

ARTICLE

Kant as Comprehensive Liberal

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Abstract

In a well-known essay, Thomas Pogge argues that Kant's political philosophy is not comprehensive in Rawls' sense, since it is independent of his moral philosophy. However, Pogge understands Kant's comprehensive liberalism as the view that his moral philosophy entails his political philosophy. I question whether this is the best way to understand comprehensive liberalism, in Kant or in general. I argue that Kant's comprehensive moral philosophy is not an independent argument for the moral truth of liberal ideals, but a liberal way of justifying an independent commitment to politically liberal values, given that we all have values that are not political.

Keywords: comprehensive liberalism; Thomas Pogge; John Rawls

1. Introduction

In *Political Liberalism*, John Rawls notably characterises Kant's practical philosophy as a form of comprehensive liberalism (Rawls 1993: II.6.1, 78; III.2.1–2, 99–101; III.8.1, 125; V.6.3, 199–200). This characterisation has attracted little explicit criticism; at the same time, there has been just as little interest in developing explicit interpretations of Kant as a comprehensive liberal. An important reason for this may be that in Rawlsian terms, being a comprehensive liberal does not seem like a particularly good thing. The main argument of Rawls' later work is that his theory of justice is a form of political liberalism, not a form of comprehensive liberalism. For Rawls, this means that the moral claims of his theory of justice are not taken to be true, in any ultimate sense; rather, they are justified because they can serve as the basis of political agreement between persons with potentially different comprehensive views, with different understandings of the nature of practical reasoning and ethical truth. In taking this view, Rawls is arguing that a political appeal to liberal values as comprehensively true would itself be illiberal: it would make political demands that persons holding other, non-liberal comprehensive doctrines could not reasonably accept. Liberalism, on this view, is inherently a political, not a comprehensive doctrine, and if this is so, comprehensive liberalism would seem to be confused, dangerous, or both.¹

But to dismiss comprehensive liberalism in this way is to distort Rawls' view, since for Rawls, all citizens are assumed to hold some comprehensive doctrine, however loosely understood or formulated, and to need to hold such a doctrine if they are to support their individual commitments to liberal political values, in the light of the other values they hold (Rawls 1993: I.2.2, 12). So there is nothing wrong with holding a comprehensive liberal view, to support one's own commitment to liberal political values, so long as one does not insist on any comprehensively liberal claims in political argument, or insist that others must support their liberal political claims in comprehensively liberal terms. One can be both a comprehensive and a political liberal, so long as one's political liberalism does not require a commitment to comprehensive liberalism. This is the point emphasised by Thomas Pogge in what seems to be the only thorough application of Rawls' distinction to Kant, 'Is Kant's *Rechtslehre* a "comprehensive liberalism"?' (2012, revising Pogge 1998). Pogge argues that although Kant understands his political philosophy to follow from his moral philosophy and his transcendental idealism, his political philosophy alone does not imply his moral philosophy or his transcendental idealism. Kant's political views are thus independent of his comprehensive views, even though he takes those comprehensive views to imply his political views.

Still, in staking out this position, it is not clear what Pogge had added to the existing and ongoing debate in Kant scholarship about the relation between morality and right, between the moral philosophy of the *Groundwork* and the second *Critique* and the political philosophy of the *Rechtslehre*. As Fiorella Tomassini has helpfully emphasised in a recent discussion (2023), this debate tends to divide into two broad camps. On the one hand, there are those who argue that Kant's political philosophy depends on metaphysical concepts like freedom or autonomy (Flikschuh 2000, Guyer 2002), or more specifically, that the *Rechtslehre*'s universal principle of right can and must be derived from the categorical imperative established in the *Groundwork* (Gregor 1963). On the other hand, there are those who argue that the juridical concept of freedom emphasized in the *Rechtslehre* is independent of transcendental idealism, or more specifically that the principle of right does not depend on the categorical imperative (Geismann 2006, Ripstein 2009). (Tomassini then defends a kind of hybrid position: the principle of right depends on the categorical imperative, but cannot be derived from the categorical imperative alone.) Pogge's position seems to evade rather than contribute to this debate, because he agrees with the 'independence theorists' that Kantian right does not depend on Kantian moral philosophy, but also with the 'derivationists' that Kantian morality implies Kantian right. Or, if the debate is just about Kant's own views, then Pogge seems to side flatly with the derivationists, without any new or independent argument (since his essay says little about Kant's comprehensive liberalism, taken in itself). On Pogge's view, Kant himself derives his political liberalism from his moral philosophy, even if others are free to derive their political liberalism from very different premises. For that reason, it might well be objected that the description of Kant as a comprehensive liberal is not so much unappealing as unhelpful. To say that Kant is a comprehensive liberal is just to say that he sees his political philosophy as grounded in his moral philosophy, that Kant himself takes a derivationist view of the relation of morality and right – without saying anything new or helpful about how the derivation is supposed to work.

In what follows, I attempt to show that this impression of unhelpfulness is mistaken, by arguing that deploying the Rawlsian terminology can allow for a much clearer, more consistent, and ultimately quite radical version of the independence thesis. Like Pogge (and Ripstein), I will begin by defending the premise that the liberalism of the *Rechtslehre* is fundamentally a political doctrine, set out and defended in a freestanding political way. But my argument will diverge from Pogge's (though not necessarily from Ripstein's) on certain important points. Those points will matter for the next section of the essay, in which I argue that Pogge has misunderstood what a Rawlsian comprehensive liberal doctrine is supposed to do. His misunderstanding is what leads to his derivationist account of Kant's moral philosophy; on my view, his readings of both Rawls and Kant are mistaken. On the view I will defend, Kantian comprehensive liberalism is not an independent theoretical argument for the moral truth of liberal political claims, or for independent liberal moral ideals which then imply the truth of liberal political claims. Rather, Kantian comprehensive liberalism is a politically liberal way of justifying one's independent political commitment to politically liberal values, in the light of the fact that we all have a wide variety of values that are not political at all. On my reading, to say that Kant is a comprehensive liberal is not to say that he is a derivationist. Kant is not saying that political liberalism is true because his comprehensive moral philosophy is true. Rather, Kant develops the comprehensive moral philosophy he does because he is politically committed to liberalism, and then wants to explain why this independent political commitment makes rational sense – in a liberal way, without appealing to the objective truth of any other values.

