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HERLINDE PAUER-STUDER

“A COMMUNITY OF RATIONAL BEINGS”. KANT’S REALM OF ENDS AND THE
DISTINCTION BETWEEN INTERNAL AND EXTERNAL FREEDOM

ABSTRACT: This paper proposes a new account of the relationship between Kant’s ethics and Kant’s philosophy of right. I reject the claim of some philosophers that Kant’s *Groundwork of the Metaphysics of Morals* cannot offer a foundation for Kant’s philosophy of right. While I agree that the basic principles of Kant’s philosophy of right cannot be deduced from Kant’s ethical Categorical Imperatives, I try to show that we find in Kant’s *Groundwork* the normative resources for grounding his philosophy of right. My thesis is that Kant’s conception of a realm of ends, as he develops it in the *Groundwork*, provides a common normative source for Kant’s ethical Categorical Imperatives, on the one hand, and the Universal Principle of Right, on the other. Agreement on common universal principles, which is crucial for Kant’s notion of a realm of ends provides, I will argue, a justification of the ethical Categorical Imperatives and the Universal Principle of Right.

1. Introduction

The architectonic of Kant's practical philosophy has often puzzled interpreters. Kant's first major publication on the subject, the *Groundwork of the Metaphysics of Morals* (1785), raises the expectation that Kant's program will come up with a fundamental principle that underlies all of practical philosophy. The *Metaphysics of Morals* (1797), however, undermines that assumption. In this work, consisting of the *Doctrine of Right* and the *Doctrine of Virtue*, Kant does not propose a supreme normative principle aimed at providing a link between his ethics and philosophy of right.¹

To be sure, there is a formal similarity between Kant's universal law formulation of the Categorical Imperative in the *Groundwork*, which directs agents to act only according to maxims which can be willed as a universal law, and the Universal Principle of Right in the *Doctrine of Right*, which holds that actions are right if they are compatible with the equal freedom of all others according to a universal law. Yet a direct connection between these two principles seems to be missing. The ethical Categorical Imperative is tied to the incentives and ends of the person whereas the Universal Principle of Right completely ignores such internal elements.

Several philosophers have therefore concluded that Kant's philosophy of right is normatively independent of his ethics and amounts to a separate normative sphere ("separation thesis").² Against Kant's own program, so their argument goes, the *Groundwork* does not provide the foundation for Kant's moral philosophy as a whole.

This paper rejects the so-called "separation thesis". Though there are noticeable differences with respect to how Kant defines the principles regulating inner and outer freedom, we can interpret Kant's ethics and philosophy of right as being governed by a common supreme

¹ Note that the paper adopts the following terminology: 'Ethics' refers to Kant's conception of morality in the *Groundwork*. The term 'practical philosophy' applies to Kant's moral philosophy in the broader sense, encompassing his ethics and his philosophy of right. The term 'philosophy of right' is used for Kant's moral theory of law. Unlike the more neutral term 'philosophy of law', the term 'philosophy of right' indicates that Kant focuses in the *Doctrine of Right* on the moral preconditions of the principles regulating relations of outer freedom.

² Proponents of the so-called independence thesis are Marcus Willaschek and Allen W. Wood. See Wood, Allen W.: "The Final Form of Kant's Practical Philosophy". In: Timmons, Mark (ed.), *Kant's Metaphysics of Morals. Interpretative Essays*. 2002, 1-21. Here: 6-10. Wood, however, concedes: "(T)he values grounding ethics also show themselves in the system of right". Wood, Allen W.: *Kant's Ethical Thought*. Cambridge. 1999, 322. Willaschek's arguments are discussed in section 2 of this paper.

normative principle. My suggestion will be that such a uniting principle can be found in Kant's idea of a realm of ends ("kingdom of ends"). The requirement to consider and treat oneself and others as members of a realm of ends, as it is articulated by the Formula of a Realm of Ends (FRE), demands that one act only on maxims and according to principles that all other rational agents could agree to act on. This means, in other words, that according to FRE we ought to act only on maxims and principles that other rational agents could endorse as reasons for action.

FRE has, as I will try to show, implications for ethics as well as the sphere of rights: rational agreement among equally autonomous beings has the potential to ground the basic principles securing our inner as well as our external freedom, i.e. those principles that guide us in our ethical as well as rightful relations to others. Such an agreement-focused reading of Kant's fundamental practical principle captures, as I will argue, the idea of equal respect in the domains of ethics and right. It also avoids the unhappy consequence that Kant's conception of ethics seems restricted to a narrow first-person internalism that even comes close to a form of solipsism.³ To avoid misunderstanding: my aim is not to come up with the 'true account' of what Kant actually said or definitely must have had in mind, but to present an interpretation that amounts to a satisfactory reading of Kant's practical philosophy.

The paper is structured in the following way. Section 2 outlines why some philosophers assume that Kant's philosophy of right is normatively separated from his ethics. The discussion focuses on Willaschek's defence of the separation thesis. In section 3, I examine some prominent alternative proposals for establishing the unity of Kant's practical philosophy. My aim is to offer a more straightforward explanation of the connection between Kant's domains of ethics and right than those found in these accounts. Section 4 explores Kant's idea of a realm of ends, and in sections 5 and 6, I will develop my argument as to why Kant's idea of a realm of ends provides the decisive normative link between Kant's ethics and his philosophy of right. Section 5 suggests that Kant's idea of a realm of ends provides a justification for the ethical Categorical Imperatives, while Section 6 tries to show that the conception of a realm of ends grounds the Universal Principle of Right.

³ Arthur Ripstein attributes a kind of solipsism to Kant when he writes: "If there were only one person, the Categorical Imperative would still be his or her autonomous principle of reason." Ripstein, Arthur: *Force and Freedom, Kant's Legal and Political Philosophy*. Cambridge MA and London. 2009, 367.

2. Kant's Ethics and Philosophy of Right: Two Separate Normative Spheres?

The major distinctions between Kant's ethics and philosophy of right concern the roles that motivation and coercion play in the two normative spheres. The point of Kant's argument in the *Groundwork* is to reveal the principle of a good will by a conceptual analysis of the notion of duty. To act from duty means to act out of respect for the moral law. The morally good person acts from the motive of duty, making the Categorical Imperative her or his principle of action by acting only on maxims that can be thought or willed as a universal law. The incentive⁴ of action is decisive for the morality or immorality of the action. Kant's ethics thus maintains a close connection between normativity and motivation.

In the realm of external freedom, the ethical nature of the incentive is not relevant for determining the correctness or incorrectness of an action. For Kant it is crucial *that* people follow laws and statutes that, in the ideal case, are consistent with the principle of right and thus the equal external freedom of others. The motivational reasons *why* persons comply are irrelevant for the fulfilment of juridical obligations. As Kant famously expresses it:

“All lawgiving can therefore be distinguished with respect to the incentive [...]. That lawgiving which makes an action a duty and also makes this duty the incentive is *ethical*. But that lawgiving which does not include the incentive of duty in the law and so admits an incentive other than the idea of duty itself is *juridical*.”⁵

Kant does not rule out that a person might comply with laws and statutes due to an ethical motive. However, adopting such a course of action amounts to a voluntary form of self-perfection and not a normative requirement. Kant considers it obvious that in the case of

⁴ In the *Groundwork*, Kant defines an incentive (*Triebfeder*) as a subjective ground of motivation, based on desires and inclinations, while a motive (*Bewegungsgrund*) is an objective ground that motivates a rational will. In Kant's later works, the term 'incentive' has a broader meaning, covering empirical incentives and incentives of pure reason. See Wood, Allen W.: *Kant's Ethical Thought, op. cit.*, 360-361, note 1. This paper uses the term 'incentive' in the broader sense.

⁵ “Alle Gesetzgebung also (sie mag auch in Ansehung der Handlung, die sie zur Pflicht macht, mit einer anderen übereinkommen, z.B. die Handlungen mögen in allen Fällen äußere sein) kann doch in Ansehung der Triebfedern unterschieden sein. Diejenige, welche eine Handlung zur Pflicht und diese Pflicht zugleich zur Triebfeder macht, ist *ethisch*. Diejenige aber, welche das Letztere nicht im Gesetze mit einschließt, mithin auch eine andere Triebfeder als die Idee der Pflicht selbst zuläßt, ist *juridisch*.” MS, AA 06: 218.24-25, 06: 219.01-06. The English quotations follow Kant, Immanuel: *Practical Philosophy*, translated and edited by Mary J. Gregor. Cambridge.1996.

juridical obligations the incentives “must be drawn from *pathological* determining grounds of choice, inclinations and aversions, and among these, from aversions; for it is a lawgiving, which constrains, not an allurements, which invites”.⁶

This brings us to the second point where ethics and right differ: the use of coercion. Maxims as subjective principles of action are tied to the setting of ends. Directing one’s incentives and setting one’s ends is for Kant a matter of autonomous choice and internal freedom; no other person and no state institution has the right to force a person to adopt specific incentives and internal ends. The regulation of the outer relations of freedom requires, however, enforcement of those norms that aim at securing the equal freedom of all. Right is, as Kant holds, “connected with an authorization to use coercion”.⁷ Moreover, the relation between right and coercion is analytic. The authorization to coerce someone who infringes on the principle of equal freedom “is connected with right by the principle of contradiction”.⁸ In other words, Kant considers the hindering of a hindrance to freedom to be justified since it is in line with a universal law of freedom.

The outlined features of the sphere of right, namely motivational neutrality of juridical imperatives and the fact that compliance can be enforced, have been the major grounds for arguing that a normative link between Kant’s ethics and his conception of right is missing.

But why, we might ask, should we draw this conclusion? Do those distinctions indeed establish that Kant’s philosophy of right is independent of his moral philosophy? To answer this question we must consider what exactly the separation thesis says and how it is justified. In the following, I will focus on Marcus Willaschek’s arguments since he has offered the most elaborate defence of the thesis.

