

KANT'S METAPHYSICS OF MORALS AS GUIDANCE IN A MORALLY AND LEGALLY COMPLEX WORLD

MARIA DE LOURDES ALVES BORGES¹
(UFSC/Brazil)

THOMAS MERTENS²
(Radboud University Nijmegen/ Netherlands)

ALESSANDRO PINZANI³
(UFSC/Brazil)

For a long time the *Metaphysics of Morals* has - within Kant scholarship - probably been one of the most neglected works, standing in the shadow of works such as the *Critique of Pure Reason*, the *Groundwork* and the *Critique of Practical Reason*. Recently, however, there has been a renewed interest in the *Doctrine of Right/Law*, which constitutes the first part of the *Metaphysics of Morals*. Partly, this was due to a new text edition by Bernd Ludwig, which modified the sequence of many paragraphs and suppressed some of them (Kant 1986). This provoked sharp debates and contributed to putting this work back on the map of Kant scholarship, as testified by the long list of monographs and collections of essays dedicated to it (e.g. Busch 1979, Sanger 1982, Maus 1992, Hoffe 1999, Kersting 2004 and 2007, Ludwig 2005, Byrd, Hruschka and Joerden 2008, Byrd and Hruschka 2010). Unfortunately this did not happen with the second part of Kant's book, the *Doctrine of Virtue*, which still receives less attention. Since Gregor's 1963 book no renowned Kantian interpreter dedicated a monograph to the *Doctrine of Virtue*. Only very recently, some commentaries came out (e.g. Betzler 2008, Trampota, Sensen and Timmermann 2013) and one notices that a certain interest in this work is rising among Kant interpreters.

What is still lacking in Kant scholarship, however, is twofold. First, very few scholars consider the *Metaphysics of Morals* as a single work, viewing it instead as composed of two completely separate works. Even the essays collected in Timmons 2004 do not dispel this impression, since only Wood's introduction attempts to establish a connection between the two parts, although it ends up discussing mostly the connection between the *Doctrine of Virtue* and the *Groundwork* and the second *Critique*. The same can be said for the essays contained in

Euler and Tuschling 2013, with the exception of the essay by Euler. Second, Kant's views on law and virtue are rarely being discussed with an eye to pressing contemporary issues. While some works try to "actualize" some of Kant's central legal and ethical concepts such as autonomy (Sensen 2013, Korsgaard 2008 and 2009) or dignity (Sensen 2011), almost no attempt has been made to establish whether and to what extent the *Doctrine of Right/Law* and the *Doctrine of Virtue* can still contribute to our understanding of actual debates on issues in legal and moral philosophy such as: property rights, suicide and euthanasia, criminal law, addiction to intoxicating drugs, civic virtues or even friendship.

In 2013, we started a common project sponsored by Capes, Brazil (in particular the philosophy department of UFSC, Florianópolis) and Nuffic, The Netherlands (in particular the philosophy of law department at Radboud University Nijmegen), aiming at doing exactly that: examining the possibility of a fruitful contemporary reading and interpreting of Kant's *Doctrine of Right/Law* and *Doctrine of Virtue*, considered as a single work: the *Metaphysics of Morals*. Our hypothesis was that in this work Kant tried to apply the abstract moral principles developed in his 'pure' moral philosophy to reality and that it is our task to do the same in our contemporary world. In other words, to understand the human being as a phenomenal being confronted with present day legal and moral challenges. In the *Doctrine of Right/Law* Kant discusses a human being's contingent goals such as: acquiring property, exercising a certain profession, marrying and having children, writing books, being a merchant in another county, establishing a legal system etc., to the attainment of which one needs external freedom. In the *Doctrine of Virtue* Kant speaks of the human being's non-contingent goals, such as the moral duties to attain one's own moral perfection and to enhance the happiness of others. In this context, virtue is defined precisely as the effort that a human being – as a phenomenal being – must make in order to follow the same moral law that she or he – as a noumenal being – has established. Such an effort needs "herculean strength" (TL 6: 376) and is connected with the self-constraint that one has to exercise and which shows once more how difficult it is, according to Kant, to act morally and to be a morally flawless individual. At the same time, the *Doctrine of Virtue* aims precisely at showing us that this task is realizable by every single individual, provided that she or he is willing to make the necessary effort.

