are also duties, i.e., intrinsically obligatory ends.

Chapter 2: As it is outlined in the Doctrine of Virtue’s 1797 introduction, Kant’s dualistic theory of obligatory ends seems to leave open the possibility that there is an end of inclination which is necessarily an end that is also a duty. For that theory involves the idea that own-perfection and others’ happiness must be understood as material (i.e., non-formal) ‘determining grounds’ of the power of choice which feature in maxims that are apt for possible universal lawgiving. Yet if this is the case, it appears that even an empirically grounded maxim—for example, a maxim that one has because one happens to be inclined to promote others’ happiness—should be able to serve as a practical law that presents a duty of virtue. Such a conclusion, of course, calls into question a central tenet of Kant’s overall theory of practical reason: the supposition that no empirical or material practical principle can furnish a universal law of the will. So what resource does Kant have at his disposal to block the line of inference just described?

Chapter 3: I follow up on the inference-blocking clue that Kant offers in the context of the Doctrine of Virtue’s introduction. This clue is indicated by Kant’s claim that all ends that provide empirical grounds for the adoption of maxims are self-seeking ends, i.e., ends that one is inclined to bring about in order to promote one’s own happiness instead of the happiness of others or one’s own perfection. That Kant in fact takes this position is confirmed by reaching back into the opening chapter of the second *Critique*’s Analytic of Pure Practical Reason, where he maintains, as one of the basic theorems of his theory of practical reason, that all material (i.e., empirical) practical principles belong under the general principle of self-love or one’s own happiness. Paying close attention to Kant’s use of this self-love theorem in the *Critique of Practical Reason*, however, also serves to highlight a deeper problem that will continue to occupy us in subsequent chapters devoted to Kant’s ethics as a doctrine of virtue: to the extent that this doctrine is grounded in Kant’s late metaphysical theory of obligatory ends, it must also rely on a motivational tenet belonging to practical anthropology as long as it presupposes that no empirically grounded maxim can be apt for a possible universal lawgiving.
PART II: MORAL WORTH AND MOTIVATION IN KANT AND HUME

Chapter 4: This chapter builds a bridge between the problems generated by Kant’s theory of obligatory ends in the *Metaphysics of Morals* and the doctrine of the moral worth of actions that furnishes the subject matter of chapter 5. I examine what follows when the concepts of others’ happiness and own-perfection as obligatory ends are taken in conjunction with the view of motivation at issue in the second Critique’s self-love theorem. In this way I spell out what is entailed when we actually endorse the strategy of argument made available by the self-love theorem in order to justify Kant’s standpoint that no empirically grounded maxim can furnish a universal practical law. I then clarify how the pursuit of this strategy, as it applies others’ happiness and own-perfection as ends that are also duties, leads into Kant’s conception of moral worth.

Chapter 5: The discussion turns to the treatment of the moral worth of actions that Kant gives in in the *Groundwork for the Metaphysics of Morals*. I consider the aspects of this treatment that are opposed to the sentimentalist view of actions’ moral worth, especially as this view is exemplified in Hume’s theory of morals. I then argue that Kant’s straightforwardly contrasting view gives rise to a number of basic difficulties for his ethics. First, an underlying anti-sentimentalist assumption of Kant’s account of actions’ moral worth threatens to make his metaphysical theory of the a priori foundations of ethics dependent on an anthropological explanatory principle drawn from empirical moral psychology. Second, to the extent that this first difficulty can be avoided, a further anti-sentimentalist tenet of that account gives rise to a problem of logical regress for Kant’s theory of universal moral prescriptions. Third, this same tenet must also make Kant’s account of the nomothetic function—the universally lawgiving role—of morally practical reason non-virtuously circular. I go on to argue, however, that all of these difficulties, including the predicaments of prescriptive regress and nomothetic circularity, can be overcome if we understand why Kant must do damage to his own position on moral worth when he overshoots his sentimentalist target. To achieve this understanding, we have merely to pay proper attention to one decisive point: it is always possible to act from respect for law as one’s incentive even without making it one’s maxim to act from respect for law.