In the final sections of the essay, I will defend the most controversial implication of my interpretation, by confronting the basic objection that I have simply confused the relationship of Kant's moral and political philosophies. Kant's most influential work in moral philosophy is a *Grundlegung*, a groundwork or foundation, for the *Metaphysics of Morals*, which then includes the *Rechtslehre*. Surely Kant is saying that the arguments of the earlier work justify those of the latter, is he not? Against this seemingly obvious view, I will argue that my alternative reading in fact helps to resolve some important puzzles in the interpretation of Kant's moral philosophy, and about the argument of the *Groundwork* in particular. I will not have space to fully defend the reading of the *Groundwork* that would support this view, or to engage critically with the full range of derivationist views. But I will at least be able to sketch a reading of the *Groundwork* that can support my strong version of the independence view. If that reading makes sense, then the Rawlsian description of Kant as a comprehensive liberal can be helpful both for our understanding of Kant, and for our understanding of the relation of comprehensive to political liberalism. On the view I will defend, Kant's comprehensive liberalism is not any sort of politically or theoretically problematic alternative to political liberalism, but a coherent and theoretically attractive way of thinking through how political liberals can be political liberals without, as culturally conservative critics of liberalism almost always suggest, needing some deeper source of ethical or religious commitment to live coherent or meaningful lives.

2. The independence of *Recht*

Rawls understands the difference between a political conception of justice and a comprehensive doctrine to be a 'matter of scope' (Rawls 1993: I.2.2, 13). A political

conception affirms specifically political values, while a comprehensive doctrine makes reference to a broad range of values, both political and non-political. A comprehensive doctrine 'includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole' (Rawls 1993: I.2.2, 13). Kant's doctrine of right is thus political and not comprehensive if it excludes appeals to such more general values, and appeals only to political values. In fact, as Pogge stresses (2012: 88), Kant's doctrine of right is likely more narrowly political even than Rawls', because it relies only on purely juridical concepts, concepts derived only from the nature of coercive law and its essential relation to external freedom.

Kant begins his analysis of right by declaring: 'The sum of those laws for which an external lawgiving is possible is called the *Doctrine of Right*' (DR Introduction §A, 6: 229).² An empirical doctrine of right would study the particular laws enacted by particular sovereigns (DR, 6: 229), but a pure or philosophical doctrine of right seeks 'to establish the basis for any possible giving of positive laws' (DR Introduction §B, 6: 230). Kant's concern is thus with the very idea of coercive law: the ability of some person or set of persons to prescribe rules for the conduct of others, which those others can then be coerced to obey. What pure concept of right must be presupposed if such lawgiving is to be possible? Kant makes clear immediately that this most basic juridical concept is in fact a 'moral concept', because 'it is related to an obligation corresponding to it' (DR Introduction §B, 6: 230). This moral concept is already implicit in the nature of positive law, since any sovereign who makes positive laws takes their subjects to be obligated to obey those laws.³

In this most basic sense of demanding legal obligation, all positive law pays homage to the pure concept of right as having moral content (a point that Kant had already exploited in 'To perpetual peace'). Still, it would seem that this moral content might well come from outside the conditions of external lawgiving: for instance, from the separate moral value of freedom or autonomy. But Kant's argument is that freedom and its value are also internal to the conditions of positive law. In demanding legal obedience, in expecting all subjects to recognise submission to the law as obligatory, a sovereign is claiming the right to regulate the external freedom of subjects (to tell them what they must do, no matter what they think of those actions) who at the same time are recognised to be internally free (because they must also accept the obligation to obey, even if they do not themselves independently want to do what is legally demanded of them). The concept of freedom is thus essential to the pure, moral concept of right, because law is always addressed to free persons, in a way that presumes a basic distinction between external and internal freedom.⁴ The main division of the *Metaphysics of Morals*, the distinction between right and virtue, between legality and ethics, thus follows immediately from the basic idea of a juridical subject, a free person who is expected to understand and (externally) obey a legal rule, whether or not they (internally) agree with that rule. The point also explains why, in the *Metaphysics of Morals*, the *Doctrine of Right* has to come first, before the *Doctrine of Virtue*. That there is a distinct realm of virtue itself follows from the concept of a juridical subject, which belongs to a prior doctrine of right. Juridical subjects are taken to be obligated to obey the law, but since they are required only to obey, their reasons for obeying are not legally relevant. But if they do obey for moral

reasons – which they always can do – then that internal form of obedience belongs to virtue and not to right.

The concept of freedom, including the distinction between internal and external freedom, is thus presupposed as a condition of external lawgiving and thus belongs to the pure moral concept of right. But to say that freedom is a condition of external lawgiving is not yet to say that freedom, internal or external, is somehow the purpose or value of external lawgiving. Certainly, external lawgiving has purposes that can and do go beyond the nature of a juridical subject as free. The law can mandate the building of roads and bridges, even if the law can do that only if there are juridical subjects who are legally obligated to pay for and carry out their construction. Kant addresses this point by distinguishing between the matter of the law (the particular purposes the law wants to achieve, like the building of roads and bridges) and its form (the law's authority to command free subjects to carry out a particular purpose, whether a road or a bridge or anything else). He then argues that only the form of law is relevant to the moral concept of right because juridical obligation cannot derive from the matter of the law. A road or a bridge is something the sovereign wants or something the sovereign thinks their subjects want. But how can I be obliged to do what someone else wants, or they be obliged to do something I want? Such a framework of obligation presupposes a kind of contract to which the citizen or sovereign are parties, since for Kant, a contract just is the structure in which one person's choice is able to determine the choice of another (*DR* §18, 6: 271). But in Kant's view, even the idea of a valid contract presupposes a prior notion of right, which concerns only the form and not the matter of the parties' choices. To determine whether a contract is juridically enforceable, 'it is not asked, for example, whether someone who buys goods from me for his own commercial use will gain by the transaction or not. All that is in question is the form in the relation of choice on the part of both, insofar as the choice is regarded merely as free' (*DR* Introduction §B, 6: 230). The contract is valid not because anyone gets what they want, but only if both parties have freely agreed to it, which means they have coordinated their freedom according to a common rule.

This external coordination of agents' choices is the real value of right, the only thing that could give rise to an obligation to comply with the wishes of another, in complying with the provisions of a valid contract or with the dictates of the law. There is thus, Kant is saying, a basic juridical relation, in which internally free beings can be related to law, solely in terms of their external freedom, and solely in terms of the form of their choices. This basic juridical relation is implied in every conception of positive law, in every sovereign's presumption that they can command their subjects to do particular things, no matter what those subjects think of those particular things. But since this claim is independent of the identity of any particular sovereign and any particular purposes that a particular sovereign wants to advance, the basic juridical relation is really a possible relation between human beings more generally, a relation under which it is possible for any particular human being legally to coerce any other. Though he is certainly concerned with the question of what entitles the state to coerce its citizens, Kant understands this question to belong to a more general and fundamental juridical inquiry into what entitles any person to coerce any other. Any legal system is ultimately an attempt to resolve this more general and fundamental problem. Kant assumes, reasonably enough, that any realised legal system will include

a conception of public right, in which there are established authorities who can make legal rules, and a conception of private right, through which individuals can make legal claims against one another, if they are injured in ways that the law recognises as wrong. What the concept of external lawgiving thus promises is a complete determination of the form of the choices of every individual with respect to every other: for any particular action, one should be able to say, according to a clearly specified rule, whether one is legally wronging anyone else; and if not, one can say that they are legally free to act. Contrast this rightful condition with the state of nature, in which one, by using any object or even by occupying a particular position in space and time, is thereby limiting the external freedom and thus potentially wronging everyone else.⁵ What the concept of right does is to declare that our external freedom can and should be subject to complete juridical determination, so that one can always say whether or not they are legally free to act as they specifically choose. This juridical determination is not simply about one's relation to the sovereign; it is about one's relation to everyone else.⁶ If you are legally free to do something, that means you have not wronged anyone. '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' (*DR* Introduction §B, 6: 230).

