Chapter 6: Rights, Coercion, and the State

A recognition of, and respect for, the humanity in ourselves and others is the foundation of virtuous conduct for humans, and the basis of ethical conduct in general. In that human conduct has a phenomenal as well as a noumenal aspect, the moral law manifests itself in the categorical imperative and can translate into actions of the empirical world. The duties of self-perfection and promoting the happiness of others command actions in the phenomenal world. For Kant, harmony of man’s empirical character (through action) with the actions of his fellow man is the key to ethical conduct. In this Chapter, I will explore how the concept of reciprocity informs Kant’s notion of civil society. This will require an introduction of the Kantian doctrine of ‘innate right’ and how that shapes the duties of citizens in a state and the authorization of coercion in protecting rights. Consideration is given to Kant’s claims that a properly ordered society can bring about moral improvement in its citizens.

6.1 The Principle of Human Interaction: Reciprocity

As discussed in Chapter 2, harmony between objects of empirical thought is an important theme beginning in Kant’s pre-Critical writings. And in those writings are found explanations of concepts crucial to his ethics. In his early discussions of space as the possibility of experience, the necessary Idea of the first Critique, he states that

[s]ince the determinations of substances are reciprocally related to each other, that is to say, since substances which are distinct from each other reciprocally act on each other (for one substance determines certain things in the other substance), it follows that the concept of space is constituted by the
interconnected actions of substances, reaction always being of necessity conjoined with such interconnected actions.\(^1\)

But this is not to be mistaken for the preestablished harmony governing interactions between Leibnizian monads. Kant is clear to distinguish his concept of ‘universal harmony’ from mere ‘agreement between substances.’ Universal harmony between substances is, for Kant, “their reciprocal dependency on each other….established by means of those determinations which attach to the origin of their existence.”\(^2\) The determinations attaching to the origin of human existence are none other than the duties given by virtue of our humanity. Those duties, then, given by Kant some 42 years later in the *Doctrine of Virtue* establish the reciprocal dependency of human beings on one another.

Just as the categorical imperative is the principle of free action and the concept of humanity is a pure and objective object of that action; space and time are the pure intuitions that “constitute the underlying foundations upon which the understanding rests.”\(^3\) And beginning with *Thoughts on the True Estimation of Living Forces*, Kant was determined to accurately describe the interaction of bodies, including human bodies, in the phenomenal world. This lead to an investigation of the nature and purpose of space and time exposing the tension between metaphysics and knowledge, culminating in the *Inaugural Dissertation*. In a letter to Moses Mendelssohn dated April 8, 1776, Kant writes

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\(^1\) *New Elucidation*, 1:415.

\(^2\) Ibid.

\(^3\) *Inaugural Dissertation*, 2:405.
I am far from regarding metaphysics itself, objectively considered, to be trivial or dispensable; in fact I have been convinced for some time now that I understand its nature and its proper place in human knowledge and that the true and lasting welfare of the human race depends on it…Admittedly, my suggested treatment will serve a merely negative purpose, the avoidance of stupidity, but it will prepare the way for a positive one. Although the innocence of a healthy but uninstructed understanding requires only an organon in order to arrive at insight, a propaedeutic is needed to get rid of the pseudo insight of a spoiled head.4

The Critique of Pure Reason was the “propaedeutic science,”5 providing a system of theoretical knowledge that establishes space and time as the real and objective grounds of experiencing objects in the phenomenal realm. And reflecting on Kant’s discussion of the principles of the sensible world, we see that space and time provide “a principle of entirety” in which “all things which are in any way sensible…[are] related to one another by a determinate position.”6 Space and time are the ground of “the universal connection of all things, in so far as they are phenomena.”7 Kant’s Physical Monadology discusses the connection between phenomenal bodies as “reciprocal contact…the action and reaction of the different elements against each other.”8 Through the lens of the Metaphysics of Morals, one can see the parallel between the love and respect of humanity, the former bringing humans together while the latter allows each to keep his distance, and the ‘moving force’ of attraction and repulsion between phenomena. Those forces not only delineate the boundaries of the individual bodies, but they create the inter-connectivity of bodies in motion. So, just as respect for humanity requires the identification of each person as having particular