PART III: KANT’S JURIDICAL THEORY OF RIGHT AND THE FOUNDATIONS OF PROPERTY LAW

Chapter 6: The focus of discussion now shifts from Kant ethics as a doctrine of virtue to his juridical theory of right. After explaining the systematic basis of this theory and its division into Private Right and Public Right, I turn to Kant’s account of the foundations of property law. I concentrate on a fundamental problem that stems from Kant’s joint employment of two pivotal concepts of his theory of the normative grounds of the external acquisition of things, namely, the idea of ‘an a priori united will of all’ and the idea of appropriation through first seizure (or prima occupatio). The problem is this: why should first seizure, which is necessarily a unilateral act of occupation, be authorized by any universal law of practical reason? More particularly, why should such a unilateral act be considered permissible in the first place when, as Kant insists, its performance on the part of all occupying agents contains the seeds of universal conflict in the use of all things that originally constitute the common possession of humankind?
Chapter 7: The question just posed motivates the investigation of the historical backdrop to Kant’s treatment of original acquisition in the Doctrine of Right. Following up on Kant’s references to a generative debate in early modern natural-law portrayals of the origins of property, I consider Hugo Grotius’s attempt to ground ownership using a concept of subjective natural right in conjunction with a contractualist principle of agreement (pactum). I also examine the line of argument by which John Selden drew out a key consequence of Grotius’s theory of acquisition—i.e., the implication that the natural right which warrants the unilateral first seizure of things from the originally common property of humankind is in effect a right to all things. After clarifying Selden’s proximity to Kant with respect to the role of first seizure and the idea of universal agreement, I show that the solution to Kant’s problem of original acquisition has to be consistent with the conception of innate freedom and the innate equality of human beings that underlies his basic view of rights as moral capacities. Accordingly, I argue that the principle of the distribution of usable things at issue in Kant’s conceptual determination of original acquisition ought to be a formal principle of material equality.

PART IV: PLACING KANT IN HIS HISTORY OF MORAL PHILOSOPHY

Chapter 8: This brief, though pivotal, chapter is concerned with a strategy of classification that Kant follows in the Critique of Practical Reason in order to make systematic sense of the history of moral philosophy prior to the establishment of the principle of reason’s autonomy. I consider this strategy as it applies to what Kant calls ‘practical material determining grounds in the principle of morality.’ I thereby examine Kant’s endeavor to interpret his predecessors’ different grounding principles for the theory of morals as material principles of morality, and thus as belonging under the general principle of self-love or one’s own happiness. As this examination shows, Kant’s strategy demands the kind of interpretation of both Francis Hutcheson’s sentimentalist approach and classic Stoic perfectionism that is, at least on the face of things, quite surprising. For one thing, it is unclear how Kant’s classificatory game plan can avoid falling prey to the arguments that Hutcheson had already leveled against reductively egoistic accounts of actions motivated by benevolent inclination. For another, it is far from evident that Kant’s historical view of Stoic moral philosophy can do proper justice to the principle of internal perfection that Kant himself holds to be the central tenet of the Stoics’ approach to the foundations of morals.

Chapter 9: This chapter investigates a crucial developmental phase of Kant’s doctrine of morals prior to the emergence of his critical philosophy. It does this in view of the problematic implications of Kant’s understanding of Hutcheson and Stoic perfectionism just discussed. Our focus thus moves to Kant’s early view of a principle of perfectionist ethics and to the assessment of the sentimentalist approach to the foundations of morals that we encounter in Kant’s Inquiry Concerning the Distinctness of the Principles of Natural Theology and Morality (1764). Moving forward from this work, I go on to consider several related 1760s texts and series of reflections in connection with the influence that Rousseau had on the emergence of Kant’s theory of the autonomy of reason. Then, after some remarks on the well-known impact of Rousseau’s idea of volonté générale on Kant’s understanding of reason’s universally lawgiving function, I turn to a further aspect of Kant’s relation to Rousseau. By this, I mean Kant’s evident lack of interest in exploiting a key conceptual distinction that structures one of Rousseau’s attempts to rethink the relationship between nature-determined sentiment and law-determined action—namely, the
distinction between *amour de soi* and *amour-propre* as originally and fundamentally different forms of self-love. Why this apparent lack of interest on Kant’s part? One part of the answer, I argue, is that already by the mid-1760s Kant was by and large satisfied with a traditional explanation of the affective conditions of human motivation. Another part of the answer has to do with Rousseau’s relation to the theoretically decisive aspect of ancient Stoic and modern Stoic-influenced portrayals of the self-perfecting moral agent—notably, the use of the classic Stoic doctrine of *oikeiôsis* to link together two morally salient dimensions of the human developmental pursuit of one’s own perfection: (a) self-love and the instinctually anchored drive for self-preservation; and (b) natural sociability and the practical love of human beings.

