

Lara Denis (ed.), *Kant's Metaphysics of Morals: A Critical Guide* (Cambridge: Cambridge University Press, 2010), 270 pages, ISBN: 978-0-521-51393-7 (hbk). Hardback: £50.

Although Kant's *Metaphysics of Morals* has traditionally received comparatively less attention than the *Groundwork* and the *Critique of Practical Reason*, in recent years scholars have shown increasing interest in Kant's last major work of moral philosophy. This anthology is an impressive addition to that literature. The thoughtful, engaging essays here offer interpretive and critical contributions on a broad range of topics, from history of philosophy to normative ethics, from moral psychology to political philosophy.

Due to limited space, I focus here on three essays – by Katrin Flikschuh, Allen W. Wood, and Patrick Kain – that are compelling in their own right and also representative of the range of subjects covered in the collection. I unfortunately must omit discussion of the anthology's other contributions: Manfred Kuehn's discussion of the development of the *Metaphysics of Morals* and its place within Kant's broader moral philosophy; Stephen Engstrom's examination of Kant's account of the will and its relationship to reason and desire; Otfried Höffe's consideration of how Kant's claim of freedom as the single innate right actually implies multiple human rights; B. Sharon Byrd's discussion of Kant's views on property and other objects of choice; Paul Guyer's account of the development of the role of feelings in Kant's moral psychology; Jeanine Grenberg's attempt to shed light on Kant's account of virtue by elucidating what virtue overcomes; Lara Denis's examination of the significance of perfect duties to oneself and their relationship to freedom on Kant's view; Robert Johnson's intriguing consideration of an apparent puzzle generated by Kant's views about our ethical duties to others to make their happiness our end; and Thomas E. Hill, Jr.'s wide-ranging discussion of the *Doctrine of Virtue* as a work of normative ethics.

I turn first to Flikschuh's excellent examination of the status of justice within Kant's moral philosophy. She asks whether being fully just requires not only acting in conformity with the principles of justice but legislating these principles for oneself. Given Kant's claim, especially in the *Groundwork*, that the autonomous will is subject to the moral law because the law is self-legislated, it may seem either that the principles of justice must similarly be grounded in self-legislation or that Kantian justice is not a part of Kantian morality.

Flikschuh contends that being just requires only that one act in accordance with the principles of justice, not that she do so autonomously. It does not follow, however, that justice is not part of Kantian morality, because the ground of the moral law turns out to be not autonomy but rather freedom. Citing Kant's distinction between *Wille* (practical reason) and *Willkür* (the power of choice), Flikschuh argues that an agent may exercise her power of choice and act in conformity with practical reason even if the practical reason is not located in the agent herself. Such an agent "acts non-autonomously but nonetheless freely" (p. 59). So for Flikschuh, although self-legislation is crucial for virtue, it is not required for justice. Instead, justice belongs to public morality, in which *Wille* is vested in the sovereign, who

makes laws in accordance with the public will. When citizens exercise their power of choice to comply with the laws set out by the sovereign, they act (at least externally) freely.

As an implication of her account, Flikschuh rejects the Kant-inspired liberal view that coercive public policies are only legitimate if they pass the test of possible self-legislation. She writes, “While Kant’s citizen acknowledges the sovereign as appropriate locus of public law-making, the liberal citizen regards himself as (co-) possessing the relevant authority” (p. 69). Because her chief concern is to defend justice’s place in Kantian morality, she spends less time developing this critique of the “citizens as (co-) legislators” account of legitimate political authority. I would’ve liked to see more, though, about why she rejects it – not just as Kant interpretation, but as a normative account in its own right. The “co-legislators” view, she contends, implies that to be just, citizens must not only comply with the laws but also endorse their validity. “By implication, the person who acts in outward conformity with public laws despite inner dissent from them acts unjustly” (p. 69). This objection, however, seems to conflate the issues of political legitimacy and political obligation. The liberal view Flikschuh targets offers an account of political legitimacy, of when coercive public policies are legitimately imposed. This is a distinct issue, however, from whether citizens have obligations to comply with their polity’s laws. Justice may sometimes not only permit but require citizens to comply even with laws whose legitimacy they, regarding themselves as co-legislators, reject.

Second, Wood offers a provocative analysis of Kant’s account of criminal punishment. Although Kant is traditionally regarded as a retributivist, a number of scholars recently have suggested that retributivism plays only a partial role in Kant’s account of punishment. Wood argues, however, that Kant is committed to full-throated retributivism, to the claim that “the institution of punishment itself, as a fundamental matter of morality, is and must be justified chiefly, or even solely, by its retributive intent” (p. 114).