In Rawlsian terms, this pure, moral concept of right is a strictly political concept, because it relies only on essentially juridical concepts, concepts that have an essential relation to the nature of external lawgiving. Those concepts, we have now seen, are just the concepts of (external) freedom, force (or coercion), and (universal) law, related in a particular way: as the subjection of our external freedom to a universal coercive law. Without any of these, or if they are related in any other way, there is no rightful or proper juridical condition at all. Hence, the famous passage from the *Anthropology* distinguishing a republic (force with freedom and law) from anarchy (law and freedom without force), from despotism (law and force without freedom), and from barbarism (force without freedom and law) (*Anth*, 7: 330–1; for a fuller discussion, see Varden 2022). As the reference to republicanism should suggest, Kant wants to extract significant moral content from the basic juridical notion of a person subject to a legal rule. It is not just that this notion has moral content in that legal rules assume an obligation to comply. It is also that this obligation assumes a broader moral conception of human beings as free beings who stand in an ordered relationship with one another, who are subject to a set of legal rules in order that they can assert the moral claim that they are equally free to act as they do (*DR* Introduction, Appendix: 6: 237–238; Ripstein 2009: 31–42; 2012: 45–48). For a legal system to function, everyone, both sovereigns and subjects, must understand the law as serving this basic moral purpose. Hence Kant's argument about property: any legal system will have some conception of property rights since it will say what individuals are or are not free to do with objects in space, and any conception of property rights implies the idea of a general will, a collective permission of all that particular individuals can exercise their particular rights to property (*DR* §8, 6: 255–6; Ripstein 2009: 94–96; 2012: 48–51; Krasnoff 2018b: 110–12). To have a right to a thing means that all others should take themselves to be excluded from using it. Such an obligation can only be understood as the product of a rule we have equally imposed on ourselves to regulate our freedom with respect to all others. The ultimate trajectory of Kant's political philosophy is that the obligation implied in any juridical

relationship ultimately implies the idea of the general will (see Krasnoff 2018a) and a commitment to republicanism (TP, 8: 289–96). The sovereign is always the guardian of the general will, no matter what particular interests they have, and so it is always legitimate for any person to publicly criticise any particular law as inconsistent with the equal freedom of all juridical subjects. Hence, the argument of ‘To perpetual peace’: rulers may say that they need to give no consideration to the moral objections of ‘philosophers’, but in practice, they are always subject to their influence, since their claims to rule always rest on the idea that they do so on behalf of the public interest, which already implies the moral idea of the general will (see especially TPP, 8: 375–6 and TP, 8: 304).⁷

All of these specific claims require much more elaboration. Here my concern is just to describe the basic structure of the *Rechtslehre*, which is to begin with the moral content already implicit in the bare concept of juridical obligation and then to trace its moral consequences. Since this inquiry is moral throughout, it is quite misleading for Pogge to declare that ‘Kant’s political philosophy is independent from his morality’ even if only in the sense that his political philosophy does not imply his moral philosophy, while his moral philosophy is intended to imply his political philosophy (see Pogge 2012: 89–90). Rather, we should say, as the structure of the *Metaphysics of Morals* clearly insists, that Kant’s political philosophy is an essential part of his moral philosophy, though a distinct, independent, and indeed primary part.⁸ What moral claims are implied in Kant’s purely juridical account of right as the conditions of external lawgiving? Again, Kant understands any notion of positive law to already imply an obligation to obey, an obligation that only makes sense if we see any law as fundamentally committed to the value of relating all human beings to one another in a basic juridical way. What this basic juridical relation does is to subject the external freedom of every human being to a universal law, such that they can will particular things with assurance that they are not wronging anyone. Hence the moral claims implied in this universal principle of right are really quite simple. First, a rightful condition, one in which human beings are related in this fundamentally juridical way, is absolutely preferable to its alternative, the state of nature, in which anyone can be said to be wronging (or equally, not to be wronging) everyone else by acting in any way, without constraint. And second, to have this absolute preference is to endorse the equal value of everyone’s external freedom.

If we focus our attention on the independent commitment of Kant’s political liberalism to these two basic moral claims, then we can better understand the way that they function as premises, not conclusions or implications, of Kant’s more comprehensive practical philosophy. In the argument above, I have not sought to derive the two basic moral claims from the *Groundwork*’s (or any other) version of the categorical imperative (as in Gregor 1963 or Tomassini 2023), or from some prior concept of freedom or its value (as in Guyer 2002). Nor have I suggested that the notion of juridical obligation poses any special metaphysical problems, which first need to be addressed (as in Flikschuh 2000, although it should be noted that the moral account of innate right as legal accountability in Flikschuh 2021 is quite consistent with everything I have said here). In this sense, I am rejecting any form of derivationism in favour of an independence reading. I take Kant’s political philosophy to imply moral claims from the start, but I also take those claims to be independent of the ‘pure’ moral philosophy of the *Groundwork* and the *Critique of Practical Reason*. The

deeper challenge facing any independence reading, of course, is then to explain what purposes these works have, if not to ground the moral claims of Kant's political philosophy. My contention is that Rawls' concept of comprehensive liberalism, properly understood, can help us to answer this question, and so put independence readings like mine on firmer ground.