The separation thesis holds that the Universal Principle of Right⁹ cannot be derived from the Categorical Imperative. Willaschek considers any attempt to do so “a hopeless undertaking” since “coercion [...] stands in the way of a derivation of right from morals”.¹⁰ He supports his claim in the following way: The Categorical Imperative in ethics is tied to a thought

⁶ “daß diese von der Idee der Pflicht unterschiedene Triebfeder von den *pathologischen* Bestimmungsgründen der Willkür der Neigungen und Abneigungen und unter diesen von der letzteren Art hergenommen sein müsse, weil es eine Gesetzgebung, welche nöthigend, nicht eine Anlockung, die einladend ist, sein soll”. MS, AA 06: 219.06-11.

⁷ “mit der Befugniß zu zwingen verbunden”, MS, AA 06: 231.23.

⁸ “mit dem Rechte [...] nach dem Satze des Widerspruchs verknüpft”, MS, AA 6: 231.33-35.

⁹ See section 6 (note 60) of this paper for the formulation of Kant’s Universal Principle of Right.

¹⁰ Willaschek, Marcus: “Right and Coercion. Can Kant’s Conception of Right be Derived from his Moral Theory?” In: *International Journal of Philosophical Studies* 17, 2009, 49-70, here 63f.

experiment asking individuals to consider whether the maxims of their actions could hold as universal laws. The test singles out those maxims that are permissible. However, the moral permissibility of maxims does not rule out conflicts of actions. For example, it might be permissible for each of two individuals to eat a particular apple though only one of them can de facto eat it. But in the sphere of right all conflicts between rightful actions are excluded. The analytic connection between right and coercion implies that conflicts of rights cannot be permissible. However, the Categorical Imperative cannot yield this result. A corollary is that “Kant’s conception of right is intrinsically social in a way his moral theory is not”.¹¹

Willaschek continues: While it is up to the individual will of a person to act morally and lead a moral life independently of the ethical or unethical behaviour of others, making use of one’s rights depends on what others are doing – whether they respect one’s rights or infringe on them. Coercion is indispensable for preventing illegitimate interference with the rights of another person and for maintaining a rightful condition. However, coercion is impermissible in ethics. Thus, Willaschek concludes, Kant’s conception of right cannot be derived from his moral theory.

It seems doubtful that Willaschek’s reasoning, as outlined above, supports the separation thesis. The fact that Kant’s ethical testing procedure for assessing the permissibility or impermissibility of maxims does not tell us when the use of coercion is justified hardly shows that there are no normative connections between Kant’s ethics and his philosophy of right. The different features of ethics and right highlighted by Willaschek are due to different requirements that hold for these two normative spheres. Ethics sets the guidelines for internal freedom, while right concerns the regulation of relations of outer freedom. Since internal and external freedom amount to two distinct kinds of freedom, it seems fairly obvious that the respective normative principles that apply to them must be different. That coercion comes into the picture is simply because it is the appropriate means of guaranteeing external freedom in accordance with a universal law.

Willaschek supports the separation thesis with an additional argument. Kant’s diverse treatment of the motivational reasons in the domains of ethics and right entails for him that

¹¹ Willaschek, Marcus: “*Right and Coercion. Can Kant’s Conception of Right be Derived from his Moral Theory?*”, op. cit., 65. My paper endorses exactly the opposite of Willaschek’s claim: Kant’s moral theory is not less social than his philosophy of right. The actions of others affect us in the ethical domain as well as in the domain of rights.

the Categorical Imperative cannot establish the normative validity of the principle of right. Willaschek's justification draws on Kant's internalism. Kant is an internalist, he argues, when it comes to moral obligation: "(T)o be morally obligated to do something, according to Kant, implies the existence of a corresponding motive (namely the motive of respect for the moral law)".¹²

Willaschek then moves on to a more sweeping claim, namely that Kant is "an internalist about normative requirements (prescriptions) in general: to be normatively required to do something implies the existence of a corresponding motive".¹³ For him, the implications are the following: Since the specific character of the motive plays no role in defining normative compliance in the juridical sphere, Kant's account of obligation does not apply to the sphere of rights. A consequence is that the normative validity, as exemplified by the Categorical Imperative, does not cover validity in the domain of right. The Categorical Imperative is, Willaschek concludes, not sufficient "to show that the fundamental principles of right are normatively valid".¹⁴

Again, the conclusion seems implausible. Kant, as we have seen, defines acting from the motive of respect for the moral law as constitutive of morally worthy action. One might describe this way of connecting obligation and motivation as maintaining that Kant offers a *motivational* internalist account of first-personal ethical obligation. Kant, however, is not a motivational internalist with respect to normative requirements and normative validity in general.

In more detail: Willaschek takes Kant's specific claims about ethical obligation and motivation to be essential for normative validity as such. Willaschek's reasoning is: If the motive for doing an act is not, as in ethics, strictly specified, the notion of obligation remains unexplained. Since Kant does not determine the motive of action in the sphere of right, he fails to come up with an account of obligation and normative validity holding for that domain.

¹² Willaschek, Marcus: "Which Imperatives for Right? On the Prescriptivity of Juridical Laws in Kant's *Metaphysics of Morals*". In: Mark Timmons (ed.), *Kant's Metaphysics of Morals. Interpretative Essays*. Oxford 2002, 65–87, here: 75.

¹³ *Ibid.*

¹⁴ Willaschek, Marcus: "*Right and Coercion. Can Kant's Conception of Right be Derived from his Moral Theory?*", *op. cit.*, 49.

This way of arguing forces Willaschek to conclude that Kant fails to account for the prescriptivity of juridical requirements. This is questionable and, furthermore, goes against Kant's aims. Kant of course maintains that compliance with legal norms is obligatory. Willaschek concedes as much in the following passage: "Concerning obligations generated by juridical laws, however, Kant cannot be an internalist, since together with the Externality Thesis this would imply that, where external coercion, for contingent reasons, fails to supply a motive, there is no (juridical) obligation to obey the law. Of course, Kant wants to be able to say that one is obligated to obey the law in any case. But since this obligation, as such, does not provide a motive to act accordingly, on Kant's internalist view about normative requirements, it cannot be understood as *prescribing* or *requiring* something, but merely as indicating what, according to the law, would be the right thing to do".¹⁵ The problem merely arises because Willaschek presupposes a motivational account of obligation.

Willaschek's mistake is to confuse what Kant says about the connection between ethical obligation and ethical motivation by a morally worthy agent with an account of obligation and normative validity in general. Kant does not dispense with motives in the juridical sphere; his claim is merely that, unlike ethical obligation, juridical requirements do not demand a *particular* motive (namely respect for the moral law) for their fulfilment.¹⁶ The fact that the motive of compliance with a law or statute does not have to depend on the fact that the person considers the law or statute as right does not entail that Kant fails to provide an account of juridical obligation.

One needs to distinguish between rightness and morally worthy action. Kant's account of ethically praiseworthy action includes a specific determination of the motive of action. We should, however, be careful not to interpret this particular connection between rightness and

¹⁵ Willaschek, Marcus: "Which Imperatives for Right? On the Prescriptivity of Juridical Laws in Kant's *Metaphysics of Morals*", op. cit., 75.

¹⁶ The following passage shows that for Kant a connection between law and incentive holds for ethical and for juridical lawgiving: "In all lawgiving (whether it prescribes internal or external actions, and whether it prescribes them a priori by reason alone or by the choice of another) there are two elements: **first**, a law which represents an action that is to be done as *objectively* necessary, that is, which makes the action a duty; and, **second**, an incentive, which connects a ground for determining choice to this action *subjectively* with the representation of the law. Hence the second element is this: that the law makes duty the incentive". "Zu aller Gesetzgebung (sie mag nun innere oder äußere Handlungen und diese entweder a priori durch bloße Vernunft, oder durch die Willkür eines andern vorschreiben) gehören zwei Stücke: **erstlich** ein Gesetz, welches die Handlung, die geschehen soll, *objectiv* als notwendig vorstellt, d.i. welches die Handlung zur Pflicht macht, **zweitens**, eine Triebfeder, welche den Bestimmungsgrund der Willkür zu dieser Handlung *subjectiv* mit der Vorstellung des Gesetzes verknüpft; mithin ist das zweite Stück dieses: daß das Gesetz die Pflicht zur Triebfeder macht." MS, AA 06: 218.11-18. The passage, which precedes Kant's statement that juridical lawgiving allows the incentive to be something other than respect for the moral law, makes clear that juridical laws are obligatory and tied to the notion of duty.

motivation as offering an account of rightness and normative validity as such. In more detail: According to Kant's ethical theory, the autonomous agent herself links the normative and the motivating reasons. If she is acting ethically, i.e. as a morally worthy agent, she makes the insight that her action is right the motivating reason for her action.¹⁷ Such an account of moral motivation presupposes, however, that the person first recognizes that her action is morally right. Only then can the insight that her action is morally right motivate her to action. This implies that the standards and criteria of moral rightness are independent of moral motivation.¹⁸

In Kant's system, moral rightness is established by the Categorical Imperative procedure, namely the contradiction in conception and the contradiction in will tests; in the juridical sphere, rightness is based on the 'equal freedom-test' of the Universal Principle of Right. Conformity with the Categorical Imperative is the criterion for the rightness of a way of acting as expressed by a maxim. That is to say, an action is right if universalizing the maxim gives rise neither to a contradiction in conception nor to a contradiction in willing. However, tying rightness and motivation together by making respect for the moral law the motive of action is necessary only for the moral worthiness, not for the rightness of an agent's action.

Sometimes philosophers ignore that this specific connection between the normative and the motivational dimension in Kant's ethics applies to the assessment of moral worth, but does not define obligation. They then conclude, and Willaschek's reasoning is a striking example, that Kant simply fails to offer an explanation of normative validity, obligation and prescriptivity in the legal sphere. This, as I have tried to show, is a non sequitur.

To sum up: Willaschek's thesis that Kant's philosophy of right stands on its own relies, first, on Kant's distinct treatment of motivation in the sphere of ethics and motivation in the sphere of right, and, secondly, on the fact that coercion plays a role in the enforcement of juridical but not ethical obligations. However, both aspects do not entail that Kant's ethics and

¹⁷ Note that this also holds for ethically motivated compliance with legal norms.