Nevertheless, Wood contends that retributivism doesn’t follow from Kant’s accounts of right or of morality more generally. Instead, Wood argues that Kant’s best justification of punishment, given his commitments to external freedom and the state’s function in ensuring a rightful condition, would be consequentialist. Wood writes: “A rightful condition is one in which everyone’s rightful freedom of action is protected by a coercive authority that limits everyone’s external actions to those that are right and prevents people from doing “wrong” (or injustice) to others – that is, doing acts that infringe on their freedom to do acts that are right” (pp. 118–19). Basically, punishment would be best justified, given Kant’s own commitments, as the coercive interference with wrong actions, and thus the coercive protection of right actions.

Having contended that the best justification of punishment available to Kant is a consequentialist one, Wood concludes that this is so much the worse for Kant. He writes, “I regard it as something highly unsatisfactory about Kantian ethics that it cannot justify or even consistently accommodate the retributivist doctrines Kant obviously held” (p. 126). Only retributivism, Wood claims, can ground restrictions on impermissibly severe penal practices. It’s interesting, however, that the penal

practices that rightly strike Wood as too severe are often defended precisely on retributivist grounds, with references to getting tough on crime or not coddling criminals.

I'm sympathetic to Wood's case that a form of consequentialist justification of punishment follows most plausibly from Kant's broader moral commitments. I'm skeptical, however, of his apparent conclusion that Kant cannot accommodate retributivism at all (see, e.g., p. 128). Even if Kantian ethics provides no basis for retributivism as the central justification of punishment, we may find the resources to ground retributivist constraints on the administration of punishment. This sort of account has been considered elsewhere by B. Sharon Byrd and Thomas E. Hill, Jr., among others, and although Wood contends (pp. 113–14) that this is not the account Kant actually endorses, it's a different question whether such an account is consistent with Kant's ethical commitments.

Similarly, regarding Wood's concluding objection to penal practices not grounded in retributivism, it's noteworthy that protecting against excessive or inhumane punishments doesn't require that retributivism be the institution's central justification. Retributivist constraints on how punishment is administered may be sufficient – although, again, how much punishment is morally deserved in given cases is a notoriously thorny issue.

Third, Kain considers Kant's account of our duties regarding nonhuman animals. Philosophers often find Kant's account unsatisfying because it appears to imply that we have no duties to animals themselves. Animals do not have rational natures, and so, for Kant, they do not have the absolute value, the dignity, that demands our respect. We thus have no duties *to* them. Instead, on the standard reading of Kant, we are morally bound not to mistreat them only because of how doing so would impact us (it could harden us, and perhaps make us more likely to be cruel to human beings).

Kain argues that although there's no place in a Kantian account for treating animals with respect, or having duties *to* them, we still have significant duties *with regard to* animals. Unlike plants or machines, animals are proper objects of feelings of love and sympathy, and human beings have a perfect duty *to themselves* not to disregard or demean such feelings by treating animals cruelly (p. 224). On Kain's interpretation, then, Kant's central argument isn't that cruel treatment of animals is likely to have certain psychological effects on the agent (i.e., to make her more callous or cruel). Rather, it is that mistreatment of animals disregards important moral feelings of love and sympathy that we have duties to ourselves not to disregard.

Kain's interpretation is in many ways attractive, and it may help to assuage critics of Kant's view who worry that the reasons it provides for not mistreating animals are grounded too heavily in contingent psychological claims. To my mind, though, the more fundamental worry with Kant's account isn't the contingency of the obligations, but rather their object. The key complaint is that our obligations regarding animals are genuinely obligations *to* them, not just obligations to ourselves to treat them in certain ways. Underlying the worry is the belief that animals themselves are sources of value that can ground obligations, even if they do not

have rational natures, because they do have interests, experiences, desires, or some similar features. Thus even if we are not obliged to respect their rational natures, we may have obligations (perhaps to treat them with love and sympathy) that are nonetheless, at least centrally, obligations *to* them. Kain contends that capacities to suffer, experience, desire, etc., ground animals' status as proper objects of love and sympathy (p. 224), but not as conferrers of duties. But if we agree that animals, because they can suffer, experience, desire, etc., warrant our concern for their well-being, one plausible reason to characterize this as an obligation *to* the animals is that it's *their* well-being. So although Kain makes a compelling case for his interpretation, which commendably ties the obligations to features of the animals themselves, I suspect critics will continue to find the view unsatisfying insofar as the obligations are not to the animals but only to ourselves.

Overall, this anthology is demanding but well worth the read. Beyond being an impressive piece of Kant scholarship, it constitutes a valuable contribution to numerous timely debates in moral philosophy generally. Thus there's plenty here to engage not only Kantians in particular but anyone interested in ethics, political philosophy, legal theory, or moral psychology.

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