4 Correspondence, AK 10:69-73.
5 Inaugural Dissertation, 2:419.
7 Inaugural Dissertation, 2:398.
8 Physical Monadology 1:483.
intentions, the repulsive force between bodies prevents one entity from being subsumed under another. Likewise, the moral law, as the ground of the possibility of free action, was given in the *Groundwork* in terms of form, matter, and plurality and in the *Inaugural Dissertation*, the concept of the phenomenal world, made possible by the ideas of space and time require form (coordination), matter (substances), and totality.\(^9\) So, as reciprocity is required in the noumenal realm, so must phenomenal interactions exhibit reciprocal relations.

The establishment of reciprocal relations assumes contact between objects.

Man’s duty of self-perfection is “narrow and perfect with regard to its object (the idea that one should make it one’s end to realize), with regard to the subject it is only a wide and imperfect duty to himself.”\(^10\) This means that no particular talent must be cultivated nor a particular act of virtue be carried out, but it is a violation of one’s duty to self to set as a maxim that he should not cultivate the talents he finds within himself nor act in accord with virtue where the opportunity to do so presents itself.

So, it is easy to see the way in which the duties of virtue (even when considering only the explicitly self-regarding set) will correspond to actions that necessarily bring one into contact with others not merely as mutually self-legislating members of a kingdom of ends, but in the natural world.\(^11\)

Virtuous action depends on the notion of equal and reciprocal obligation between humans. It is the balance of the binding force on each person insofar as he is


\(^{10}\) *Metaphysics of Morals*, 6:446.

\(^{11}\) Here I mean ‘the natural world’ according to the Kantian distinction of the realm of empirical causation and not ‘Nature’ in its totality.
a member of the noumenal realm that generates the love and respect that grounds the “laws for human beings’ external relations with one another.”\textsuperscript{12} The interactions between human beings are the only relations with moral import because there is no other relation that admits of both equality and reciprocity. This explains Kant’s rejection of a duty to God as an object. Such a duty would imply that an external subject is imposing an obligation upon us, but such an object does not appear empirically, it is instead only a thought. Therefore, the idea of a duty to God is appropriate in relation to our internal willing in accord with the concept of duty generally, but it cannot be the objective ground of our external action. Equality and reciprocity of action is, with regard to the external world, called a right. A right is, according to Kant, a “capacity for putting others under obligation.”\textsuperscript{13}

Persons interacting as such in the realm of empirical causation must exhibit a reciprocal dependency between their actions. Kant establishes a principle for this interaction. As the concept of humanity provides the criterion of freedom in formulating the moral law, so does humanity give a criterion of freedom in external action. That criterion is known as a right. According to Kant, there is only one innate right belonging to every man by virtue of his humanity:

\textit{Freedom} (independence from being constrained by another’s choice), insofar as it can coexist with the freedom of every other in accordance with a universal law.\textsuperscript{14}

\textsuperscript{12} \textit{Metaphysics of Morals}, 6:449.
\textsuperscript{13} \textit{Metaphysics of Morals}, 6:239.
\textsuperscript{14} \textit{Metaphysics of Morals}, 6:237.
The right of freedom is a reciprocal concept because it establishes: first, that every human being is equal with regard to his resistance to being bound by others to a greater extent than he can bind them; and second, that every human being is inherently worthy of that equality unless and until he acts in such a way that wrongs another. This right is a necessary corollary to the humanity formulation of the categorical imperative. The humanity formula requires that we treat others only as an end in regard to our willing, but it also guides the way in which we act on our maxims. We cannot, as discussed in Chapters 2 and 3, use the humanity in ourselves or in others merely as a means. Therefore, the concept of humanity, as an object of our will yields the synthetic a priori duties that provide the possibility of free action. But the concept of humanity, in practice, takes freedom as assumed and yields an a priori right and the analytic duties which derive directly from that concept. This explains Kant’s comment in the Preface to the *Metaphysics of Morals*, explaining the title of the section as *Metaphysical First Principles of The Doctrine of Right*;