¹⁸ Not all philosophers share this thesis. Christine Korsgaard, for example, considers the connection between obligation and motivation as so crucial in Kant's ethical theory that she reads the *Groundwork* as providing "a motivational analysis of the notion of duty or rightness". For Kant, she claims, "a good-willed person does the right thing because it is the right thing". Korsgaard, Christine M.: "Kant's Analysis of Obligation: The Argument of *Groundwork I*". In: Korsgaard, Christine M. (Ed.), *Creating the Kingdom of Ends*. 1996, 43-76, here: 60. While I agree with her second statement, I disagree with her first claim, namely that Kant presents a motivational account of rightness. In my reading, Kant draws a distinction between the features defining the morally worthy agent and the criteria of moral rightness.

philosophy of right are strictly separated. That Kant does not require ethically motivated compliance in the sphere of right does not exclude a common source of normative validity in the domains of ethics and right.

The same holds for the role of coercion: The analytic connection between right and coercion shows merely that coercion is indispensable for securing rights and rightful relations of outer freedom. But coercion is not crucial for the definition of normative validity in the sphere of right. The latter is based on the principle of equal freedom.

Willaschek's objection that the Categorical Imperative cannot yield the result that conflicts of right are impermissible mistakenly assumes that the ethical Categorical Imperative must also function as the fundamental principle of right. This ignores that the basic guiding principle in the sphere of right is the Universal Principle of Right, not the Categorical Imperative.

As we have seen, Willaschek reads the separation thesis in a specific way, namely as claiming that the normative validity of the principles of right does not follow from the Categorical Imperative. Yet this is not the crucial point at issue. Rather, the question is whether there are common sources of justifying the guiding normative principles of the normative domains of ethics and right, namely the ethical Categorical Imperative on the one hand, and the Universal Principle of Right on the other.

3. Alternative Proposals for the Unification of Kant's Practical Philosophy

Before I outline my own attempt to establish the link between Kant's ethics and philosophy of right, I will now discuss three important attempts to defend the unity of Kant's practical philosophy. These suggestions, made by Otfried Höffe, Paul Guyer, and Arthur Ripstein, have been:

To introduce a general Categorical Imperative from which the ethical Categorical Imperative and the Universal Principle of Right can be deduced (Höffe);

To show that the basic concept of Kant's moral philosophy, the idea of freedom, provides a justification of the ethical Categorical Imperative in the *Groundwork* as well as the Universal Principle of Right (Guyer);

To argue that Kant's general philosophical assumptions, including his theoretical philosophy, provide the resources for a justification of the Universal Principle of Right so that the philosophy of right can be seen as an integral part of Kant's philosophy (Ripstein).

Höffe sees the ethical Categorical Imperative in the *Groundwork* as so closely tied to personal motivation and personal convictions that it cannot be extended to the legal domain. His solution is to derive from Kant's reasoning about ethical and legal duties a general Categorical Imperative that ignores the motivational dimension and can thus function as the supreme principle of Kant's practical philosophy. To rule out the motivational aspects, Höffe replaces the term 'maxim' with the term 'principle' and suggests the following formulation of the general Categorical Imperative: "Act only according to principles which can be conceived and willed as a universal law".¹⁹ The general Categorical Imperative just reflects, as Höffe points out, the principle "do your duty... for whatever motives".²⁰

From the general formula of the Categorical Imperative one can derive, he argues, the ethical Categorical Imperative, which reads "Act only according to maxims which can be conceived and willed as a universal law" or simply "Act internally only according to universalizable principles".²¹ Equally there follows the specific Categorical Imperative of legality, namely "Act externally only in conformity with principles which can be conceived and willed as a universal law".²²

Paul Guyer argues that the connection between Kant's ethics and philosophy of right is secured by the essential role of the value of freedom. The "foundational assumption [...] that freedom has unconditional value" is at the basis of the ethical Categorical Imperative as well as the Universal Principle of Right.²³ Freedom, Guyer claims, underlies Kant's principles of right as well as his principles of ethics: "Kant's point is that principles of right are derived by the limitation of freedom to the conditions of the universal consistency of its use, whereas principles of ethics state how certain ends may be pursued consistently with the universal realization of freedom."²⁴ Thus ethics and right share the commitment to freedom.

¹⁹ Höffe, Otfried: "Kant's Principle of Justice as Categorical Imperative of Law". In: Yovel, Yirmiyahu (ed.), *Kant's Practical Philosophy Reconsidered*. 1989, 149-167, here: 156.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Guyer, Paul: "Kant's Deductions of the Principles of Right". In: Guyer, Paul (ed.), *Kant's System of Nature and Freedom*. 2005, 198-242, here: 201.

²⁴ Ibid., 220.

Arthur Ripstein, whose aim is to elucidate the relation between the Categorical Imperative and the Universal Principle of Right with the help of Kant's *Critique of Pure Reason*, holds that the Universal Principle of Right, though it cannot be deduced from the Categorical Imperative in the *Groundwork*, amounts to an extension of the Categorical Imperative to the external relations we entertain to others. He relies on Kant's treatment of concepts and objects in the *Critique of Pure Reason* to make clear in which respects the Universal Principle of Right and the Categorical Imperative are related but also have to differ. The distinctions between those two principles "reflect" for him "the differences between the comparison of concepts and the comparison of objects".²⁵

Ripstein's argument in short: In his theoretical philosophy, Kant defines understanding and sensibility as the conditions for the possibility of objects. This entails that something merely conceptual is not sufficient for our experience of objects. Applied to the issue of finding the normative principle of rightful external relations, we get: the sphere of right requires principles determining how we ought to occupy space so that others may enjoy an equal right to occupy space without an infringement of their possession of objects. Such spatial relations concern objects and are therefore a matter of sensibility. Therefore, proposing a principle that amounts to a merely a priori concept will not do. This rules out that the Categorical Imperative in the *Groundwork* is the basic principle of the sphere of right, since the Categorical Imperative does not refer to objects, but is a purely conceptual principle focusing on maxims and inner determinations and thus on "a kind of self-contradiction for which the agent must reproach him- or herself in conscience".²⁶ What you need for the sphere of right is a principle that abstracts from those inner elements and also takes into account the specific incompatibilities arising in the sphere of spatial relations to others. The Universal Principle of Right meets these conditions: it includes aspects of sensibility, because it applies to external relations in space and can therefore also regulate our dealing with objects of property. Moreover, it abstracts from the purely conceptual and inner determinations characteristic of the Categorical Imperative in the *Groundwork*, because neither maxims nor incentives of actions could govern the actions of free but spatially individuated persons.

Ripstein's account also makes room for coercion. What is at stake in the sphere of external freedom is not a mere conceptual contradiction or incompatibility but a concrete clash in the occupation of space and objects that can only be avoided by means of coercion. Formally we

²⁵ Ripstein, Arthur: *Force and Freedom. Kant's Legal and Political Philosophy*, op. cit., 355.

²⁶ *Ibid.*, 377.

can deal with such an incompatibility in the sphere of outer objects a priori; yet, in Ripstein's words, this "requires a judgement about empirical particulars, which must be made in accordance with rational concepts, but is not exhausted by them".²⁷

How should we assess these suggestions? To start with Höffe's proposal: Apart from the fact that Kant himself does not introduce and defend a general Categorical Imperative, there are several points that seem problematic. First, Höffe claims that the general Categorical Imperative amounts to an a priori principle of pure practical reason. The normative source of the general Categorical Imperative thus simply consists in the rational insight into the a priori truth of the principle. This kind of justification implies reading Kant's practical philosophy as a form of dogmatic rationalism.

The second difficulty is that Höffe's claim that the general Categorical Imperative reflects the principle "do your duty for whatever motives" is in line with an understanding of Kant's imperatives that has rightly become notorious. According to that interpretation, Kantian morality is a matter of following principles and duties just because the principles and duties require one to do so. Such a way of acting characterizes the docile mind of the subservient, not the enlightened mind of the autonomous agent accepting the Kantian guideline of "sapere aude".

In addition, in Höffe's formulations, the general Categorical Imperative as well as the Categorical Imperative of Law amount to first-personal deliberative guidelines directed at the individual will. This ignores the crucial point that in the legal and political sphere the source of normativity is not the unilateral will but the common self-legislation of "the united will of the people" ("des vereinigten Willen des Volkes").²⁸ My proposal meets this condition by locating the normative force of the Universal Principle of Right in the consent and agreement of rational agents relating to each other in the cooperative mode of respect and recognition characteristic of the members of a realm of ends.

Let us turn to Guyer's proposal. There is no sharp in principle disagreement between Guyer's way of linking Kant's ethics and sphere of right and my suggestion that Kant's realm of ends is central. Kant locates the emergence of the realm of ends in the freedom and autonomy of individual agents. However, I add an important justificatory step. Instead of simply assuming,

²⁷ Ibid., 378.

²⁸ RL, AA 06: 313.29-30.

as Guyer does, that the unconditional value of freedom is an a priori assumption and thus fully justified, I will try to show that freedom finds its basis in the agreement of rational agents to membership in the realm of ends. It is exactly the end of preserving their internal and outer freedom that provides agents with the normative reason for consenting to the common legislation in the realm of ends.

Ripstein's ingenious proposal offers a description of the conditions that the Universal Principle of Right has to meet rather than an argument of why it is justified. Drawing on Kant's theoretical work on the constitutive conditions of objects in outer space helps to specify what specific regulative function the Universal Principle of Right plays, but it does not provide a grounding of the basic principle of external freedom. Moreover, Ripstein fails to come up with a principle unifying Kant's ethics and philosophy of right. His strong emphasis on Kant's internalist first-person perspective in ethics, culminating in the claim that the Categorical Imperative "is just a system of pure inner determination",²⁹ consolidates the separation between the domains of inner and outer freedom.