3. The function of a Kantian comprehensive liberal doctrine

What theoretical purpose would a Kantian comprehensive liberalism serve? Pogge suggests a particular answer to this question, which unfortunately turns out to be neither particularly Kantian nor particularly Rawlsian. For Pogge, the problem to be solved is essentially motivational. On his reading, the idea of right as the complete juridical determination of the form of our choices means that our external freedom is thoroughly subject to rules so that we can always say what we are and are not free to do. Pogge thus describes Kant's theory of right as a kind of game, a thoroughly rule-bound sphere of activity in which we can always say, clearly and definitely, what counts as a permissible move (Pogge 2012: 84–5). Within this game, we can always say what is juridically right and wrong, but if we are to be motivated to play the game, we need to have an independent interest in playing it. Exploiting Kant's point that the law demands the performance or non-performance of certain actions, as opposed to any particular reason or motivation for those actions or restraints, Pogge argues that different comprehensive doctrines might justify obedience to the rules of right in different ways:

The freestanding argument for *Recht* can be embedded in diverse comprehensive views. It can be embedded, for instance, in a Kantian morality that holds each person to be duty-bound to afford tangible assistance to every other person: because I owe it to those around me to help secure their external freedom against obstructing actions by myself (and by others?), I morally ought to contribute to the establishment and/or maintenance of *Recht*. At another extreme, it can also be embedded in a Hobbesian prudential account: because my fundamental interest is to secure my external freedom against obstructing actions by others, I prudentially ought to contribute to the establishment and/or maintenance of *Recht*. (Pogge 2012: 88)

Since I can have moral or prudential reasons for obeying any particular law, Pogge suggests that we might equally have moral or prudential reasons for preferring lawful conduct, in general, and thus for 'playing the *Rechtslehre* game'. Particular comprehensive doctrines would then spell out these moral or prudential reasons in clear and coherent fashion. Kant's comprehensive moral philosophy, in particular, would supply us with moral reasons for caring about right, and thoroughly explain the source of those reasons, presumably in the categorical imperative and its essential connection to our autonomy or transcendental freedom. A different, empirically grounded comprehensive doctrine, by contrast, would supply us with prudential reasons for caring about right, presumably through Hobbesian arguments for the self-defeating character of purely self-interested behaviour. To support his claims about

the coherence of the second possibility, Pogge cites the notorious ‘people of devils’ passage from ‘To perpetual peace’:

As hard as it may sound, the problem of organizing a nation is solvable even for a people comprised of devils (if only they possess understanding). The problem can be stated in this way: ‘So order and organize a group of rational beings who require universal laws for their preservation – though each is secretly inclined to exempt himself from such laws – that, while their private attitudes conflict, these nonetheless so cancel one another that these beings behave publicly just as if they had no evil attitudes’. (TPP, 8: 366)

For Pogge, the devils suggest the possibility of a non-Kantian comprehensive argument for an interest in Kantian right, ‘because it is, as the quote shows, just as true that selfishness gives its immoral adherents self-interested reasons for supporting *Recht* and a republican constitution in particular’ (Pogge 2012: 89).

In fact, however, the quote shows no such thing. Pogge needs his hypothetical prudential comprehensive doctrine to supply the devils with reasons to accept the moral demands of right. This does not necessarily mean that those reasons will themselves be moral, but it does mean that the reasons will give the devils a stable commitment to acting rightly. But as Kant’s formulation suggests, the devils have not been rationally convinced to act rightly, since they remain secretly inclined to exempt themselves. In this passage, Kant is talking not about comprehensive theorists supplying the devils with general reasons to support right, but about external mechanisms being organised so that the devils’ self-interested motives collide in such a way as to ‘cancel one another’, producing the same large-scale behavioural outcomes that moral observers would hope for – which is very different from the devils supporting or accepting the rational force of right. The motivational perspective Pogge wants comprehensive doctrines to take up is first-personal: why should I rationally commit myself to caring about right? But the perspective of this passage is third-personal: how can sovereigns get the devils to care about things that cause them to act rightly, even though (by hypothesis) they have no stable, rational commitment to right? The larger perspective Kant takes in ‘To perpetual peace’, and especially in the context of the ‘people of devils’ passage, is not that of the individual, moral or otherwise, who needs to have reasons to be morally committed to right. Rather, Kant’s focus is on the perspective of an individual who is already morally committed to right, and who is then concerned with the subsequent question of whether a rightful, republican condition will actually prevail in the world, given that all our moral commitments are so wavering and precarious, against our many selfish inclinations. Such morally concerned individuals have a special interest in empirical mechanisms which might force self-seeking individuals to act rightly. But the teleological question of the realisation of right is quite different from Pogge’s motivational question of what reasons we have to commit ourselves to right and to the republicanism it implies.

Because Kant takes right and republicanism already to have moral force, Pogge’s motivational view is a bad candidate for an answer to the question of what a Kantian comprehensive doctrine might be expected to do. But more generally, it is also a bad fit for Rawls’ idea of what any comprehensive doctrine should be expected to do,

which is to relate political and non-political values in some rationally coherent way. Rawls does not expect any comprehensive doctrine to explain why political values really are valuable, and why we have good reasons to accept them. It is the task of a political conception itself to articulate its own values in a compelling way. A comprehensive doctrine's job is instead to relate political values to non-political values in a coherent and rationally compelling way so that individuals can rationally assure themselves that they can stably integrate their commitment to political values into the rest of their lives.⁹ Recall that what makes a doctrine comprehensive is its scope: it applies to the full range of possible human values, as opposed to political values in particular. For this reason, a successful comprehensive doctrine must take up and give a rationally satisfying answer to a general theoretical question that a political conception does not have to face: what is the nature or source of value in the first place, such that political and other values can be rationally compared and integrated into a coherent form of life? This general theoretical question obviously has a justificatory aim, but we should be careful not to infer that the justificatory project of a comprehensive doctrine will necessarily include the aim of justifying every particular kind of value, including political value, in a deeper or more fundamental sense. A successful comprehensive doctrine should be able to explain why political commitments have value, in a way that can be compared to other kinds of value, but that kind of explanation does not have to imply that the source of political value lies in something deeper, in something external to the political itself. Notably, Rawls includes among his examples of possible comprehensive doctrine a pluralist view, grounded in a fundamentally negative claim that no unified account of the sources of value is possible (Rawls 1993: IV.3.2, 145–6). Such a view is clearly not committed to grounding the value of the political in some basic source of value. All that a pluralist or any other comprehensive doctrine must do is explain why it makes rational sense for an individual to be stably committed to political values, given the claims that other values make on us. This justificatory work will require general theoretical claims about the nature and sources of value, but these claims do not themselves have to imply an independent justification of political value.

Unlike pluralism, a Kantian comprehensive liberal doctrine will be committed to a unified account of the nature and sources of value, which it will attempt to explain in a fundamentally liberal way. But this commitment need not imply that political liberalism rests on some deeper moral value. In my reading of the independence of right, Kant is arguing that political liberalism has moral value in itself. The task of his more comprehensive practical philosophy is then to provide a more general account of value that explains how the moral value of right fits into the rest of our lives, given that right demands only obedience to law, not anything deeper about how we best ought to live. If Kant's comprehensive practical philosophy is fundamentally liberal, that means that his more general account of value is fundamentally informed by liberalism itself, by his independent account of the moral value of right. We can then use the fundamentally political claims of this account to develop a more general account of the nature and source of value. In the next section, I will describe the specific way that the 'pure' moral philosophy of the *Groundwork* attempts to carry out this theoretical project. But in my account, the concept of juridical obligation and its two basic moral implications (an absolute preference for a rightful condition over the state of nature, and the equal value of everyone's external freedom) will be taken as

premises that support the theoretical argument, not as conclusions that the theoretical argument somehow establishes.