for in the application of these principles to cases the system itself cannot be expected, but only the approximation to it. Accordingly, it will be dealt with as in the (earlier) *Metaphysical First Principles of Natural Science*: namely, that right which belongs to the system outlined a priori will go into the text, while rights taken from particular cases of experience will be put into remarks, which will sometimes be extensive, for otherwise it would be hard to distinguish what is metaphysics here from what is empirical application of rights.15

The representations of objects, as discussed in the *MFPNS*, belong together in inner sense whether the object itself is one of inner or outer sense. And the laws governing

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these representations are a priori. Likewise, the representation of human freedom belongs to the inner sense as the moral law, but when it is considered merely with regard to external actions, the laws are juridical; analytically derived from the concept of the innate right of freedom.

Kant’s parallel description of bodies in his writings on science and of humans in his writings on ethics cannot be ignored. The Physical Monadology describes the impenetrability of bodies as “the orbit of external contact”\(^\text{16}\) whereby the body is considered a point within a sphere of attracting and repelling forces. The point at which one body’s attractive force is neutralized by the repulsive force of another marks the point of impenetrability that delinates the body’s outer limit. This characterization of the forces of attraction and repulsion among purely physical things continues in the MFPNS. In the Metaphysics of Morals, Kant describes a human agent in the following way,

> while making oneself a fixed center of one’s principles, one ought to regard this circle drawn around one as also forming part of an all-inclusive circle of those who, in their disposition, are citizens of the world.\(^\text{17}\)

In the same way that Kant describes forces acting on bodies within the whole of space, he describes agents as affecting each other within the whole of the natural world. The doctrine of reciprocal action between physical bodies is stated for agents as a duty to “cultivate a disposition of reciprocity”\(^\text{18}\) in human interaction. The laws of Newton are the physical laws governing the reciprocal effect of bodies in relations

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\(^\text{16}\) Physical Monadology, 1:485.

\(^\text{17}\) Metaphysics of Morals, 6:473.

\(^\text{18}\) Ibid.
of physical space and time, the juridical laws of Kant’s Doctrine of Right govern the reciprocal effect of persons in relation to one another with regard to physical things.

Newton’s laws are rules for determining how and why a body accelerates (or doesn’t) in any physical situation. They are general operating instructions that are sometimes hard to apply. Newton introduced the notion of a ‘force’ as the source of all changes in motion. His First Law tells us what is happening when a body is in equilibrium, which means that it is not accelerating, having either a constant velocity or none. Newton says that if a body does not accelerate, it is due to the forces acting upon it being perfectly balanced. Because Newtonian force is directional, equilibrium is achieved when forces are directed 180 degrees opposite each other. Newton’s Second Law states that if these forces become unbalanced, for any reason, the body acted upon will accelerate in the direction of the net force. The magnitude of its acceleration is found using the equation \( a = \frac{\text{net Force}}{\text{Mass}} \). While his first two laws pertain to forces acting on a single body, the Third Law pertains to contact (field) forces, i.e. two interacting bodies. It states that bodies exert equal and opposite forces on each other, no force occurs independently. The Earth holds the moon in its orbit by exerting a gravitational force upon it, but the moon exerts an equal force on the Earth, causing the tides. Newton’s laws are, therefore, a prescription for analyzing any physical situation. He says: identify the forces and apply the Second Law.  