The problem I see in all three accounts is that they focus too much on the Universal Law Formulation of the Categorical Imperative (FUL) in the *Groundwork*. This is understandable, since one common ground between Kant's ethical theory and his philosophy of right seems to be the idea of universality – and the condition of universality is directly expressed in FUL. FUL, however, amounts to a testing procedure for maxims that makes use of the idea of universality, and thus lacks the resources for functioning as a link between ethics and right. Though universality is an important condition of ethics and morality in the broader sense (rightful conditions), it is not sufficient for providing a common normative basis for the basic principles regulating the domains of inner and outer freedom.

Note, I do not want to completely dismiss Höffe's, Guyer's and Ripstein's suggestions. My own account meets what seems important in their proposals: first, as Höffe claims, that we need a normative principle from which we then can infer the ethical Categorical Imperative and the Universal Principle of Right; second, taking up Guyer's recommendation, that we should try to construct the unity of Kant's practical philosophy by looking at its fundamental values and presuppositions; and third, as maintained by Ripstein, that the structure of the

²⁹ Ripstein, Arthur: *Force and Freedom. Kant's Legal and Political Philosophy*, op. cit., 386.

Universal Principle of Right is defined by the task it has to fulfil. However, I try to overcome the outlined deficiencies of their proposals.

In the following section I am going to argue that there are resources in Kant's moral philosophy for assuming a supreme normative principle that provides the common basis of the Categorical Imperative and the Universal Principle of Right. My suggestion will rely on fleshing out the strength of Kant's idea of a realm of ends.

4. The Idea of a Realm of Ends

Kant introduces the Formula of a Realm of Ends (FRE) in section II of the *Groundwork* following his exposition of the Formula of Humanity (FH) and the Formula of Autonomy (FA).³⁰ His claim, connecting FH and FA, is that attributing unconditional value to human beings involves ascribing to them a rational will that is self-legislating and thus autonomous. An autonomous will focuses on maxims that can be willed as a universal law. Such a conception of human beings, Kant argues, gives rise to a realm of ends:

“The concept of every rational being as one who must regard himself as giving universal law through all the maxims of his will, so as to appraise himself and his actions from this point of view, leads to a very fruitful concept dependent upon it, namely that *of a realm of ends*. By a *realm* I understand a systematic union of various rational beings through common laws.”³¹

And Kant adds:

³⁰ The Formula of Humanity (FH) demands that you treat human beings not merely as means, but as ends in themselves. The Formula of Autonomy (FA) requires you “to choose only in such a way that the maxims of your choice are also included as universal law in the same volition” (“nicht anders zu wählen als so, daß die Maximen seiner Wahl in demselben Wollen zugleich als allgemeines Gesetz mit begriffen seien”). GMS, AA 04, 4: 440.18-20.

³¹ “Der Begriff eines jeden vernünftigen Wesens, das sich durch alle Maximen seines Willens als allgemein gesetzgebend betrachten muß, um aus diesem Gesichtspunkte sich selbst und seine Handlungen zu beurtheilen, führt auf einen ihm anhängenden sehr fruchtbaren Begriff, nämlich den eines *Reichs der Zwecke*. Ich verstehe aber unter einem *Reiche* die systematische Verbindung verschiedener vernünftiger Wesen durch gemeinschaftliche Gesetze.” GMS, AA 04: 333.12-18. Note that Mary Gregor in her translation of the *Groundwork* uses the term “kingdom of ends” instead of realm of ends. Since I consider “realm of ends” a more accurate translation of “Reich der Zwecke” than “kingdom of ends”, I have corrected her translation of this passage by replacing “kingdom of ends” with “realm of ends”. This holds for all other citations of Kant's phrase “kingdom of ends” in this paper.

“A rational being belongs as a *member* to the realm of ends when he gives universal laws in it but is also himself subject to these laws. He belongs to it *as sovereign* when, as lawgiving, he is not subject to the will of any other.”³²

FRE itself holds:

“(A)ct in accordance with the maxims of a member giving universal laws for a merely possible realm of ends.”³³

The idea of a realm of ends embraces the main idea of FH that rational beings “stand under the *law* that each of them is to treat himself and all others *never merely as means* but always *at the same time as ends in themselves*”.³⁴ Equally, the realm of ends is linked to the Formula of Universal Law (FUL) by including the condition that rational agents should act according to maxims that can be thought or willed as universal laws. And the realm of ends also makes use of the Formula of Autonomy (FA) since its members are self-legislating and thus autonomous rational agents.

For Kant, the idea of a realm of ends takes shape once we “abstract from the personal differences of rational beings as well as from all the content of their private ends” so that we are “able to think of a whole of all ends in systematic connection (a whole both of rational beings as ends in themselves and of the ends of his own that each may set himself).”³⁵ This might seem puzzling, since Kant defines a maxim as a subjective principle of action, involving an act done for the sake of an end. How then can agents be asked to abstract from the content of their private ends when at the same time moral deliberation is defined as the assessment of their particular maxims of actions? What Kant means is obviously not that agents should abstract from ends as such, but that they must consider whether their maxims involve ends that are – in principle – compatible with the ends of others. This entails not pursuing maxims involving ends where the corresponding maxims must be reasonably

³² “Es gehört aber ein vernünftiges Wesen als *Glied* zum Reiche der Zwecke, wenn es darin zwar allgemein gesetzgebend, aber auch diesen Gesetzen selbst unterworfen ist. Es gehört dazu *als Oberhaupt*, wenn es als gesetzgebend keinem Willen eines andern unterworfen ist.” GMS, AA 04, 4: 333.34-37.

³³ “(H)andle nach Maximen eines allgemein gesetzgebenden Gliedes zu einem bloß möglichen Reiche der Zwecke.” GMS, AA 04: 439.01-03.

³⁴ “...stehen alle unter dem *Gesetz*, daß jedes derselben sich selbst und alle andere *niemals bloß als Mittel*, sondern jederzeit *zugleich als Zweck an sich selbst* behandeln solle”. GMS, AA 04: 433.26-28.

³⁵ “...wenn man von dem persönlichen Unterschiede vernünftiger Wesen, imgleichen allem Inhalte ihrer Privatzwecke abstrahirt, ein Ganzes aller Zwecke (sowohl der vernünftigen Wesen als Zwecke an sich, als auch der eigenen Zwecke, die ein jedes sich selbst setzen mag) in systematischer Verknüpfung, d.i. ein Reich der Zwecke, gedacht werden können”. GMS, AA 04: 433.20-24.

rejected by others.³⁶ In other words, FRE demands pursuing ends for reasons that rational agents can share.

Each person may realize her own ends in so far as they meet the condition of universality. This requirement is expressed by the first part of the concept of the realm of ends, namely the requirement to establish a community of rational agents as ends in themselves; and this entails the second part, namely that such a community amounts to a union of rational beings whose relations to each other are regulated by common laws.

So far we have seen that the realm of ends includes the requirements articulated in the other formulas of the Categorical Imperative. But why should we consider the normative requirement of uniting in such a community, and conceiving of ourselves and of others accordingly, as the central principle of Kant's practical philosophy?

I will develop my argument in two steps. First, I try to show that Kant's *Groundwork* offers at least some indications that the realm of ends is crucial. Second, and more importantly, I will suggest that considering the idea of a realm of ends as paramount allows us to reconstruct Kant's theory in a way that seems appealing from a systematic point of view.

A hint that the idea of a realm of ends might be pivotal occurs in Kant's remarks on the attributes of maxims in the *Groundwork*. This passage follows immediately after Kant's claim that the three formulas of the Categorical Imperative, namely FUL, FH and FRE, are three different ways of "representing the principle of morality" and are "at bottom only so many formulae of the very same law, and any of them of itself unites the other two in it".³⁷ Kant

³⁶ Examples like the following come to one's mind: discriminating and marginalizing others, subduing and exploiting them, let alone forcing them into slavery or torturing or killing them. According to Allen Wood, FRE demands "the exclusion of ends that in principle cannot be shared between rational beings (such as those requiring deception or coercion) and the furthering of ends that unite people (such as those involving mutual respect and mutual aid)". Wood, Allen W.: *Kant's Ethical Thought*, op.cit., 169 (italics in the original). As Paul Guyer expresses it, only the promotion of those ends which can form "a systematic whole of private ends" is permissible. Guyer, Paul: *Kant's Groundwork for the Metaphysics of Morals, A Reader's Guide*. London, New York. 2007, 100.

³⁷ "das Princip der Sittlichkeit vorzustellen, sind aber im Grunde nur so viele Formeln eben desselben Gesetzes, deren die eine die anderen zwei von selbst in sich vereinigt" GMS, AA 04: 436.08-10. The interpretation of this passage has been controversial. Some philosophers claim that the German original states that the realm of ends unites the other two formulas. Others have taken the passage to claim that the different formulas of the CI are equivalent. Guyer interprets this passage as saying that FRE unites the other two formulas of the categorical imperative. Guyer, Paul: *Kant's Groundwork for the Metaphysics of Morals, A Reader's Guide*, op. cit., 101f. Jens Timmermann agrees with Guyer's interpretation and suggests a revised translation of this passage. His correction of the initial translation by Mary Gregor (cited above) reads: "The above three ways of representing the principle of morality are fundamentally only so many formulae of the

points out that there is nevertheless a difference between the three formulas of the CI, concerning the feature of maxims emphasized. All maxims have, he argues, a form (consisting in universality), a matter (namely an end, with humanity as an end in itself as the limiting condition of all arbitrary ends), and a complete determination. While the Formula of Universal Law and the Formula of Humanity capture the first two features, Kant claims that “a complete determination of all maxims” is achieved by the Formula of a Realm of Ends, that is, the requirement “that all maxims from one’s own lawgiving are to harmonize with a possible realm of ends as with a realm of nature”.³⁸

Kant distinguishes in this passage between the testing of maxims and the representation of the moral law. If one is focusing on the moral assessment of our maxims, Kant recommends following “the strict method” (“der strengen Methode”) and to apply the Formula of Universal Law, defined here as the requirement to “act in accordance with a maxim that can at the same time make itself a universal law”.³⁹ However, Kant observes that in reasoning that involves all the formulas of the Categorical Imperative a “progression takes place here, as through the categories of the *unity* of the form of the will (its universality), the *plurality* of the matter (of objects, i.e., of ends), and the *allness* or totality of the system of these”.⁴⁰ And he adds “to provide *access* for the moral law, it is very useful to bring one and the same action under the three concepts mentioned above and thereby, as far as possible, bring it closer to intuition”.⁴¹

What Kant suggests here is that FRE provides the complete form of moral reflection by including the moral ideas emphasized by the other formulas of the Categorical Imperative, namely universal lawgiving (unity of the will), the kind of ends (the restriction set by the human being as an end in itself), and the possibility of shared ends (system of ends). FRE, we

selfsame law, one of which of itself unites the other two within it.” Kant, Immanuel: *Groundwork of the Metaphysics of Morals. A German-English Edition*, op. cit., 101. However, since Kant’s original formulation in German is in my view ambiguous, I do not base my argument that the realm of ends is crucial on this passage. There are other less controversial passages in Kant’s writing that support the paramount role of FRE.

