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KANT ON JUSTICE*

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Seniye TİLEV**

In this paper I give a general account of Kant's (1724- 1804) notion of justice in various respects. First, I discuss how Kant's conception of the moral law – its form as a categorical imperative, as the synthetic *a priori* basis of moral reasoning, operates initially as a limiting condition for the moral agent not to violate freedom and rights of one another. In this connection I analyze Kant's various formulations of the categorical imperative and prioritize the formula of universal law over its other formulations. Second, I argue that according to Kant, justice and virtue make two sides of the same coin and principles of justice is the basis of all moral affairs (embracing not only external rights). Finally, I state that because moral purposiveness of reason demands realization of a system of justice, Kant sets constituting a civil condition and global justice as a duty towards which we all required to work together as a moral duty.

Kant asserts that the purely formal part of metaphysic of morals from which everything empirical is cleansed of (G 4:389) determines the law of human being's willing, i.e., the "laws in accordance with which everything ought to happen" (G 4:388). In the very beginning of "Preface" of the *Groundwork*, Kant reminds us again what his peculiar conception of metaphysics means: it is the *a priori* principles of reason regarding determinate objects. In the case of morals, it is about the *a priori* principles of reason which specify

* This study is based on my doctoral dissertation *Moral Autonomy and Moral Health in Kant*. I would like to dedicate this article to my supervisor dear Prof. Kenneth Westphal who has made an invaluable contribution not only to this current study but to my academic life in general.

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how things ought to happen. Though their application always considers the relevant conditions in which they are to be applied, the practical basic principles themselves lie *a priori* in our reason (G 4:390). Kant claims to introduce basic moral principles which have universal validity and necessity of a law, and this differentiates them from any practical rules, or from simply the pleasant or advisable way of doing things. Accordingly, that law of morality implies a very strict, and narrow scope which functions as the basis of morals – i.e., *canon* for moral judgment– rather than embracing its applications.

On the other hand, Kant argues that he is not introducing or constructing a new understanding of morality, also in reply to his critics, but instead he claims to provide a new *formula* that vindicates morality (KprV 5:8). Before introducing his formula of the moral law, i.e., categorical imperative, Kant discusses how moral reasoning differs from prudential reasoning, as it has the form of lawful universalizability. Kant argues that autonomous moral reasoning – whose formulation is the categorical imperative– is an inherent capacity of all rational beings. Nevertheless, in the beginning of the first section of the *Groundwork*, he states that even though moral reasoning, or moral duties can be inferred from common cognition it is by this means is never to be derived from experience (G 4:406). Only a metaphysics of morals, that is not derived from human nature, anthropology, physics, or theology can provide “the indispensable substratum” for theoretical knowledge of duty, and at the same time makes it apparent to us how reason of itself can be practical and induce actions (G 4:410). Kant argues that practical good as determined by representations of reason is valid for all rational beings. If this determination holds unconditionally and is not dependent merely on an anticipated end, it becomes a necessity in itself.

Kant states that the ground of moral obligation is the immediate determination of the will through universalizability. He argues that the universalizability is the *form* of moral volition which is initially neutral with respect to any ends (G 4:415, 441, 439, 444). Even though Kant oftentimes visualizes a human *telos*, or culture as the ultimate aim of nature (e.g., see. KdrV A801/829), he makes no references to any ends or *telos* to justify our moral obligations. Kant defines the categorical imperative as the practical necessity of an action as objectively necessary of itself without a further end (G 4:414). This depiction seems to say something like “x *should* be (done by) for *all rational beings*”. This truly leaves us with an empty form highlighting only “should” and “all rational beings”. Thus, Kant asserts that only one necessity is valid for us in our volition (i.e., maxim formations) and it is universal validity. Then he concludes that there is only a single categorical

imperative to derive all imperatives of duty and thus it is an empty one (G 4:421). This is what famously called as the formula of universal law: “act only in accordance with that maxim through which you can at the same time will that it becomes a universal law” or “act as if the maxim of your action were to become by your will a universal law of nature”. In sum, basically categorical imperative is an empty formula with respect to any possible end of one’s maxim, and in its first moment it functions to allow or prohibit certain actions. Thus, the first formula of the moral law, categorical imperative, demands free rational agency first to establish basic moral principles which are primarily embodied as external laws, or rules of justice to specify what types of actions are permissible or not.