\[ 19 \text{ Credit for this summation of Newton’s Laws is owed to my husband, Greg Baker, physicist extraordinaire.} \]
Newton’s laws are analytic propositions when it is recognized that they depend solely on the synthetic a priori intuitions of space and time that make all physical interaction possible. In the same way, Kant says juridical laws are properly considered analytic once the synthetic a priori intuition of human freedom (as humanity) is accepted as the concept which makes all human interaction possible. Newton’s laws are dependent upon an acceptance of the pure concepts of space and time and a commitment to the applicability of propositions of mathematics to physical bodies. Newton posited the concept of a force to explain that application. So, too, are Kant’s juridical duties (governing human interaction as phenomena) dependent upon, and the necessary derivatives of, the duties of virtue (governing human interaction as noumena) using the concept of a ‘right’ to explain the application of the latter to the former. Kant holds that every human has both a phenomenal and a noumenal character and therefore the Kantian system must have duties that accord with the freedom and development of each. So, as Kant states, while “rights have reference to duties,” we each know our own freedom “only through the moral imperative, which is a proposition commanding duty, from which the capacity for putting others under obligation, that is the concept of a right, can afterwards be explicated.”20

6.2 The Kantian Justification of Coercion

The Newtonian schema proves especially helpful for understanding the concept of coercion in the Kantian theory. According to Kant, an absolutely good

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20 Metaphysics of Morals, 6:239.
will, a holy will, imposes “the sole law” as the fitness of every maxim “to make themselves into universal law” upon itself “without having to put underneath it some incentive or interest as a basis.”21 This purely productive power of freedom is what moves any rational being qua noumenon. However, humans, having dual membership in the noumenal and phenomenal realms, find that attempts to move our phenomenal selves in accord with our noumenal determinations are met with an opposing force of sensible inclination. The task, then, is for each agent to think himself into the world of the understanding and recognize that in his “proper self…those laws [of morality] apply to him immediately and categorically, so that what inclinations and impulses (hence the whole nature of the world of sense) incite him to cannot infringe upon the laws of his volition as intelligence.”22

One cannot force another to think of himself in any particular way. Thinking is, by definition, an internal action. The Metaphysics of Morals’ “Doctrine of Virtue” addressed the internal freedom exercised in accordance with duty and with duty as the incentive. This internal lawgiving makes every action, whether it is directed internally (such as self-perfection) or externally (such as the happiness of others) an ethical action. But this lawgiving cannot be required of, nor imposed upon, another because it is premised on the adoption of an end that is also a duty, and there is no means by which one can be compelled to adopt a particular end. What can be imposed on others, is a requirement that all be afforded the possibility of external

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21 *Groundwork*, 4:444.
22 *Groundwork*, 4:457.
freedom in accordance with universal laws.\textsuperscript{23} Therefore the right of freedom is the a priori principle upon which “a new necessary science…could fill in the gap between natural and positive right.”\textsuperscript{24}

The new and necessary science is contained in the \textit{Doctrine of Right}, as the juridical duties of interaction amongst persons. Each person has an innate right of freedom to the greatest extent allowable and that right concerns the deeds each individual may choose (because right does not provide direction as to the \textit{idea} each holds as the basis of choice). Those deeds may run contrary to the choices of others. In physical terms, each body may move in a direction that brings it closer or farther from another body. As there are rules governing that purely physical interaction, so must there be rules governing human interaction qua phenomena. According to Newton, for every action there is an equal and opposite reaction. Likewise for Kant. The concept of reciprocity in the \textit{Doctrine of Virtue} assured that people, qua noumenon, were bound by obligations only to the extent that others were also bound. All obligations depend on one another in the sense that they share, via the concept of reciprocity, a common determining ground. In the phenomenal realm, the incentive to act cannot be assumed to be duty itself. Therefore, the principle of right, as it aimed at preserving freedom, contains a restriction on anything that hinders it.