³⁸ “eine vollständige Bestimmung aller Maximen”, Kant, GMS, AA 04: 436.23; “daß alle Maximen aus eigener Gesetzgebung zu einem möglichen Reiche der Zwecke, als einem Reiche der Natur, zusammenstimmen sollen” Ibid. AA 04: 436.24-26.

³⁹ “handle nach der Maxime, die sich selbst zugleich zum allgemeinen Gesetze machen kann” GMS, AA 04: 436.30-32, 04: 437.01.

⁴⁰ “Der Fortgang geschieht hier wie durch die Kategorien der *Einheit* der Form des Willens (der Allgemeinheit desselben), der *Vielheit* der Materie (der Objecte, d.i. der Zwecke) und der *Allheit* oder Totalität des Systems derselben”. GMS, AA 04: 436.26-29.

⁴¹ “Will man aber dem sittlichen Gesetze zugleich *Eingang* verschaffen: so ist es sehr nützlich, ein und eben dieselbe Handlung durch benannte drei Begriffe zu führen und sie dadurch, so viel sich thun läßt, der Anschauung zu nähern.” GMS, AA 04: 437.01-04.

can thus conclude, involves constitutive conditions of morality like universality, respect for others, impartiality, and acceptability from the standpoint of all those affected by a regulation.

Yet all of this does not amount to a conclusive argument that the idea of a realm of ends presents the central principle of morality. To make progress, we have to reflect in more detail on the systematic role of this concept.

In the following section, I try to show how agreement to the realm of ends completes Kant's justificatory arguments for the ethical Categorical Imperatives. Section 6 will then discuss how the agreement of rational agents in the realm of ends grounds the Universal Principle of Right.

5. The Realm of Ends and the Ethical Categorical Imperatives

Recall that Kant describes the realm of ends as “a systematic union of rational beings through common objective laws”.⁴² Forming such a community of rational agents who recognize each other as equals and whose relations to each other are regulated by common laws and shared ends depends on the agreement of all. My suggestion is that exploring the reasons we have for consenting to membership in such a community and for regulating our relations to each other by ‘common laws’ on which we all agree provides us with a justification of the ethical Categorical Imperatives (FUL, FH) and the Universal Principle of Right.

Let us take a look at Kant's reasoning leading to the Formula of Universal Law (FUL) and the Formula of Humanity (FH). FUL comes up at the end of a regressive argument intended to identify the principle underlying the good will. Kant proceeds by exposing the conditions such a principle has to meet. The required principle must have the form of a categorical, not a hypothetical, imperative and must amount to a merely formal law. And the argument ends by stating that those conditions – formality, universality and categorical bindingness – are exactly met by FUL.

As it stands, the regressive argument does not provide a full justification of the FUL version of the Categorical Imperative. It does not tell us why FUL is the principle rational agents have

⁴² “eine systematische Verbindung verschiedener vernünftiger Wesen durch gemeinschaftliche objective Gesetze” GMS, AA 04: 433.29-30.

to adopt. Only in connection with the principle of autonomy does the regressive argument make apparent why FUL is the principle of our willing. The corresponding argument runs like this: A free will or an autonomous will acts according to its own principle or norm, that is to say, it is guided by a self-given law. The principle of a free will is thus a law; that means that it must hold universally. And the condition of being a universal law is exactly fulfilled by the FUL version of the Categorical Imperative. This reasoning shows that autonomy is basic.

The same holds for the Formula of Humanity (FH). FH also relies on the autonomy of the will, as the way Kant introduces FH shows. Kant derives FH by a regressive depiction of the conditions that underpin our valuing ourselves as human beings and rational agents. The argument begins by claiming that characteristic of rational beings is the capacity of self-determination by a will. Kant then states that the ground of the will's self-determination has to be an objective, not a relative, end. The latter would be merely conditionally valuable since its worth would depend on certain subjective desires and incentives. Relative ends are "only the ground of hypothetical imperatives".⁴³ But the ground of a Categorical Imperative as a practical law must be something that as an end in itself has absolute worth – for, "if all worth were conditional and therefore contingent, then no supreme practical principle for reason could be found anywhere".⁴⁴ Kant concludes by maintaining that all rational and all human beings exist as ends in themselves, having unconditional, i.e. absolute worth. This is so since human beings can never have merely conditional value and can never serve merely as means. And, Kant adds, all human beings must see themselves in that way, given that we share the rational basis of this kind of self-understanding.⁴⁵

Given "the representation of what is necessarily an end for everyone because it is an *end in itself*", the sought principle has to meet the following conditions: it must hold categorically, it must "be an *objective* principle of the will", and it must be able to "serve as a universal practical law".⁴⁶ Kant therefore states that the Categorical Imperative is: "*So act that you use*

⁴³ "nur der Grund von hypothetischen Imperativen" GMS, AA 04: 428.01-02.

⁴⁴ "wenn aber aller Werth bedingt, mithin zufällig wäre, so könnte für die Vernunft überall kein oberstes praktisches Princip angetroffen werden" GMS, AA 04: 428.31-33.

⁴⁵ GMS, AA 04: 429.05-07.

⁴⁶ "das aus der Vorstellung dessen, was nothwendig für jedermann Zweck ist, weil es *Zweck an sich selbst* ist, ein *objectives* Prinzip des Willens ausmacht, mithin zum allgemeinen praktischen Gesetz dienen kann" GMS, AA 04 :428.36-37, 04: 429.01-02.

humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means."⁴⁷

Kant's argument relies on two assumptions. The first one is that our capacity for setting ends defines us as human beings. Pursuing ends involves that we, as rational agents making choices, confer value on our ends. The second assumption holds that the rational capacity of ascribing objective value to ends presupposes that one must ascribe objective and *unconditional* value to oneself and one's rational willing, which amounts to respecting humanity in us. The source of all value lies in our humanity and rational nature.⁴⁸

The derivation of FH rests on the self-legislation of the rational will and thus the principle of autonomy. Kant confirms as much when he states:

"For, nothing can have a worth other than that which the law determines for it. But the lawgiving itself, which determines all worth, must for that very reason have a dignity, that is, an unconditional, incomparable worth; and the word *respect* alone provides a becoming expression for the estimate of it that a rational being must give. *Autonomy* is therefore the ground of the dignity of human nature and of every rational nature".⁴⁹

⁴⁷ "Handle so, daß du die Menschheit sowohl in deiner Person, als in der Person eines jeden andern jederzeit zugleich als Zweck, niemals bloß als Mittel brauchst". GMS, AA 04: 429.10-12.

⁴⁸ See also Korsgaard, Christine M.: "Kant's Formula of Humanity". In: Korsgaard, Christine M. (ed.), *Creating the Kingdom of Ends*. 1996, 106-132, here: 122f. Wood reconstructs Kant's argument for the derivation of FH in the following way:

"The ground of (the moral principle) is: *Rational nature exists as end in itself*.

- (1) This is how the human being necessarily represents his own existence; to this extent, therefore, it is a *subjective* principle of human actions.
- (2) But every other rational being also represents its existence consequent to precisely the same rational ground which is valid for me.
- (3) Therefore, it is at the same time the rational ground of an *objective* principle, from which, as a supreme practical ground, all laws of the will must be able to be derived.
- (4) The practical imperative will therefore be the following: *Act so that you use humanity in your own person, as well as in the person of every other, always at the same time as end, never merely as a means.*" Wood, Allen W.: *Kant's Ethical Thought*, op. cit., 124f.

Wood summarizes the rationale of this reasoning in the following way: "Kant holds that goodness is indeed objectively prescriptive, but not because external objects have some queer property that imposes itself prescriptively on the will (thus violating autonomy). Instead, Kant locates objective prescriptivity in precisely the sort of thing that might naturally have been thought to prescribe objectively: namely the rational will. He holds that the objectivity of the will's prescriptions comes from the rational capacity to set ends having objective value. The source of all such value is nothing but the value of rational willing itself, which can confer objective value on other things only if it is presupposed that it has objective value." Wood, Allen W.: *Kant's Ethical Thought*, op. cit., 129f. And Wood adds: "Hence we have reason to regard as good the ends we ourselves set only to the extent that we (at least implicitly) respect and esteem our own rational nature as that which sets them. More generally, if something is good only through being made the object of rational choice, then the capacity to make such choices is thereby taken as the sole authority over goodness, or as Kant puts it, 'the subject of all possible ends'". Ibid., 130.

⁴⁹ "Denn es hat nichts einen Werth als den, welchen ihm das Gesetz bestimmt. Die Gesetzgebung selbst aber, die allen Werth bestimmt, muß eben darum eine Würde, d.i. unbedingten, unvergleichbaren Werth, haben, für welchen das Wort *Achtung* allein den geziemenden Ausdruck der Schätzung abgiebt, die ein vernünftiges Wesen über sie anzustellen hat. *Autonomie* ist also der Grund der Würde der menschlichen und jeder vernünftigen Natur." GMS, AA 04: 436.01-07.