Before introducing two other formulations of the categorical imperative Kant, exemplifies how the formula of universal law functions in specifying types of duties. As a side note, it is not an issue of consensus how many formulations Kant provides for the categorical imperative and whether they are all mutually inclusive. Paton (1946) argues that Kant gives at least five formulations, whereas some commentators take it to be four (Nuyen, 1993). I will follow Kant’s own explication. In the *Groundwork* 4:431 and 4:436 he clearly designates the “practical principles of the will” as “three ways of representing the principle of morality” and regards them as three formulations of the one and the same law. In G 4:422-5, Kant discusses the duties to oneself and to others, and perfect and imperfect duties, through four cases. These cases are (i) suicide, (ii) lying promise, (iii) neglecting one’s natural gift /capacities (altogether) and (iv) rejecting to contribute happiness of others systematically. Kant contends that once we consider these examples through the “*canon* of moral appraisal of action in general”, or in other terms, through reflecting on our possible maxims by asking whether we are “able to will that a maxim of our action become a universal law” (G 4:424), we shall see that (i) and (ii) cannot even be thought without contradiction, and (iii) and (iv) cannot be *willed* consistently. The universalized counterparts of the first set ((i) and (ii)) is generally named as the contradiction in conception and it provides us duties of justice, while the second set ((iii) and (iv)) is designated as contradiction in willing and base duties of virtue. (Westphal, 2010, pp. 115-6; O’Neill, 2004, p. 103). Below I discuss duties of justice and virtue in more detail.

Kant occasionally reminds the reader that the full articulation or division of duties is reserved for a future *Metaphysics of Morals* (e.g., see the footnote of G 4:422) and these examples only show that “all duties, as far as the kind of obligation (not the object of their action) is concerned, have by

these examples been set out completely in their dependence upon *the one principle*” (G 4:424). In other words, Kant argues that the formula of universal law successfully justifies the basis of doctrine of justice and doctrine of virtue. This is important to emphasize because this makes a crucial point in the discussion of moral realism and anti-realism debate in the Kantian frame which exceeds the limits of this paper.¹ Despite the interpretations of the commentators who tend to ascribe some sort of moral realism to Kant (value realism or otherwise), I contend that the above analysis show that the first formula of autonomy clearly provides the necessary basis to justify basic moral principles or types of duties broadly.

Kant states that moral law demands us to consider the notion of freedom as a *problematic* first premise. This problematic first premise, i.e., free rational agency, does not involve any reference to agent’s dignity or requires the necessary end of flourishing or actualizing rational agency to vindicate morality. On the contrary, the mere idea of freedom which can specify its volition lawfully substantiates the basis of moral obligation. O’Neill (2002) argues that for the basic principles of morality –of justice and ethics– the most fundamental basis is the affirmation of a non-derivative and lawful form of this rational agency (O’Neill, 2002, p. 91). In other words, it is the agent’s capacity of autonomy, i.e., her capacity to judge about how she may, can and ought to act which is also her capacity to judge for justifying reasons for her actions, that substantiates morality. That capacity is implicit in the spontaneity of reason and it constitutes normativity of moral judging itself.

Reflecting on our capacity to judge (again through the activity of judging itself) the agent cannot conceive anyone but oneself as the author of her judgments (G 4:448). This is significant because it shows that without looking from two distinct standpoints at ourselves, i.e. as intelligible and empirical beings, the activity of judging is experienced as the “pure self-activity” (G 4:452). That spontaneity of judging suffices to establish the practical actuality of free rational agency, even if it does not provide a theoretical explication or understanding. In these lines, I contend that Bojanowski (2017b) rightly argues that Kant does not make an illegitimate move from spontaneity of reason in its theoretical use to establish practical freedom (Bojanowski, 2017b, pp. 57-66). Judging is already an activity in which reason is unified as one and the same reason of theoretical and practical, so that it can become a moving force for the agent without further motivations.