Therefore, if a certain use of freedom is itself a hinderance to freedom in accordance with universal laws (i.e., wrong), coercion that is opposed to this (as a \textit{hindering of a hindrance to freedom}) is consistent with freedom in accordance with universal laws, that is, it is right. Hence there is connected

\textsuperscript{23} \textit{Critique of Pure Reason}, A316/B373.
\textsuperscript{24} \textit{Review of Hufeland’s “Essay on the Principle of Natural Right”}, 8:129.
with right by the principle of contradiction an authorization to coerce someone who infringes upon it.\textsuperscript{25}

The moral law is no less present in the \textit{Doctrine of Right} than in the \textit{Doctrine of Virtue}. The latter describes the requirement for the exercise of inner freedom, to respect and promote the humanity in ourselves and others. The \textit{Doctrine of Right} prescribes the exercise of freedom externally as the requirement to respect and promote the right that each person has by virtue of his own humanity. This means that while I cannot be compelled to adopt an end that is consistent with the idea of humanity, I ought to be compelled (and, by Kantian implication, I thereby \textit{can} be compelled) to refrain from actions that don’t accord with the rights that the idea of humanity affords.

The duties of right, as the juridical science of human interaction are classified by Kant in the following way:

1. Internal duties as obligations arising from the right of humanity in our own person.
2. External duties not to \textit{wrong} anyone even if, to avoid doing so, you should have to stop associating with others and shun society.
3. External duties derived by the principle of internal duties by subsumption; the duty to enter a condition in which what belongs to each can be secured to him against everyone else.\textsuperscript{26}

\textsuperscript{25} \textit{Metaphysics of Morals}, 6:231.
\textsuperscript{26} This division is adapted from \textit{Metaphysics of Morals}, 6:236-237.
Thus, the framework of the Kantian political system requires the following commitments of participants:

1. The recognition by each of his own right to freedom.

2. The recognition by each of every other persons’ right to freedom, as equal to one’s own right.

3. By the principle of right, based on the principle of humanity, the recognition of himself and others as independent but collectively-legislating members of a society ordered in accordance with the concept of right.  

These are three a priori principles on which the very possibility of a civil society rests. And these a priori principles are themselves necessary as the construction of the very concept of human freedom. Just as a man could not act virtuously without recognizing the principles of liberty, fraternity, and equality inherent in the concept of humanity, neither could he freely participate in a political system that denied those principles in the initial joining together of individuals. In other words, a man who considered himself a slave could not be said to commit to a political system premised on such inequality. Such a situation would mean that his consent (and thereby his participation) was neither relevant nor necessary, an outcome that Kant cannot endorse. As Kant states, the moral law “determines our will to confer on the sensible world the form of a whole of rational beings.”

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27 Kant explicitly draws this same conclusion in *Perpetual Peace*, when he stipulates the three founding principles of a republican constitution (Reiss: pp. 99-100).

28 *Critique of Practical Reason*, 5:43.
ordered is not necessarily the product of virtuous people, virtuous people cannot but work to order society in such a way.

At this point, it may be questioned whether Kant needs a political system at all, or if the ‘state of nature’ itself might provide an ordering consistent with a whole of rational beings. Because Kant already rejects a Hobbesian conception of human nature as malevolent, why couldn’t Rousseau’s description of the state of nature, as a condition premised on the innocence of man, suffice? On this point, the moral necessity of civil society is strikingly clear. Kant states, in the *Doctrine of Virtue* that a human being has a duty to himself to cultivate his natural powers as a means to all sorts of possible ends for a pragmatic purpose. While this admits of a variety of particular ends related to talents and/or interests of the individual (e.g. to be a superior tuba-player, to be a fast runner, to maintain flexibility) Kant has already advised that what we ought to set as our end implies what we can set as our end. And we ought not to set happiness as our end. To do so would mean that the development of our innate capacities would be based on “the advantages that their cultivation can provide” and those advantages “according to Rousseau’s principles [may] turn out on the side of his crude natural needs.” An end one ought to set is to respect the humanity in ourselves. That is an objective end, a command of morally practical reason that requires each person “to be in a pragmatic respect a human being equal to the end of his existence.” If we are commanded to do justice to our own humanity,

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31 Ibid.
we must, at the very least, preserve the conditions of human freedom in its external 
use.