If it seems that this logic is undermined by the chronology of Kant's works – after all, the *Groundwork* was published in the mid-1780s, while the *Rechtslehre* did not appear until the late 1790s – we should keep in mind that even in the 1780s, Kant was also presenting his account of right independently, as evidenced by the Feyerabend lectures on natural right. Even more decisively, Kant had already declared in the *Critique of Pure Reason* that '[w]ithout doubt, the concept of *right* that is used by the healthy understanding contains the very same things that the most subtle speculation can evolve out of it' (CPR, A43/B61). Later in the work, when he introduces the ideas of reason, Kant defends their practical reality by asserting a version of the *Rechtslehre*'s principle of right: 'A constitution providing for the *greatest human freedom* according to laws that permit the *freedom of each to exist together with that of others* . . . is at least a necessary idea, which one must make the ground not merely of the primary plan of a state's constitution but of all the laws too' (CPR, A316/B373). None of these claims seem to require the argument of the *Groundwork*. So the chronology actually points in favour of my reading. Still, chronological arguments can never be decisive here: what finally matters is the theoretical question of whether the arguments of the *Rechtslehre* require the arguments of the *Groundwork*. To the contrary, I will argue that we can understand the arguments of the *Groundwork* much better if we already assume the basic moral claims of the *Rechtslehre*.

4. What is a groundwork for the metaphysics of morals?

The aim of Kant's best-known work in moral philosophy may seem obvious from its title's reference to a 'foundation' for a metaphysics of morals (including a doctrine of right), and from Kant's explicit conception of the work as, in Gregor's translation, 'nothing more than the search for and establishment of the supreme principle of morality' (G, 4: 392). (Ellington, similarly, offers 'to seek out and establish the supreme principle of morality'.¹⁰) But the subsequent arguments of the work make these professed aims more complicated than they might first appear. In what sense do we need to search for or seek out the supreme moral principle, given that Kant later tells us that ordinary moral agents already understand and employ this principle all the time (G, 4: 492)? In what sense is the principle finally established, given that it rests on the claim that we are transcendently free, which Kant says can never be finally proven (G, 4: 459)? In fact, the original German words Kant uses for his aims – *nicht mehr, als die Aufsuchung und Festsetzung des obersten Prinzip der Moralität* – are softer and less determinative than Gregor's and Ellington's translations suggest. The meaning of *Aufsuchung* is closer to 'exploration', which suggests that the supreme moral principle is something more like a territory that we have already found, though with features that still need to be mapped and clarified. (*Aufsuchen* means, among other things, 'to visit'.) *Festsetzung* does mean 'establishment', but not in the sense of a proof (as in, 'the mathematician established the theorem'), but rather more in the sense of a determination, as in the establishment or fixing of a price. So Kant is saying that the aim of the work is not so much to find and prove the supreme principle of morality but rather to explore and determine the nature of that principle.¹¹ As the structure of the work then makes clear, Kant's more specific version of this aim is to explore the

nature of the principle that ordinary morality already takes to be supreme, and then to determine that it is a principle of pure practical reason.

In the first section of the *Groundwork*, Kant argues that ordinary uses of the word 'good' reserve a special, unconditional kind of praise for a particular kind of willing, for willing that aims to do what is morally required, merely because it is required. (Since my concern here is only with the structure and purpose of the work, detailed defences of these and other specific claims of the *Groundwork* are beyond the scope of this essay.) Though such a dutiful will is not itself part of right in the juridical sense – what is required by right is external conformity to law, not any particular reason for conforming to it – the idea of such a will is already implied by the idea of right in the juridical sense, because the moral content of right includes the very idea of external lawgiving as addressed to beings who morally *ought* to obey the law. As we have already seen, the idea of right itself implies the distinction between right and virtue. The content of virtue can and for Kant will extend well beyond ethical commitment to right; that is what the *Doctrine of Virtue* is meant to explain. But the content of virtue will include at least ethical commitment to right, since the idea of right itself implies that there is such a thing as ethical commitment, and that right is one of the things that one can and should be ethically committed to. In this sense, we can understand the 'common human reason' of *Groundwork* I as referring to the person who accepts the independent moral force of right, and who then takes this moral force to apply not just to juridical claims, but to all of their willing. Recall that the point of a Rawlsian comprehensive view is to relate political to non-political values. The representative agent in a Kantian liberal comprehensive doctrine is the person who takes liberal political values to have moral force and then understands the ethical realm to be exhaustively defined as just what is implied by the idea of a thoroughgoing ethical commitment to liberal political values, one that applies to all of life.

We can see this even more clearly once we understand that Kant's specific derivation of the supreme moral principle itself depends on the basic arguments of the *Doctrine of Right*. At 4: 402, Kant famously argues that the moral law that applies to a dutiful and thus unconditionally good will can only be the principle of universal law:

But what kind of law can that possibly be, the representation of which – even without regard for the effect expected from it – must determine the will for it to be called good absolutely and without limitation? Since I have robbed the will of all impulses that could arise for it from following some particular law, nothing remains but as such the universal conformity of actions with law, which alone is to serve the will as its principle, i.e. I ought never to proceed except in such way that I should also will that my maxim should become a universal law. Here, then, mere conformity to law as such (not founded on any law determined with a view to certain actions), is what serves the will as its principle, and must so serve it if duty is not to be as such an empty delusion and a chimerical concept . . . (G, 4: 402)

Clearly, Kant is saying that every law has a formal, universal structure ('Everyone must do X') that is independent of its particular content (the action specified by 'X'). The moral law that governs the dutiful will cannot have any particular content, because there is no particular reason for the dutiful will to do X rather than Y, given

that the dutiful will is committed to obeying its special law merely because it is a law, not for any other reason. So Kant then concludes that the dutiful will can only be committed to the value of universal law, and thus to his supreme moral principle. But there is an obvious logical gap in this argument, one that will later be repeated in *Groundwork* II's nearly parallel derivation of the principle of universal law from the bare idea of a categorical imperative (G, 4: 420–1).¹² Universality is clearly a necessary condition of an unconditionally valid practical principle, but what Kant is saying is that because the bare ideas of a dutiful will and a categorical imperative imply no reference to any determinate content, we must also treat universality as a sufficient condition of practical justification. Universalizable maxims are really candidates for practical laws, not practical laws in themselves. Kant's derivations are convincing arguments only if we add to the values of his representative agent an absolute preference for there being a law of willing over the absence of such a law – in other words, the basic moral commitment of the *Doctrine of Right* to prefer a juridical condition over the state of nature, now applied to the ethical and not just to the juridical realm. Kant says explicitly not that his supreme moral principle is a law, but that it *must serve* as one if there is going to be meaningful content to the idea of a dutiful will. In this reading, it is certainly not the case that the universal principle of right is derived from the categorical imperative (see also Ripstein 2009: 11–13 and 355–88). Rather, it is that the categorical imperative expresses the idea of a thoroughgoing ethical commitment to the values implied in the universal principle of right (and only those values). Without a prior and independent commitment to right, treating the categorical imperative as the supreme principle of practical reason makes little sense.