From this perspective, the *Metaphysics of Morals* as a whole can be seen as a guide on how to apply in the best possible way moral principles to phenomenal reality, i.e. to our peculiar legal and moral problems. In this sense, we understand the *Metaphysics of Morals* indeed as a guidebook on how to construct a good theory of applied ethics. We hold that Kant offers us a repertoire of arguments that can be used when discussing legal and moral issues. The following

papers are the result of our project: some still focus on separate aspects of Kant's *Metaphysics of Morals*, while others discuss issues present both in the *Doctrine of Right/Law* and the *Doctrine of Virtue*. Some of the papers aim at showing that a few of Kant's positions, which have puzzled so many interpreters, may and probably ought to be read in a different light. Others aim at showing the historical limits of some of Kant's arguments. Still, all these papers have in common the acknowledgement that Kant's work represents a valuable philosophical guide in a world that has grown increasingly complex, both from a moral and from a legal point of view. We thank Capes and Nuffic for supporting us to bring this rich project to fruition with this special issue of *ethic@*.

Notes

¹ Professor of Philosophy at the Federal University of Santa Catarina (UFSC) / CNPq, Florianópolis, Santa Catarina (SC), Brazil. E-mail: maria.borges@yahoo.com

² Professor of Legal Philosophy at the University of Nijmegen, Netherlands. Email: t.mertens@jur.ru.nl

³ Professor of Philosophy at the Federal University of Santa Catarina (UFSC) /CNPq, Florianópolis, Santa Catarina (SC), Brazil. E-mail: alessandro@cfh.ufsc.br

References

BETZLER, M. (ed.). **Kant's Ethics of Virtue**. Berlin: Walter de Gruyter, 2008.

BUSCH, W. **Die Entstehung der kritischen Rechtsphilosophie Kants 1762-1780**. Berlin: Walter de Gruyter, 1979.

BYRD, S.; HRUSCHKA, J.; JOERDEN, J. (Hg.). **Kants Metaphysik der Sitten im Kontext der Naturrechtslehre des 18. Jahrhunderts**. In: Jahrbuch für Recht und Ethik. Band 16. Berlin: Duncker & Humblot, 2008.

BYRD, S.; HRUSCHKA, J. **Kant's Doctrine of Right. A Commentary**. New York: Cambridge University Press, 2010

EULER, W.; TUSCHLING, B. (Hrsg.). **Kants „Metaphysik der Sitten“ in der Diskussion**. Berlin: Duncker & Humblot, 2013.

GREGOR, M. **Laws of Freedom. A Study of Kant's Method of Applying the Categorical Imperative in the "Metaphysik der Sitten"**. Oxford: Blackwell, 1963.

HÖFFE, O. (hg.). **Immanuel Kant: Metaphysische Anfangsgründe der Rechtslehre**. Berlin: Akademie Verlag, 1999.

KANT, I. *Metaphysische Anfangsgründe der Rechtslehre*. Hrsg. von B. Ludwig. Hamburg: Meiner, 1986.

KERSTING, W. **Kant über Recht**. Paderborn: Mentis, 2004.

KERSTING, W. **Wohlgeordnete Freiheit. Immanuel Kants Rechts- und Staatsphilosophie, 3.**, erweiterte und durchgesehene Auflage, Paderborn: Mentis 2007.

KORSGAARD, Ch. **The Constitution of Agency**. Oxford: Oxford University Press, 2008.

KORSGAARD, Ch. **Self-Constitution. Agency, Identity, and Integrity**. Oxford: Oxford University Press, 2009.

LUDWIG, B. **Kants Rechtslehre**. *Kant-Forschungen 2*. 2 Auflage. Hamburg: F. Meiner, 2005.

MAUS, I. **Zur Aufklärung der Demokratietheorie**. *Rechts- und demokratietheoretische Überlegungen im Anschluß an Kant*. Frankfurt a. M.: Suhrkamp, 1992.

SÄNGER, M. **Die Kategoriale Systematik in den „Metaphysischen Anfangsgründen der Rechtslehre“**. *Ein Beitrag zur Methodenlehre Kants*. Berlin: de Gruyter, 1982.

SENSEN, O. (ed.). **Kant on Human Dignity**. Berlin: de Gruyter, 2011.

SENSEN, O. (ed.). **Kant on Moral Autonomy**. Cambridge: Cambridge University Press, 2013.

TIMMONS, M. (ed.). **Kant's Metaphysics of Morals**. *Interpretative Essays*. Oxford: Oxford University Press, 2004.

TRAMPOTA, A.; SENSEN, O.; TIMMERMANN, J. (eds.). **Kant's „Tugendlehre“**. Berlin: de Gruyter, 2013.