The importance of autonomy for grounding FH is also made apparent by Kant's caveat that his regressive exposition of the conditions leading to FH merely amounts to a conditional justification. Kant's derivation relies, as mentioned, on the assumption that "*rational nature exists as an end in itself*" which as "the ground of this principle", i.e. FH, holds equally for all other rational agents.⁵⁰ In an annotation to the text Kant tells us that he introduces this assumption as a mere postulate and that he is going to provide its full justification in section 3 of the *Groundwork*. The argument offered there proceeds from the claim that a rational will is an autonomous will and that an autonomous will and a moral will are one and the same to the conclusion that a rational will is a moral will.⁵¹ The upshot is that autonomy of the person in the sense of self-determination by rational willing amounts to a basic presupposition of Kant's ethics.

The aim of this paper is exactly to proceed beyond this familiar claim and to propose the idea of a realm of ends as the centrepiece of Kant's practical philosophy. But why should we accept that suggestion? My answer draws on fleshing out the connection between autonomy and the realm of ends. In more detail, I will argue that membership in the realm of ends, which commits rational agents to agreement on shared laws, is indispensable for enjoying the status of autonomy. Forming our relations on the model of a realm of ends grants us the status of being autonomous and self-legislating agents who relate to each other by relations of respect.

As we know, Kant was uneasy with the justification of the Categorical Imperative in section 3 of the *Groundwork*. His worry was that the argument he provided for showing that the Categorical Imperative is the principle of an autonomous will is circular, since it already presupposes autonomy without offering a further argument for autonomy. But such an argument is in his hands.

We are brought directly to the idea of a realm of ends by asking: On what fundamental principles must our relations to each other be based so that we, as free and rational agents, have reason to consent to them? The answer leads to the Kantian principles, the ethical Categorical Imperatives and the Universal Principle of Right. We all agree on adopting them

⁵⁰ "Der Grund dieses Princips ist: *die vernünftige Natur existirt als Zweck an sich selbst*". GMS, AA 04: 429.02-03. And Kant adds: "But every other rational being also represents his existence in this way consequent on just the same rational ground that also holds for me". "So stellt sich aber auch jedes andere vernünftige Wesen sein Dasein zufolge eben desselben Vernunftgrundes, der auch für mich gilt, vor." Ibid. AA 04: 429.05-07.

⁵¹ A full discussion of the argument in section 3 is beyond the scope of this paper.

because this grants our autonomy and our equal standing. To put it differently: Given that the actions of others affect us, we ought to cooperate with others in working out moral regulations to which we can all consent. Our recognition of the value of humanity and autonomy provides us with a normative reason to consent to the principles that are constitutive of autonomy in the sphere of inner and outer freedom. The regulations of our social life granted by those basic principles thus turn into *common* laws.

Therefore, the Categorical Imperative contained in the Formula of a Realm of Ends (FRE) should, I think, be expressed as: Act according to principles on which you and others can agree to act, since they are constitutive of the moral community as a systematic union of human beings who respect each other and each others' autonomy.

We have seen that the regressive arguments bring us to autonomy. However, since I exist not as a mere "I" in a solipsistic world but in a world in which the actions of others have an impact on me, I have reason to consent to a social structure that grants me the status of an autonomous agent. Otherwise, I would be at the disposal of others' arbitrary wills – degraded to an object, a kind of instrument and, in the end, a victim. To avoid such humiliation is why I commit myself to the normative principles granting a social structure that allows me to be respected by others and not treated merely as a means. This amounts to a normative consideration and insight beyond mere instrumental reasoning.

Let me make clearer the approach defended here. There are two ways of interpreting the realm of ends. According to the first one, it amounts to a mere association of individually rational and autonomous beings who are universal lawgivers with respect to their own ways of acting. When it comes to moral deliberation, each agent asks him- or herself whether he or she can will his or her maxim to be a universal law. The element of commonality among such autonomous lawgivers reduces to each one's being the same kind of self-legislator. On this model, moral agents are singular agents deliberating in isolation.

On the second reading, the realm of ends involves a more robust sociality and commonality than the mere co-existence of rational lawgivers. As members of a realm of ends, autonomous rational agents try to bring their ends into a systematic union. Since the focus is on *common* legislation, the realm of ends includes cooperative relations. On this model, others are co-deliberators. Moral deliberation involves cooperation to achieve an agreement on binding

laws and principles for the community. The approach to morality (in the narrow and the broader sense) is relational. Self-legislation extends to the common legislation of all members of the realm of ends.

Kant himself is ambiguous. Several of his remarks indicate that he tends toward the cooperative understanding of the realm of ends. This is apparent when he describes, as mentioned, the realm of ends as a “systematic union of rational beings through *common* objective laws”, adding that “what these laws have as their purpose is just the *relation* of these beings to one another as ends and means”.⁵² Recall also that he emphasizes that ends should be shareable.

On the other hand, Kant often falls back on the isolated first-person perspective of the individual rational lawgiver. Each rational agent is accordingly seen as his or her sovereign, whose moral reasoning is limited to assessing his or her own maxims by the test of universality.

We might say that Kant hesitates to spell out the full implications of his own definition of the realm of ends. Kant does not endorse an agreement-based reading of the realm of ends. Instead of accepting that the rational agreement of all is the ground of common laws, he depicts the legislation in the realm of ends as the additive outcome of each individual’s lawgiving. The rationale for his shying away from such an interpretation is certainly that it seems in tension with a strict first-person internalism in ethics. Kant’s ethics is also directed at the inner dialogue of the moral agent, who looks for self-contradictions in her willing and who aims for perfection by taking seriously the fact that she has not only moral duties to others, but also duties to herself.

However, my proposed interpretation of the realm of ends is compatible with Kant’s internalism. It even makes room for duties to oneself. What the inner determination of one’s will amounts to is the acceptance that one’s will must be governed by principles that could be thought or willed without any contradiction. This test, however, only works with respect to others: the decisive criterion is whether my maxim can be thought or willed as a universal law, which means that I have to ask myself whether others could rationally agree with my

⁵² “systematische Verbindung vernünftiger Wesen durch gemeinschaftliche objective Gesetze”, “weil diese Gesetze eben die Beziehung dieser Wesen auf einander, als Zwecke und Mittel zur Absicht haben” *GMS*, AA 04: 433.29-32 (italics in the English quotes H.P.St.).

way of acting. The key element is universality and this requires that my inner resolutions do not ignore the existence and standpoint of others. I need to act in such a way that my will, expressed in my maxims, is guided by principles to which others could consent. Such a form of willing should be understood as my internal voice, but not as my solipsistic voice.

Duties to oneself can then be understood in the following way: the normative basis for membership in the realm of ends is my consent as an autonomous and rational agent to accept its constitutive principles. Since this involves that others respect my independence and humanity I myself cannot, without risking incoherence in my normative commitments, treat myself in a way that violates my standing and my worth as an autonomous human being. In this sense, we do have obligations to ourselves.⁵³

A further thought must be added to complete the argument. At the end of section two, when summing up my rejection of the separation thesis, I argued that we need a normative principle that unifies Kant's ethics and philosophy of right and from which the ethical principles (FUL and FH) and the Universal Principle of Right can be deduced. The next step was to propose the idea of a realm of ends as the normative source of those basic principles regulating the inner and outer sphere of freedom. However, to maintain that structure we must draw a distinction between the realm of ends (including FRE) and the ethical formulas of the Categorical Imperative as they come up in the *Groundwork*, namely FUL and FH. (Leave aside for the moment that the same kind of distinction holds between the realm of ends and the Universal Principle of Right.) The realm of ends is on another justificatory level compared to FUL and FH, because the self-legislation of the community of rational agents is the normative basis of the ethical Categorical Imperatives. First comes the rational agreement to common laws; the next step then is to consent to FUL and FH since they spell out in more detail the procedural requirements for ethical deliberation and the ethical dialogue with myself.⁵⁴

⁵³ Duties to oneself are controversial, particularly because of Kant's statements on suicide. However, nothing in what I've said commits us to adopting Kant's specific way of fleshing out those duties.

⁵⁴ The point I want to make here becomes clearer if we look at Korsgaard's interpretation of Kant's system of Categorical Imperatives. In *The Sources of Normativity* Korsgaard distinguishes between the "moral law" and the Categorical Imperatives. The moral law is, as her explanation makes evident, nothing other than the idea of a realm of ends: "The moral law, in the Kantian system, is the law of what Kant calls the Kingdom of Ends, the republic of all rational beings. The moral law tells us to act only on maxims that all rational beings could agree to act on together in a workable cooperative system". Korsgaard, Christine M.: *The Sources of Normativity*. Cambridge. 1996, 99. Korsgaard's rationale for distinguishing between the moral law and the ethical Categorical Imperatives is to prepare the ground for claiming that reasons are not private, but public and shared. This claim is essential for answering the worry that Kant's ethics is restricted to a kind of closed, first-person moral perspective and thus to "private reasons". See also Korsgaard, "The reasons we can share: An attack on the

The concept of a realm of ends, however, also exceeds the Formula of Universal Law and the Formula of Humanity with respect to its content. The requirement to form a community of rational agents bound by common laws introduces a normative idea that is not yet part of FUL and FH. The new element is the plural perspective of those who, as socially situated beings, cannot avoid the task of regulating their relations to each other.⁵⁵

This amounts to a revised understanding of the structure of the *Groundwork*. The familiar reading of the *Groundwork* is the following: Kant first argues that the fundamental principle of morality is the Categorical Imperative, and he then presents us with various formulations of this principle, which just amount to different ways of saying the same thing. The interpretation defended here deviates from this picture by ascribing to the realm of ends a foundational role that the ethical versions of the Categorical Imperative do not play. They are part of Kant's testing procedure for maxims; the realm of ends grounds them.⁵⁶

Let me address an objection that still might be raised. One might ask: Is the step from the idea of the realm of ends to the Universal Law formulation of the Categorical Imperative really plausible? Are we not stuck again with the problem that any general principle which tries to figure as the uniting element of Kant's ethics and philosophy of right inevitably does not

distinction between agent-relative and agent-neutral values", in: Korsgaard, Christine M.: *Creating the Kingdom of Ends*. Cambridge. 1996, 275-310, esp. 291-301. However, Korsgaard does not explore the normative implications of her introduction of the moral law in *The Sources of Normativity*; in later works (e.g. Korsgaard, Christine M.: "Autonomy and the Second Person Within: A Commentary on Stephen Darwall's *The Second-Person Standpoint*". In: *Ethics* 118, 1, 2007, 8-23) she sticks to a first-person moral standpoint that ignores the cooperative dimension emphasized by her own formulation of the moral law. For a discussion of this point see also Pauer-Studer, Herlinde: "The Moral Standpoint: First-Personal or Second-Personal?". In: *The European Journal of Philosophy* 18, 2, 2010, 296-310, here: 300-302.