Thus far, Kant's comprehensive doctrine has explained how the specifically political value of right can fit into our lives, by our taking up an ethical stance that expresses this value in all of our willing. Does that mean that our lives are governed solely by this value? Certainly not, because the very idea of dutiful willing implies the commitment to moral values against possibly competing interests, which for human beings are all the heterogeneous desires that we gather together only under the indeterminately specified concept of happiness. So we still need to understand how to relate the values of duty and happiness in a single, rational conception that can govern our lives. This is what the argument of *Groundwork* II is intended to do, by developing a unified conception of rational agency that includes both hypothetical and categorical imperatives. It might seem that the turn to a theory of rational agency after *Groundwork* I is motivated by the thought that 'common human reason' is a mere artefact of socialisation, without any sort of rational justification. But what Kant explicitly says is that the motivation for the turn is not theoretical but practical; the demands of happiness are so pressing and fundamental that they constantly threaten the overriding claims of duty unless we can settle on a distinctive conception of rational agency that integrates both of them into our lives (G, 4: 405). Just as Rawls' understanding of a comprehensive doctrine suggests, we need coherently to relate Kantian political and ethical values to other sorts of values.

The substantive argument of *Groundwork* II is that the common source of all value is the will, which Kant says is 'nothing other than practical reason' (G, 4: 412). Kant defines a practically rational being as one who 'has the capacity to act according to the representation of laws' and equates this capacity to having a will (G, 4: 412).

To will something is to commit yourself to bringing about an end, which *Groundwork I* has already told us implies ‘the summoning of all means that are within our control’ (G, 4: 394). You are practically rational insofar as your actions make rational sense as means to ends you have chosen. In understanding your actions in this way, you are representing the rule-governed empirical connections between means and ends (A cannot happen in the world without B) as laws for you as an agent. We could call them laws for your will, but really Kant is saying that you cannot will anything without representing rules as laws for yourself, by committing yourself to projects which then have to be rationally carried out. To will an end is just to be rationally bound by the hypothetical imperatives it implies, which is why Kant can say that the concept of a hypothetical imperative is analytic of the concept of willing (G, 4: 417). The concept of a categorical imperative is not similarly analytic – you can clearly will ends or choose means to ends that violate the principle of universal law – but it does express the *value* of willing, in that obedience to this principle means counting everyone else’s willing of an end as equally important as your own. By willing only in ways that all others could also will, you express the value of willing itself, apart from the content of any specific end (G, 4: 428–9). So both hypothetical and categorical imperatives locate the source of value in the will, in our representing actions as laws for ourselves. When I act on a hypothetical imperative, I take my willing of an end to be sufficient to justify the value of my subsequent actions. When I act on the categorical imperative, I take my willing of an end to be sufficient to justify constraining my behaviour to give equal value to the potential willing of all others with the same capacity.

If both hypothetical and categorical imperatives have a common source of value, then there really is no inherent conflict between our commitment to duty and the claims that happiness makes on us. Or, in the more Rawlsian language that we have been using, there is really no inherent conflict between our ethical commitment to politically liberal values and our non-political interests in other sorts of values. If willing is the source of value, then both dutiful and happiness-seeking actions can be understood as part of a common conception of ourselves as rational agents. When I pursue my own happiness, I act to realise ends I have set for myself. When I act out of duty, I act to respect the capacity of myself and all others to set ends for themselves. There can of course be conflicts between duty and happiness, because my willing of an end might not be consistent with the capacity of everyone else to equally will that end. But we can also clearly understand why it makes rational sense that such conflicts should always be resolved in favour of duty, because if the source of the value of my happiness is my willing something as an agent, then it makes rational sense for me to equally value the agency of all others, and thus to subject my willing to moral constraints.

With this account in place, the question that remains for Kant is the theoretical issue we have already noted that all comprehensive doctrines must face, which is to give a rational defence of their general account of value. In what sense can we justify the claim that the will is the source of value, especially when this thesis, on its own, sounds dangerously voluntarist and arbitrary? The most familiar contemporary answer to this question is the constitutivist argument most notably developed by Christine Korsgaard (1996, 2008, 2009): the conclusion that the will is the source of value is supposed to follow from our identities as rational agents. On this view, a basic

rational identity is built into the deliberative structure of our agency, and we cannot consistently identify with the projects that result from our deliberations unless we also recognise a deeper identification with the basic deliberative identity that enables the choice of our particular projects. Beyond the many objections that have been levelled at the logic of this argument, it seems that Kant himself is rejecting it at the start of *Groundwork* III. He does argue that we must understand ourselves as agents who make rational choices for ourselves (G, 4: 448), but he immediately goes on to ask how and why we take an interest in this capacity (G, 4: 448–9), which suggests that he does not believe that our having to deliberate itself implies that we must identify with or value our deliberative nature. This thought is also supported by Kant's various reflections on our having to decide what will make us happy, in which he consistently tells us that we might prefer the simple and clear directives of instinct to the burdens of deliberation (G, 4: 395–6; CB, 8: 111–5). It is in morality itself, Kant tells us after *Groundwork* III's opening reflections on our rational agency, that we take an interest in the freedom that is the presupposition of deliberation (G, 4: 450).

This is not the place to enter into the many controversies over the text of *Groundwork* III and its relation to the argument of the *Critique of Practical Reason*. I take the two texts to be basically consistent, and recent scholarship to have more effectively supported this conclusion,¹³ but here it is enough to note that even readings that find divergence typically hold that the claims of the second *Critique* are Kant's more considered answer to the justificatory question he is raising in *Groundwork* III. That answer turns on Kant's assertion of a fact of reason (CPrR, 5: 29–31), which cannot be given any further justification, and which is supposed to be revealed by one's first-personal response to an example Kant proposes. I take it to be especially telling for my argument that this example is specifically juridical: a sovereign demands, under threat of death, that you make a false deposition against one of the sovereign's political enemies.¹⁴ Structurally, it would seem that Kant could have chosen any example in which a person took themselves to be morally bound to sacrifice their own life to avoid killing another, thereby violating a duty of both right and virtue; see, for instance, Kant's example of the shipwreck at DR, 6: 235. But in the example Kant chooses here, the sovereign is demanding not just that you act wrongly, but to pervert the very structure of right. (Compare Kant's moral horror at the formal execution of a monarch at DR, 6: 320–1.) The sovereign is using the juridical procedures of right to carry out an extra-judicial killing, by issuing an extra-judicial threat (not a legal command) to you to wrongly provide pseudo-judicial support for his act of wrong. If you resist this demand, this can only be explained by your ethical commitment to the moral ideals implied in right. In accepting that you should, and also can, sacrifice your life for this ethical commitment, even against your strongest physical desire, you take your ethical commitment to right over the claims of happiness to be self-justifying. In what sense can an ethical commitment to right be self-justifying? It simply means understanding juridical standards as laws that we have willingly, meaning freely and rationally, imposed on ourselves, and taking this conception of self-legislation to be theoretically sufficient for purposes of our practical commitments. All of the metaphysical work of Kant's critical philosophy then plays the merely defensive role of resisting any theoretical challenge to this understanding of right, by showing that it is not inconsistent with or undermined by anything implied by or found in an empirical or scientific perspective on the world.