*Chapter 10:* The opening phase of this lengthy chapter treats the account of the relation between benevolence and obligation that Francis Hutcheson gives in his *Inquiry Concerning Moral Good and Evil*. My main focus in this regard is Hutcheson’s aim to provide a clear alternative to the theories of obligation prevalent in the Grotian natural-law tradition by insisting on the morally foundational role of benevolent inclination. In view of this aim, I discuss Hutcheson’s position that Richard Cumberland and Samuel von Pufendorf sought to establish the necessary connection between prescriptive natural law and obligation on the basis of self-love. I go on to evaluate this interpretive stance by considering the doctrines of natural obligation at issue in Cumberland’s and Pufendorf’s major treatises on natural law. I argue that while Hutcheson’s assessment of the egoistic import of Cumberland’s law-based theory of natural obligation is clearly on the mark, it is far more difficult to show that the same kind of assessment applies to Pufendorf. Yet I show that the broader significance of Hutcheson’s interpretive position becomes evident if we investigate Pufendorf’s criticism of a key argument on the nature of obligation presented by Thomas Hobbes. Drawing together the threads of investigation stemming from Hutcheson’s sentimentalist approach to obligation and his concomitant criticism of modern natural law theories, I discuss why Kant would find it reasonable in effect to reverse the Hutchesonian view of the relationship between the affective aspect of human motivation and law-determined action when he came to recognize the far-reaching systematic significance of Rousseau’s conception of the will’s lawgiving function.

*Chapter 11:* I extend the scope of the historical investigations pursued thus far in Part IV by taking account of another element of Stoic moral philosophy that had a decisive impact on modern doctrines of moral worth. Specifically, I consider the Stoic idea of the *honestum* in connection with its influence on eighteenth-century sentimentalist and rationalist ethics. When treating the sentimentalist side of the sentimentalism vs. rationalism divide concerning the question of the moral worth of actions, I build on the treatments of Hume and Hutcheson already provided in chapters 4 and 10. As for the rationalist side, I pay special attention to the role played by the *honestum* in Thomas Reid’s criticism of Hume’s account of actions’ moral worth. In effect, then, I examine the various parts assigned to the idea of the *honestum* in the views on the moral worth of actions held by three major figures of Scottish Enlightenment philosophy. I do this, however, in order to come to grips definitively with the theory of moral worth at issue in Kant’s exposition of morally practical reason’s obligatory ends.

*Chapter 12:* In chapter 7, as we have seen, I maintain that the solution to Kant’s problem of original acquisition requires a formal principle of *material* equality that applies to the distribution of usable things. This solution, however, demands that we forge a link between the
Kantian accounts of the innate right of freedom and the normative basis of permissible external acquisition that Kant does not explicitly acknowledge in the systematic context of his theory of private right. Thus, one may well ask why my proposed solution to Kant’s problem of original acquisition should be judged plausible, let alone compelling, if it is one that Kant does not expressly acknowledge because it is based on a link-forging interpretive inference that he himself does not draw. I deal with this question in the final section of chapter 12. To set the stage for doing this, I first extend our previous line of historical inquiry into the background conditions of Kant’s problem in two directions—first, to the debate concerning the origins of property in which William of Ockham introduced the concept of natural right as a use-warranting subjective attribute; and second, to Hobbes, whose description of the natural condition of humankind calls into question the conceptual coherence of all natural right-based portrayals of original acquisition. Bringing to light Kant’s apparently paradoxical affinity with both Ockham and Hobbes is what enables us to see why the solution proposed for Kant’s problem is not only plausible but also compelling.

CONCLUSION: KANTIAN CONSEQUENTIALISM, STRICT RIGHT, AND A MARXIAN PRINCIPLE OF DISTRIBUTION

(Please note: As my conclusion is not included among the twelve chapters sent to the publisher, I have here fleshed out its argument in considerable detail for review purposes. The concluding chapter itself will be no more than fifteen pages of printed text.)