This is the point at which the Kantian endorsement of civil society breaks with 
the Rousseauian awakening of the inner worth of man. For Rousseau, man in the 
state of nature is free because nothing in his nature would lead to conflict. Here, Kant 
agrees, man has a predisposition to the good even if he may also have a propensity to 
do evil in some cases. Rousseau’s emphasis on a ‘negative education’ is meant to 
preserve man’s innocence against the effect of society. That stands in direct contrast 
to the historical and moral progress that Kant describes as the function of civil 
society. For Rousseau, history is a circular, socio-political cycle whereby the 
innocence of man becomes corrupted by interactions necessitated by political 
ordering. As George Kelly describes, Rousseau paints “a broad portrait of fatalism 
infecting certain limited features of correction." Kant is not committed to this 
doctrine of ‘social misery’ and therein retains optimism about the joint endeavors of 
man in pursuing moral ends. Thus, Kant is more inclined to adopt an Enlightenment 
view of socio-political progress than to revert to a system premised on preserving a 
state of nature.

In a ‘state of nature’ each person is ‘free’ to pursue whatever he desires. But, according to Kant, this is no true freedom because subjective ends are entirely 
arbitrary and admit of no determination of judgment. There is no protection against 
unpredictable and therefore conflicting purposes, and no guarantee that the desires of 

32 Kelly, George A., “Rousseau, Kant, and History,” Journal of the History of Ideas, vol. 29, no. 3 (Jul-
one won’t be directly frustrated by the desires of another. In such a case, if inclination is accepted as the source of action, there can be no arbiter of disagreements. So, even if man is not by nature prone to violence and subterfuge there is no guarantee that violence and subterfuge will not, by sheer desire of a few, become the common means of interaction. The only guarantee in such a system is that there are no guarantees (i.e. no security) and that lawlessness prevents any truly free action. A commitment to, or contentment with, a state of nature is an abdication of the duty to respect humanity both in oneself and in others. Respect for humanity is a reason-given sentiment, according to Kant. Freedom, humanity, reciprocity, and morality are described by Kant as Ideas of Reason, rather than mere chimeras, as Rousseau seemed inclined to accept. With those Ideas guiding human action, the state of nature would be tantamount to rejecting freedom, and thereby rejecting one’s own reason. The alternative is to enter into a lawful condition whereby individual judgments are subsumed under a universally valid law. Because rejecting reason would be a contradiction, it is thereby a duty of virtue “to enter a civil condition.”

6.3 Civil Society and Moral Improvement

Kant states that “reason can use the mechanism of nature, through self-seeking inclinations that naturally counteract one another externally as well, as a means to make room for its own end, the rule of right.” Remembering that Kant defines ‘right’ as

33 Metaphysics of Morals, 6:312.
34 Toward Perpetual Peace, 8:367.
The limitation of the freedom of each to the condition of its harmony with the freedom of everyone insofar as this is possible in accordance with a universal law; and public right is the sum of external laws which make such a thoroughgoing harmony possible,\textsuperscript{35}

we know that public right consists of juridical duties that are the conditions under which direct necessitation of the law is possible. The duties of right are analytic in that they are derived directly from the concept of freedom and the juridical duties represent the analytic construct of a universal maxim that sets freedom as its end. Just as duties of virtue set the condition for harmonizing the internal wills of individuals as legislative members of a kingdom of ends, so do the duties of right constitute a system by which a harmony of external actions of individuals can be achieved. That harmony amongst people can only be realized within a “rightful condition under a will uniting them,”\textsuperscript{36} i.e., a constitution. As such, a state of nature allows for no principle of public right. The reason for this, illustrated by Kant via a discussion of property rights, is that within a state of nature each person follows his own judgment without reference to universal laws nor deference to others’ opinions and therefore, each does “what seems right and good” to himself.\textsuperscript{37} As previously discussed, judgments made only on appearance, as opposed to being grounded in the thing-in-itself, do not meet the Kantian standard of reasonableness. Such individualized judgments are subjective rather than objective, arbitrary rather than necessary, and are thereby not instances of free choice. A state devoid of justice is a

\textsuperscript{35} Critique of Practical Reason, 8:290.