What, then, is the purpose of a groundwork for a metaphysics of morals? It is not to show that the moral ideal of right is true, or even that the categorical imperative is true so that the moral ideal of right can follow from that. The purpose of the work is rather to show that accepting the moral force of right makes rational sense for living our lives as individuals, without presupposing any other ethical ideals beyond those that are implied in the idea of right itself. That is, the purpose of the work is to affirm a comprehensive liberal doctrine. On this Kantian comprehensive doctrine, we take a form of political liberalism to have moral force and then explain that an ethical commitment to this political liberalism itself implies a conception of value that can explain and order all our actions under a unified conception of practical reasoning. This conception asserts that the source of all value is the will, a theoretical claim that Kant then defends by arguing that is rationally coherent to understand politically liberal ideals as something we have willed, as laws we have imposed on ourselves. This comprehensive moral argument does not rely on any positive theoretical claims beyond what is implied in an ethical commitment to political liberalism itself. That is why Kant's comprehensive view is a comprehensive liberalism: it is a comprehensive view that justifies itself in a politically liberal way.

5. Conclusion

I have argued that Kant's practical philosophy is a form of comprehensive liberalism, but one that does not imply, as Pogge asserts, that political liberalism follows from comprehensive liberalism. Instead, I have proposed that we understand the *Doctrine of Right* as a freestanding political conception that has moral force on its own, and so that does not need any further support from any deeper moral source. I have then proposed an interpretation of the *Groundwork* as asking and answering the separate question of whether it makes rational sense to live our lives as ethically committed to the moral force of this political conception, given all of the other values we might have.

This kind of interpretation may still seem counter-intuitive and wrong since it does not seem to understand the 'foundation' for Kant's metaphysics of morals as foundational in a justificatory sense. If the *Doctrine of Right* does not need a moral foundation, what sort of foundation is Kant even talking about in his earlier work? In my view, this kind of response comes from failing to appreciate how deeply first-personal Kant's conception of practical reasoning is. Almost all of the crude dismissals of Kant's practical philosophy see him as flatly affirming some dubious theoretical proposition: Kant believes we have free will! That there are universal and unconditional moral laws! That we are morally responsible! The alleged purpose of the *Groundwork* is then to show that these theoretical claims are true. But in fact, Kant thinks that none of them are theoretically true in any straightforward sense; the argument of the *Groundwork* and elsewhere is that we take them to be true just in the first-person singular practice of our agency. There is no freedom beyond what we presuppose in our own deliberations, no moral law outside our absolute preference for a juridical condition over the state of nature, and no responsibility beyond ourselves taking responsibility for something in our own actions. None of these claims are true outside of the activity of practical reasoning itself. Practical reasoning really is practical; it is a form of action, not a kind of objective reflection on what is good or

right. Being free and responsible means committing yourself to projects of action, and only you can take yourself to be committed. If all of that makes sense, then the foundational claim of the *Groundwork* is not that the claims of right are objectively justified, through some feature of the world or of ourselves, but that our taking them to be objectively justified makes rational sense, because we can understand this commitment as part of our own practical reasoning. From a common, justificatory perspective, the claims of right themselves are (juridically) foundational, because they serve as the basis for public agreement about the use of our external freedom, on their own. But from the specifically first-person perspective of our own rational agency, which can and must include an ethical commitment to right, the argument of the *Groundwork* that the claims of right are laws that we have imposed on ourselves is foundational, in the sense of being consistent with a more general conception of commitment as the product of the will, and the will as nothing other than practical reason. Kant's comprehensive moral doctrines are foundational to our coherent sense of ourselves as rational agents, and a coherent sense of ourselves as rational agents is necessary if we are to make (secular) sense of our individual commitments to anything, including and especially our commitment to right.

For both Kant and Rawls, reasoning is essentially public, but this claim itself implies a contrast with private or individual reflection, from which public agreement must be reached. If Kant's political philosophy holds that the claims of right are valid because they serve as the basis for public agreement about the use of our external freedom, on their own, then he still needs to explain how individuals committed to this public agreement understand the nature of their commitments, in their own private reflections. Because Kant is a political liberal, he recognises and allows that they might understand their commitments in ways quite different than his own. But in his 'pure' moral philosophy, Kant suggests that we can coherently understand our commitment to right as the product of our own willing. This conception of willing requires no claims to value beyond the value of our freedom already expressed in the public conception of right, and thus in political liberalism itself. It is in this most consistent and best sense that we can and should affirm that the political liberal Kant is, as Rawls tells us, also a comprehensive liberal.

Notes

1 A classic expression of this view is William Galston's influential (1995) essay 'Two concepts of liberalism', which inflates Rawls' contrast between political and comprehensive liberalism into an opposition between a 'Reformation project', which is theoretically modest and politically liberal, and an 'Enlightenment project', which is theoretically over-ambitious and politically illiberal. For Galston, Kant is an if not the main example of the dubious 'Enlightenment project', with his claims about autonomy as grounded in transcendental freedom understood as a threat to liberalism itself. In this light, it is not surprising that no one particularly wants to defend Kant as a comprehensive liberal. Indeed, no one should particularly want to defend anyone as a comprehensive liberal, since on Galston's view, comprehensive claims are at odds with the very nature of liberalism. To an important extent, however, Galston's contrast is a distortion if not a caricature of Rawls' distinction between political and comprehensive liberalism. Galston ignores the Kantian sources of the political constructivism that Rawls invokes to support his political liberalism (see Krasnoff 2014), and what is more important for our specific purposes here, it misunderstands the specific role that comprehensive liberalism, like any other comprehensive doctrine, can and should play in the justification of political liberalism.