⁵⁵ Onora O' Neill, for example, argues that the realm of ends "does not add to the content of FUL and FEI". O' Neill, "Universal Laws and Ends-In-Themselves", in: O' Neill, Onora, *Constructions of Reason. Explorations of Kant's Practical Philosophy*. Cambridge. 1989, here: 143. (Note that in O' Neill's terminology FEI, i.e. the Formula of Ends-in-Themselves, refers to the Formula of Humanity). Accordingly, she reads the realm of ends as a kind of inspiring quasi-religious metaphysical ideal and "political metaphor", close to the metaphor of the invisible church in Kant's Religion. I consider it, however, important to flesh out Kant's concept of a realm of ends in secular terms, namely in terms of the relations and principles tying and connecting members of the moral community.

⁵⁶ One might object that FUL just belongs to Kant's testing procedure for maxims, and that FH, stating the unconditional worth of human beings, is the most fundamental normative principle of Kant's ethics. Note, however, that in the *Groundwork* Kant applies FH to testing maxims; in demonstrating the force of FH in assessing maxims he uses the same kind of examples as in his application of FUL. That FH is central to Kant's practical philosophy is maintained in Pallikatthayil, Japa: "Deriving Morality from Politics: Rethinking the Formula of Humanity". In: *Ethics* 121, 1, 2010, 116-147, here: 129-146. Her account is especially interesting since she argues that Kant's political philosophy is crucial for understanding his account of moral duties. While I do not want to take issue with her account of Kantian duties, I think it is the Formula of a Realm of Ends that makes apparent the full intersubjective normative force of FH. (Notice that the concept of a realm of ends includes the main idea of FH). Considered in isolation, FH is a highly abstract requirement which is merely addressed to the individual will.

capture the defining point of Kant's ethics, namely the crucial role the incentive of action and the inner determination of the person play? How then can the Categorical Imperative in ethics be considered as the ethical implementation of the idea of a realm of ends?

The problem seems especially vivid given that the Formula of Universal Law is addressed to the individual herself and brings her will to the fore by requiring one to act in accordance with a maxim that can be willed as a universal law. Some philosophers have therefore claimed that the Universal Law formulation of the Categorical Imperative makes no appeal to the standpoint of others and what they can reasonably accept or reject.⁵⁷ They argue that the contradiction in the case of non-universalizable ethical maxims amounts to a mere self-contradiction in the willing of the inner self.

Such a narrow reading of the Universal Law Formula seems to me untenable. A closer look reveals that the universalization test only works if one assumes that others act likewise. What the inner determination of one's will amounts to is accepting that one's will must be governed by a principle that could likewise be a principle for others. That is to say, I have to act in such a way that my will, expressed in my maxims, must be guided by principles to which others could consent. The decisive element in the Formula of Universal Law is, as already mentioned, universality, and this includes that my inner resolutions are made in light of the standpoint of others.⁵⁸

The worry about an unbridgeable gap between the realm of ends and the Formula of Universal Law thus seems unsubstantiated. Coherence in my normative commitments requires that I, who already agreed on accepting the normative principles constitutive of the community of rational and equal beings, approve that they must also guide my own will. I address those principles to myself. The incentive of my action is relevant since it is an indispensable part of my individual agency. Moreover, when it comes to my moral action, the incentive must be of

⁵⁷ Stephen Darwall claims that FUL "says nothing about what others must be able to accept or be unable to reject". Darwall, Stephen: *The Second-Person Standpoint. Morality, Respect, and Accountability*. Cambridge, MA and London. 2006, 307.

⁵⁸ The inclusion of the standpoint of others is vivid, e.g., in Derek Parfit's reformulation of Kant's Formula of Universal Law in contractualist terms, namely as "Everyone ought to follow the principles whose universal acceptance everyone could rationally will, or choose". Parfit, Derek: *On What Matters, Volume One*. Oxford. 2011, 355. For an explication of Kant's Formula of Universal Law in terms of 'common knowledge', see Velleman, J. David: "Reading Kant's Groundwork". In: George Sher (ed.), *Ethics. Essential Readings in Moral Theory*. London/New York 2012, 343-359.

a particular kind. I simply cannot determine myself to act as a morally worthy agent unless the incentive is tied to the moral principle.⁵⁹

To sum up the argument so far: The idea of a realm of ends requires us to act according to principles that are constitutive of a community of human beings who respect each other and each other's autonomy. One might claim that those "common laws" ("gemeinschaftliche Gesetze") constituting a "systematic union of rational beings" ("systematische Verbindung vernünftiger Wesen") are simply dictated by pure practical reason. However, one might follow a more constructive line and interpret them as being based upon an agreement: we do have reason to consent to them. This grounds the ethical Categorical Imperatives as the principles of inner autonomy.

What remains to be shown is that the idea of a realm of ends also grounds the basic principle of outer freedom, namely the Universal Principle of Right.

6. The Realm of Ends and the Universal Principle of Right

Kant's practical philosophy aims to answer two crucial questions: with regard to ethics, 'What is the principle of ethically good action?'; with regard to the sphere of right, 'What is the principle of rightful action and relations in the sphere of external freedom?' In answering those questions, Kant offers us regressive arguments. (Recall that a regressive argument first exposes the conditions that a principle has to fulfill and then ends by suggesting a specific formulation of a principle meeting those requirements.) In the *Groundwork*, the regressive arguments give rise to the ethical Categorical Imperatives (FUL, FH); in the *Doctrine of Right* the regressive argument is meant to lead to the Universal Principle of Right (UPR) which states: "Any action is *right* if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law."⁶⁰

⁵⁹ Individual agency in the sphere of external relations likewise requires an incentive. However, here I can, but need not, act morally. This is so since the authority for regulating the sphere of external relations is handed over to the state. And the state may require or even force us to comply with its laws, but it may not require us to do so morally.

⁶⁰ "Eine jede Handlung ist *recht*, die oder nach deren Maxime die Freiheit der Willkür eines jeden mit jedermanns Freiheit nach einem allgemeinen Gesetze zusammen bestehen kann." MS, AA 06: 230.29-31.

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

In section B ('What is Right?', 'Was ist Recht?') Kant intends to define the concept of right. He makes clear that he is addressing "the moral concept of right" ("der moralische Begriff" des Rechts), not the jurist's empirical understanding of "what the laws in some country at some time prescribe".⁶¹ What is at stake is finding a principle that regulates our external practical relations, i.e., our relations of outer freedom, in a morally rightful way. Again, the sought principle must, as Kant points out, be formal and universal and directed at our choices as the manifestations of our freedom. The principle should apply to the formal relation between our choices; it must neither include the material content of our choices nor their relation to the wishes or needs of others. Decisive is whether the choice of one person, as it finds expression in action, is compatible with the freedom of the other according to a universal law. Given those prerequisites, Kant then suggests the following principle: "Right is therefore the sum of the conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom".⁶² And immediately after this definition, with which section B ends, follows the Universal Principle of Right at the start of section C.

Reading the two sections, B and C, together shows that the Universal Principle of Right (UPR) is just a more specific version of Kant's definition of 'right', applying Kant's general formulation of what is right to actions. Kant's reasons for introducing UPR are exposed in the preceding section B.

Let us make this clearer by taking into account some inescapable circumstances determining our relations of outer freedom. For example, the simple fact that human existence is tied to occupying space calls for a regulation of our interactions in the sphere of external freedom.

⁶¹ "was in irgend einem Lande die Gesetze zu irgend einer Zeit wollen" MS, AA 06: 229.28, 29.

⁶² "Das Recht ist also der Inbegriff der Bedingungen, unter denen die Willkür des einen mit der Willkür des andern nach einem allgemeinen Gesetze der Freiheit zusammen vereinigt werden kann." MS, AA 06: 230. 24-26.

Otherwise, we face a social scenario of constantly infringing on others' bodies and thus challenging their status as independent beings. We therefore need a principle forbidding such trespasses. Kant's regressive argument can then be reconstructed in the following way:

1. We are beings whose existence entails occupying outer space.
2. Our occupying space is determined by our choices.
3. If there are no restrictions on our freedom of choice, our choices of occupying space might come into conflict with others' choices of occupying space. Some persons might just be pushed around by others.
4. Such an unregulated state of conflicts in occupying space is the state of nature. As a consequence, some persons might be treated not as ends but merely as means.
5. In order that each person's initial claim to freedom of choice in occupying some space be respected, we have to leave the state of nature and move to a rightful condition.
6. The restrictions set by a rightful condition on our freedom of choice with respect to occupying space must take into account that all persons have a claim to equal consideration of their freedom of choice.
7. The principle meeting this requirement is: Right is therefore the sum of the conditions under which the choice of one with respect to occupying space can be united with the choice of another in accordance with a universal law of freedom.
8. Applied to actions, this principle can be re-formulated as: Any action of occupying space 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 in occupying space can coexist with everyone's freedom in accordance with a universal law.⁶³

What I have formulated here, for illustrative reasons, with respect to occupying space can of course be generalized. And then the argument straightforwardly leads to Kant's definition of right and the Universal Principle of Right.⁶⁴

⁶³ 7 and 8 are Kant's own formulations.