I offer two sets of concluding considerations that point beyond the central topics covered in Parts I-IV. I begin by linking one of the systematic components of Kant’s theory of obligatory ends to some highly disputed territory in contemporary normative ethics. I then relate my proposed solution to Kant’s problem of original acquisition to a principle of distribution that, on the face of things, seems incompatible with the fundamental assumptions of Kant’s juridical theory of right.

The notion of Kantian consequentialism has gained substantial traction in recent years. I aim to shift the predominant textual focus of the debates concerning this notion away from Kant’s *Groundwork* to the theory of obligatory ends outlined in the *Metaphysics of Morals*. Concentrating on the duties of beneficence treated in the main body of the Doctrine of Virtue, I argue that Kant’s account of ends that are also duties necessarily grounds a consequentialist interpretation of the action guiding principles that require us always to promote the happiness of others as best we can. I thus show that the notion of Kantian consequentialism does apply to the practical laws that present duties of active benevolence as ‘duties of wide obligation’ (i.e., imperfect duties). Given the long history of treating Kant’s ethics as a paradigm instance of the deontological approach to moral philosophy, many Kantians will no doubt regard this position as remarkable—if not downright perverse. They should realize, however, that my endorsement of Kantian consequentialism is narrowly restricted in two main ways.

First, although I defend a consequentialist understanding of Kant’s laws that demand the performance of certain actions on account of their conduciveness to human happiness, my argument does not entail that these laws are based on an appeal to the intrinsic moral significance of any promotable good. While happiness is a promotable end that is also a (natural)
good for human beings, it figures as a ground of Kant’s practical laws only insofar as it furnishes a constitutive feature of a deontic concept: the concept of an end that is also a duty. Thus, I endorse a consequentialist interpretation of the action guiding principles that require the promotion of human happiness in virtue of their being based on the concept of an intrinsically obligatory end. Yet I do not hold that Kant’s ethics is foundationally consequentialist in the sense that it would purport to ground such laws of active benevolence in the intrinsic moral significance of a good that we always ought to promote as best we can just because it is a human good. Second, my endorsement of Kantian consequentialism applies only to laws that present duties of virtue as imperfect duties. It therefore does not apply to any of the universal laws that present duties of right.

This second restriction on my endorsement of Kantian consequentialism brings us to the second set of my concluding considerations. Kant’s Doctrine of Right is a theory based on the representation of strict right (ius strictum). It is thus the kind of juridical theory that concerns merely external relations between persons who, directly or indirectly, influence one another through the free use their respective powers of choice. As a purely formal theory of strict right, it brackets out the matter of choice, i.e., the ends that freely acting persons may have in mind with whatever objects they might want to have; and its fundamental laws do not in any way depend on taking account of human needs, such as those that may be relevant to beneficent or callous actions. That is why the principle of distribution at issue in my proposed solution to Kant’s problem of original acquisition must be merely formal even if it is a principle of material equality. How, then, should we understand the relationship between this formal principle of material equality in distribution and approaches to the question of distributive justice that are centrally concerned with human needs and abilities in their accounts of the permissible forms of property? To determine at least the point of departure for a response to this question, I turn to a thinker well known for his opposition to the formalism of modern theories of right: Karl Marx.

My discussion of Marx is limited to the remarks on ‘bourgeois’ right found in the first section of the Critique of the Gotha Program (1875). According to Marx, inequality features in the very concept of human individuality. For human beings would not be different individuals if they were not unequal in both ability and need. Given this inequality, to attribute to individuals an equal right to possess and use a society’s distributable means of consumption in effect to give them a right of inequality as far as the content of right is concerned. Thus, in order to go beyond the ‘narrow horizon of bourgeois right,’ a society must inscribe on its banner the twofold principle: from each according to one’s abilities, to each according to one’s needs. In Kantian terms, both parts of this Marxian principle of distribution furnish maxims that can satisfy the demands of ethical lawgiving. But can either one of them be consistent with an account of strict right that bases its formal principle of material equality in distribution on the innate equality of human beings?

That’s the parting question as well as the point of departure. Answering it requires delving into the relationship between, on the one hand, the radical individualism that Marx derives from his conceptual determination of human inequality and, on the other hand, the concept of innate equality that is linked to Kant’s idea of humanity’s collective relation to its originally common possession. And one cannot do this without also coming to grips with Marx’s understanding of Rousseau and Hegel. But that goes beyond the narrow horizon of this book.