\textsuperscript{36} Metaphysics of Morals, 6:311.

\textsuperscript{37} Metaphysics of Morals, 6:312.
state devoid of virtue, although it is not clear if Kant must deem such a state *vicious*. What *is* clear, and required for the discussion at hand, is a recognition of the Kantian doctrine that no virtuous person could freely choose to avoid entering a civil society.

There are several implications one might draw from this Kantian doctrine. It might be thought that Kant reserves civil society for the virtuous only. But this misapplies the conditional. If one is to be virtuous, he must exist with others in a rightful condition according to public laws (i.e., in a civil society). But that rightful condition is also a set of laws that could be reached through purely physical considerations of self-interest. For example, fear of violence could precipitate the formation of a society such that violence was prevented under a general law. To this end, Kant allows that even “a nation of devils” can “arrange the conflict of their unpeaceable dispositions…to constrain one another to submit to coercive law and so bring about a condition of peace in which laws have force.”³⁸

If one is not required to be of a virtuous disposition, to act *from* virtue in formulating a civil constitution, nor are actions *from virtue* required of members within the civil society once constituted, why is the political sphere of any importance to Kant? Doesn’t this prove that politics were neither a real concern to Kant, nor an essential component of his philosophical project? As previously discussed, virtue requires that humans formulate and participate in civil society as partial fulfillment of both the duty to self and the duty to others. But it is within that civil society that virtue is attainable, as one wills to promote his own perfection and the happiness of

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³⁸ *Toward Perpetual Peace*, 8:366.
others from the concept of humanity (the end that it is also a duty to have). To act from the duty to humanity is to act from love and respect of self and others. According to Kant, the practical principle of action from love is “reduced to another’s end,” and the maxim of respect “to another’s right.” This reciprocal notion of duties between human beings is the whole of ethics.

Ethical ordering of a society, consistent with respect for right, does not necessitate an internal commitment to virtue, but it can bring about such a commitment. Actions in accordance with general laws cancel out the influence of self-seeking inclinations “so that the result for reason turns out as if neither of them existed at all and the human being is constrained to become a good citizen even if not a morally good human being.” The last portion of this quote is of particular interest. It can be read in two ways, either of which reinforces the larger point being made. If it is read that a man becomes a good citizen even if he is not a morally good human being, then we are reminded that it does not take a group of angels to properly form a civil constitution. If it is read that man becomes a good citizen and possibly also a good human being, this indicates that good citizenship is necessary to, through not sufficient for, morality. Kant has already established that virtue requires “social intercourse…[to] cultivate a disposition of reciprocity” and that such reciprocity is not possible apart from civil society, but it is not yet clear how civil society is supposed to improve the moral progress of the individual who lacks virtue.

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39 Metaphysics of Morals, 6:488
40 Toward Perpetual Peace, 8:366.
41 Metaphysics of Morals, 6:474.
The civil constitution of society can lead to the moral improvement of the individual in two ways. The public coercive laws are general precepts to ensure the right of freedom of each citizen. The practice of following these laws, as opposed to individual inclinations makes the individual accustomed to formulating maxims according to laws and the concept of right, both his own and that of others. But the fear of punishment is itself a pathological necessitation of a man’s action. It might be asked then how that fear of punishment can be turned into a moral incentive to act from duty. The key is respect for the law. If fear of punishment motivates his omission of various acts that would otherwise accord with his desires (for instance, if he wants wealth so badly that he would steal if not for the punishment thieves receive) then the choice to refrain is made in accord with the law. Actions in accord with the law are instances of freedom, negatively considered. If one continues to act in accordance with the law, he “will weaken the power of inclination, and thereafter moral grounds have an impact…and he is thus made free, and can be brought by this pathological expedient, to a recognition of his duty.”