2 References to Kant are as follows: *Anth* = *Anthropology from a Pragmatic Point of View*. Ed. and trans. Robert B. Louden (Cambridge, Cambridge University Press, 2006); *CB* = 'Conjectural beginning of human history'. Trans. Emil Fackenheim, in Lewis White Beck (ed.), *On History* (New York: Macmillan, 1963); *CPR* = *Critique of Pure Reason*. Trans. Paul Guyer and Allen W. Wood (Cambridge: Cambridge University Press), 1998; *CPPr* = *Critique of Practical Reason*. Trans. Lewis White Beck (Englewood Cliffs, NJ: Macmillan, 1993); *DR* = *Doctrine of Right*, in *The Metaphysics of Morals*. Ed. and trans. M. Gregor (Cambridge: Cambridge University Press, 1991); *G* = *Groundwork of the Metaphysics of Morals*. Ed. and trans. Mary Gregor and Jens Timmermann (Cambridge: Cambridge University Press, 2012); *L-NR* = 'Natural right course lecture notes by Feyerabend'. In Frederick Rauscher (ed. and trans.) and Kenneth Westphal (trans.), *Lectures and Drafts on Political Philosophy* (Cambridge: Cambridge University Press, 2016); *TPP* = 'To perpetual peace: A philosophical sketch'. In Ted Humphrey (ed. and trans.), *Perpetual Peace and Other Essays* (Indianapolis: Hackett, 1983); *TP* = 'On the proverb: That may be true in theory, but is of no practical use'. In Ted Humphrey (ed. and trans.), *Perpetual Peace and Other Essays* (Indianapolis: Hackett, 1983).

3 Notice the way this obligation is taken as a premise of the juridical realm. There is no attempt by Kant to prove that such an obligation exists; the question is rather what else must be taken to be the case, for both sovereigns and their subjects, if there is such an obligation. The occasional debate, within political philosophy, about whether there is a general moral obligation to obey the law, is thus confused, and beside the point. Saying this does not mean that there will not be occasions in which individuals have to make difficult moral decisions about whether to obey a particular law. Such individuals may be forced to conclude that their political culture is so debased as to no longer bear any relation to the pure concept of right at all, or that the injustice of a particular law is so dire that it warrants conscientious refusal. To say that the refusal is conscientious, however, implies the recognition of basic juridical obligation, as the theory of civil disobedience characteristically demands.

4 As Pogge notes (2012: 77), this point about free persons does not imply the 'narrow, strong concept' of persons as transcendentally free, but only a 'wider, weaker sense' of persons as 'subjects whose external actions can be imputed to them as expressive of their will, choice, or intentions'. This conception of personhood is fully present in the empiricist theories of Hobbes, Locke, and Hume.

5 As Ripstein explains, the moral significance of external freedom follows directly from the fact that human beings occupy space: 'Space is more than a useful metaphor for Kant. Its normative significance arises from the ways in which separate persons who occupy space can come into conflict in the exercise of their freedom, depending on what they are doing in their space-occupying activities and what others happen to be doing in the same location' (Ripstein 2009: 12). Right is the principle that regulates such conflicts and thereby secures each person's freedom to act within space. Compare Pogge (2012: 77): 'A person's external freedom is secure, then, insofar as others' actions that would obstruct her own are themselves obstructed. The security of a person's external freedom thus requires that the external freedom of others (to obstruct her external freedom) be constrained. Therefore, a plurality of persons can have the security of their external freedom only if and insofar as the external freedom of each is constrained so as to be consistent with the constrained external freedom of all others'.

6 See Pogge (2012: 78): 'To ensure mutual consistency, such a law must apply to all persons, must specify precisely for each what she may, must, and must not do'.

7 An anonymous reviewer asks, entirely appropriately, 'Why should, for example, princes be convinced to make their people free (rather than subjects) unless Kant is arguing for the value of freedom [i.e., independently, in his comprehensive moral philosophy]?' But princes do not have to be convinced that their subjects are free. Subjects are commanded through law, which only free beings can recognize and conform to. And subjects are expected to recognize the obligation to obey, and thus to accept the moral value of conformity to law, which in turn means the moral value of a system that coordinates the external freedom of all persons. Princes may not consistently affirm the value of all citizens' external freedom in their legislation, but on Kant's view, citizens can and should remind them of the law's commitment to this value at every moment. The law exists to make people free, whether or not any prince consistently acts on this belief. But the belief itself does not require any independent or comprehensive moral argument; it is implicit in the very idea of a valid legal command, in the possibility of external lawgiving.

8 Pogge recognizes that the structure of the *Metaphysics of Morals* itself represents a serious objection to his view (Pogge 2012: 89). But he brushes the objection aside, arguing that Kant's claim that right belongs to morality can be reduced to the claim that if one is committed to morality as Kant understands it, one

will then also be (morally) committed to *Recht* (Pogge 2012: 89–90). But since he wants to deny that *Recht* implies anything about morality, Pogge is thus committed to denying that our individual commitment to *Recht* must be a moral commitment. I discuss the difficulties implied by this claim in the next section.

Because he denies that *Recht* is necessarily part of morality, Pogge also resists the claim that Kant's commitment to a universal law of freedom has any strict egalitarian or republican consequences. He regards Kant's republicanism as one possible way of realizing the ideal of right, but he also thinks that other, less egalitarian realizations are possible and equally legitimate (Pogge 2012: 91–5). Pogge even tries to exploit Kant's disappointing views about the legal and political status of women as evidence that his interpretation is correct; he sees Kant's departures from gender equality as showing that his theory of right has no grounding in moral egalitarianism. Like Ripstein and many others, I take the opposing view that Kant's purely juridical views have considerable underdeveloped egalitarian potential, about gender and much else; see especially Chapters 8 and 9 of Ripstein (2009).

9 Rawls is clear that his expectation for comprehensive doctrines is that they will work separately to produce an overlapping consensus which, he believes, will secure the stability of his liberal political conception of justice. When Rawls speaks of stability, it is easy to misunderstand him as raising the institutional question of whether and how a liberal political culture can maintain itself over time, in the face of various cultural, economic, and perhaps other external forces. But Rawls is concerned with stability in a different and special sense: the question he is asking is whether an individual can and will develop and maintain a rational commitment to liberal political values, given the other values in their lives. For Rawls, this is a specifically philosophical question about the relationship of political to non-political values. See Hill (1994) and Krasnoff (1998).

10 *Grounding for the Metaphysics of Morals*. Trans. James W. Ellington (Indianapolis: Hackett, 1993), p. 5.

11 Timmermann's revision of Gregor's translation uses 'identification' in place of 'search for', which is better in that it avoids the thought that we have not yet found the supreme principle of morality. But it still suggests that we might not know what that principle actually is. For *Festsetzung*, Timmermann prefers 'corroboration', which is better in that it avoids the suggestion of independent proof, but much worse in that it mysteriously suggests original 'evidence' that is then supposed to be 'corroborated', and that corroboration should be sufficient to settle anything.

12 For a similar worry about the logical gap in Kant's argument, see Guyer (2006): 179–91.

13 See the very helpful discussion in Ware (2021: Chapter 3). For prominent examples of the earlier view, see Allison (1990: Chapters 12 and 13), Ameriks (1981), and Rawls (1989). For examples of the more recent view, see Ware (2021) and also Timmermann (2010).

14 In the Feyerabend course notes on natural right, Kant also begins by illustrating his claims about the value of the will with specifically juridical examples (*L-NR*, 27: 1319–20).

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