⁶⁴ The general form of Kant's regressive argument (section B and beginning of section C of the *Introduction to the Doctrine of Right*) can be reconstructed as:

1. We are beings whose existence entails that we make choices that determine our external relations to others (freedom of choice).
2. If there are no restrictions on our freedom of choice, our choices might come into conflict with others' choices. Some person's freedom of choice might come at the expense of another person's freedom of choice.
3. Such an unregulated state of conflicts is the state of nature. It entails that some persons are not treated as an end but merely as a means.
4. In order that each person's initial claim to freedom of choice is respected, we have to leave the state of nature and move to a rightful condition.

The regressive argument shows that UPR is the appropriate principle for regulating relations of outer freedom. But how is it connected with the realm of ends? The answer is that the Universal Principle of Right implements the idea of a realm ends in the sphere of external freedom.

The argument works on analogy with the one developed in outlining the justification of the ethical Categorical Imperatives. I argued that the full justification of Kant's ethical Categorical Imperatives relies on our endorsing the basic principle of a realm of ends. Valuing my own autonomy gives me a normative reason to consent to membership in the realm of ends, since this normative structure acknowledges my freedom as a rational agent whom others do not treat as a mere means.

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

That this interpretation is indeed in line with Kant's own argument for introducing UPR can be shown if we take into account how Kant himself outlined the conditions for achieving external freedom in the *Doctrine of Right*.

UPR is constitutive of a normative order in which agents may enjoy their space of external freedom independently of arbitrary interventions by others. Preventing one person's freedom of choice from coming at the expense of another person's freedom of choice requires, first, ascribing rights to persons and, secondly, enforcing those rights. In other words: a rightful condition includes the use of coercion as an indispensable means for regulating our relations of outer freedom.

5. The restrictions set in a rightful condition must meet the requirement that all persons have an equal claim to be considered by the principles regulating relations of external freedom.

6. This requirement can be expressed in the following way: "Right is therefore the sum of the conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom".

7. Applied to actions, the principle reads: "Any action is *right* if it can coexist with everyone's freedom in accordance with a universal law or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law."

Rights come, as Kant maintains, with the permission to use coercion. And coercion is justified when it blocks an action that would violate the condition of universal freedom. As Kant puts it:

“Therefore, if a certain use of freedom is itself a hindrance to freedom in accordance with universal laws (i.e., wrong), coercion that is opposed to this (as a *hindering of a hindrance to freedom*) is consistent with freedom in accordance with universal laws, that is, it is right”.⁶⁵

Kant’s point is that enforceable constraints on actions ought to be based on universal laws consistent with everyone’s freedom. This then grants the authority to use coercion. Note, however, that this authorization does not apply to individual agents. Only in a state of “externally lawless freedom” (“äußerlich gesetzloser Freiheit”) would an individual be “authorized to use coercion against someone who already, by his nature, threatens him with coercion”.⁶⁶ Kant claims that such a condition has to be overcome since it is “a condition that is not rightful, that is, in which no one is assured of what is his against violence”.⁶⁷ As Kant writes:

“A rightful condition is that relation of human beings among one another that contains the conditions under which alone everyone is able to *enjoy* his rights, and the formal condition under which this is possible in accordance with the idea of a will giving laws for everyone is called public justice”.⁶⁸

Kant attributes to citizens the normative status of holding coercive rights against others, but he does not grant them the right to execute that coercive authority by themselves. This would represent a relapse into the conditions of a state of nature. Thus, individuals will consent to

⁶⁵ “Folglich: wenn ein gewisser Gebrauch der Freiheit selbst ein Hinderniß der Freiheit nach allgemeinen Gesetzen (d.i. unrecht) ist, so ist der Zwang, der diesem entgegengesetzt wird, als *Verhinderung eines Hindernisses der Freiheit* mit der Freiheit nach allgemeinen Gesetzen zusammen stimmend, d.i. recht.” MS, AA 06: 231.28-32.

⁶⁶ “zu einem Zwange gegen den befugt, der ihm schon seiner Natur nach damit droht” RL, AA 06: 307.24-25.

⁶⁷ “der kein rechtlicher (Zustand) ist, d.i. in dem Niemand des Seinen wider Gewaltthätigkeit sicher ist” RL, AA 06, 6: 308.01-02.

⁶⁸ “Der rechtliche Zustand ist dasjenige Verhältniß der Menschen unter einander, welches die Bedingungen enthält, unter denen allein jeder seines Rechts *theilhaftig* werden kann, und das formale Princip der Möglichkeit desselben, nach der Idee eines allgemein gesetzgebenden Willens betrachtet, heißt die öffentliche Gerechtigkeit.” MS, AA 06: 305, 34-35; 06: 306.01-03. A look at Kant’s account of property rights helps to make this clearer. Kant distinguishes carefully between a provisional possession of an object and a *right* to the possession of an object. An initial or original acquisition of an object is simply a claim on an external thing as one’s own, thus amounting to a provisional possession of external objects. Kant notes that we have to leave the state of nature where we have provisional possession of objects and consent to a rightful condition so that guaranteed property rights emerge.

transferring their coercive authority to the head of the state.⁶⁹ The insight that they would otherwise face a condition of outer lawless freedom provides them with a reason to do so.

In Kant's framework, the move to a civil and rightful condition is justified since each member of the society would, if rational, consent to the normative principles of lawful freedom. Kant's claim that a rightful condition is tied to "the idea of a will giving laws for everyone" ("Idee eines allgemein gesetzgebenden Willens")⁷⁰ indicates that individuals share the normative ground for obtaining a condition of public justice in which "everyone is able to *enjoy* his rights".⁷¹ He holds that human beings need a rightful condition in which one's own rights and those of others are respected since their actions have an effect on others. Kant seeks to outline the public normative conditions that allow for rightful interpersonal relations.

We can interpret Kant's point as claiming that rightful demands on others must come with a normative justification backed by principles on which free and rational agents would agree, since this grants them the normative status of being respected as free agents by others. An essential principle of such a structure is the Principle of Universal Right, which is the basis for a system of laws guaranteeing equal freedom for all.⁷²

7. Conclusion

The main thesis of this paper has been that Kant's idea of a realm of ends, as he introduces it in the *Groundwork*, provides the unifying principle for his practical philosophy. The idea of forming such a community of rational agents covers the basic principles of Kant's ethics and his philosophy of right.

⁶⁹ TP, AA 08: 291.20-28.

⁷⁰ MS, AA 06: 306.02.

⁷¹ "jeder seines Rechts *theilhaftig* werden kann" MS, AA 06: 306.01.

⁷² Note that the reading defended here (i.e. that the full justification of the Universal Principle of Right depends on rational agreement to the common principles constituting the realm of ends) differs profoundly from a recent account offered by Christopher Horn. See Horn, Christopher: *Nichtideale Normativität. Ein neuer Blick auf Kants politische Philosophie*, Berlin. 2014, esp. Ch.6 and Horn's paper in this volume. Horn claims that Kant's political philosophy is based on a weaker, i.e. non-ideal, form of normativity; he holds that the 'common will test' for legitimate law and the CI-procedure do not share a common normative basis. Horn's thesis seems to me implausible. The differences between the political and the ethical realm on which Horn's argument rests just depict the different conditions that ethical principles, on the one hand, and political/legal principles, on the other hand, have to meet, but do not entail that the basic principles of Kant's philosophy of right are normatively weaker. The aim of my paper has been precisely to show that the justification of the ethical Categorical Imperatives and the justification of the Universal Principle of Right make use of the same kind of normative resources.

As rational beings, we all would give ourselves those common laws and choose to live by them since this guarantees our equal standing and freedom. It seems reasonable, from the standpoint of all, to agree on them. This way we are a moral community, entertaining relations of dignity to each other.

The next step has been to argue that the idea of uniting in a realm of ends leads in the sphere of internal freedom to the ethical Categorical Imperatives, and in the sphere of external freedom to the Universal Principle of Right. The Categorical Imperative secures my autonomy in the sphere of inner motivations and convictions; the Universal Principle of Right warrants my independence from the choice of others, thus enabling me to be my own master in external relations to others.

The idea of a realm of ends is connected to the Categorical Imperatives and the Universal Principle of Right in the following way: first, there is the contractual agreement of all subjects to form a realm of ends, which includes the commitment to see oneself as belonging to a community of free and equal cooperative subjects. The regressive arguments show why the principle of ethics (the Categorical Imperative in the Universal Law formulation and the Humanity Formula) and the guiding principle of the philosophy of right (i.e., the Universal Principle of Right) can be considered as implementing the idea of a realm of ends in the spheres of both internal and external freedom. I treat others as ends and not merely as means if I ask myself whether my maxims for acting can be thought or willed as a universal law – in other words, whether others can reasonably consent to my maxim. I also treat others as ends, and not merely as means, if I consent to live in cooperative relations with others regulated by the principle of equal freedom.⁷³

On this interpretation, the regressive arguments leading to the ethical Categorical Imperatives on the one hand, and the Universal Principle of Right on the other hand, depict the conditions the ethical categorical imperatives (FUL and FH) and the Universal Principle of Right (UPR) have to meet in order to function as the basic normative standards of a community of rational

⁷³ One might object that this interpretation is in tension with Kant's claim that the Universal Principle of Right is "a postulate that is incapable of further proof" ("ein Postulat, welches gar keines Beweises weiter fähig ist"). MS, AA 06, 6:231.18. I think, however, that reconstructing the reasons we have for consenting to the Universal Principle of Right is more in the spirit of Kant's project. True enough, Kant is often close to rationalism, even a dogmatic form of rationalism. Yet his painstaking efforts in developing regressive arguments in the *Groundwork*, for example, show that Kant is not content with merely claiming that the Categorical Imperative is a priori true. Guyer argues that Kant's claim that a postulate is "incapable of further proof" does not mean that it needs no further justification. See Guyer, Paul: "Kant's Deductions of the Principles of Right", op. cit., 201-217.

agents. However, the justification for our agreeing to those principles is provided by the normative reasons we have for forming a realm of ends.

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