In this way, the public laws, having their determining ground in freedom as the form of action, commands each to act in accordance with freedom (both his own and others’) negatively conceived. Such actions are not in themselves virtuous, but they are the minimum circumstance in which virtue might emerge. So, civil society in its content brings man to a place where he can act freely with regard to his external conduct, but in its structure it can also lead him towards virtue in his internal willing.

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42 Lectures, 27:522.
A civil society requires that each man consider himself both as a legislator and as a subject. He is a legislator insofar as he consents to entrust the protection of his freedom to a single common legislation administered by a sovereign authority. He is a subject insofar as he is bound by that legislation and its corresponding authorization of coercion. But in order to fully understand this, he must acknowledge two things about himself. He must first acknowledge that he, as an individual, has a right of freedom. Second, he must acknowledge that he is equal to all his fellow-citizens, and that they therefore each have a right to freedom that is inviolable either by him or by others. Such acknowledgement belies a fundamental dignity that he is entitled to, that deserves respect, and that those similarly situated are also entitled to. If he comes to understand the universality of the concept of right, he cannot avoid but to see the laws of civil society as protecting that right. And from that realization comes a respect for the law that, if achieved, makes his external actions not only accord with the law, but necessitated by that respect as obligatory. In acting from the law, the internal motivation for his external conduct is virtuous.

But one can imagine that such a man, once acting from duty and no longer preoccupied with formulating subjective maxims to fit his various sensuous inclinations, might look further into the basis for the right to freedom that he has, and shares with others. Because in sharing it equally and immediately, it cannot be something arbitrarily prescribed. The civil condition, marked by an adherence to public coercive laws in conformity with right, requires both obedience and a “spirit of
freedom.” Obedience is required of each citizen as he is subject to the general will. The spirit of freedom is the recognition that he is entitled, as a human being, to the fullest possible use of his freedom, which is exactly what public coercive laws guarantee. Because the laws cancel out the effect of inclinations, individuals become accustomed to acting in conformity with the law. This means that, upon reflection, a citizen might come to regard the laws as not merely a matter of obedience, but of respect. The public laws create the conditions under which his external free choice is possible, and they command actions objectively, without allowing for subjective considerations. But as one makes the transition from his inclinations driving his actions to a recognition of the respect for the law, one undergoes an internal change, a turn towards virtue. And so Kant included a third and final section in the Metaphysics of Morals, a doctrine on the method of ethics. This final section, while brief, provides a clear insight into the relation between the Doctrine of Right and the Doctrine of Virtue. Those two sections are to practical philosophy what the MFPNS was to reason’s theoretical use. The Method then should provide a general guide to application of those principles. But, instead of moral anthropology, the Method returns to the ancient question: Is virtue teachable? Kant answers, with Plato, in the affirmative. But it is not merely via experience, but rather conditioning of the virtuous disposition. Kant argues that the proper method of teaching ethics is to approach it as an exercise in recollection, much as Plato did. Because virtue is the exercise of an existing predisposition to the good, Kant favors a moral catechism,

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43 On the Old Saw: That May Be Right In Theory, But It Won’t Work in Practice, 8:305.
where the questioning goes only in one direction (teacher to pupil) than a dialogue (where both parties provide answers to each other’s questions). The goal of the catechism is to cause the student “to look upon himself only with the greatest wonder…[and to] produce an exaltation in his soul which only inspires it the more to hold its duty sacred, the more it is assailed.”

And this explains Kant’s assertion that “the good moral education of a people is to be expected from a good state constitution.”

The very structure and content of civil society brings a man a demonstration of his inner nature and so might awaken within him the rule of the moral law and its associated duties. There is no guarantee that individual dispositions will change, but a civil constitution is the only condition under which they might. The teaching of virtue is only possible within a state because civil society is the only Earthly space within which one can discover and exercise his will, bringing it more in line with the moral law which is the definition of a virtuous disposition. Therefore it is a duty of every human being to participate in such an arrangement, in accordance with the duty he has to his own perfection and to the happiness of others.

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44 Metaphysics of Morals, 6:483.
45 Toward Perpetual Peace, 8:366.