¹ For a detailed analysis of moral realism and anti-realism in Kant see Formosa (2010), Kain (2006) and Bojanowski (2012, 2017a).

Thus, categorical imperative stands for the intrinsic normativity of judging in morals which is why it is synthetic *a priori*.

Therefore, without delving into the dilemma of whether Kant is a compatibilist or incompatibilist about freedom², we can focus on the normativity and activity of judging which suffices to establish autonomy. That initial conception of autonomy as the capacity that requires no reference to any essence or foundation, discloses the constructivist “methodology” Kant introduces to justify basic moral principles through universalization requirement of the moral imperative. That sort of methodological constructivism, or “Natural Law Constructivism” (NLC) as Westphal puts it (2016b), suggests a neutral / agnostic position with respect to moral realism and anti-realism, yet argues for the justification of basic moral principles universally. The advantage of this approach is that it provides an applicability of Kant’s core moral concerns by applying to necessary minimum of qualities of rational agency and human condition. As formulated by O’Neill (1989) the key move for this sort moral reasoning is to provide sufficient justificatory grounds for all parties involved. O’Neill does not narrow down the practical capacity that Kant attributes to reason by interpreting it in individualistic terms that relativize the implicit lawfulness of willing (O’Neill, 2002). Along the same lines, emphasizing moral objectivism Westphal states that, human beings can establish basic moral principles of justice artificially but not arbitrarily. In other words, even though these basic principles are vindicated by collective reasoning and through justificatory reasons they are not relative or contingent. This is because the implicit normativity of judging, and our mutual inter-dependence as the finite habitants of a globe with limited sources who have limited capacities necessitate these principles.

This interpretation of Kant allows starting from the possible broadest notion of moral objectivism without reducing the moral law itself into a man-made positive law. That is, neither we are “given” a content for the moral law as a fact of reason, nor we create such a content *ex nihilo*. What we find “given” in this human condition on earth, is our very capacity to reason, i.e., the normativity of assessment of reasons, analysis, and evidence, that cannot be reduced into or covered by any sort of explanation (either genealogical, empirical, or metaphysical). Accordingly, this initial methodology (NLC) meets the justificatory demand for universalism and objectivism. That epistemically advantageous method does not imply a foundational explanatory

2 Wood ironically states that “when we consider all Kant’s view together, it is tempting to say that he wants to show not only compatibility of freedom and determinism, but also the compatibility of compatibilism and incompatibilism” (Wood, 1984, p. 74).

claim about how this rational-normative capacity is ontologically possible. Only because we are the sort of the rational agents we are, who can act on principles which we legislate to ourselves, we adopt non-arbitrary and necessary moral principles.

I need to elaborate a few points about this methodology in vindicating basic moral principles. It is one thing to argue that Kant is a constructivist, yet another to emphasize how Kant provides a constructivist methodology in moral theory. There are a few points that require such distinction. First, most constructivist readings disregard that moral cognition is synthetic *a priori* (Bojanowski, 2016, p. 1223), while Kant explicitly states that without the possibility of “synthetic use of pure practical reason” morality would be a phantom (*G* 4:445). Besides, unlike mind-independent values of moral realism, Kant argues for a reasoning-dependent practical cognition of moral good and evil. The universal necessity of such cognition is not based on an intuition of moral facts or our voluntary attribution of or consensus about them. Moral cognition is carried through the judgmental process of maxim formations.

Nevertheless, I contend that even the most voluntarism-free constructivist reading of O’Neill is problematic at least in two respects. First, she argues that determining ground of the will is a practical proposition or principle that the agent adopts, not an efficient cause of action (O’Neill, 2002, p. 84). While it is true that we cannot argue for and localize any efficient causality for human actions, the phrase “practical proposition” sounds pretty much deflationist considering Kant’s whole ethical concerns. Our ultimate epistemic incapacity to capture self-activity of agency and the teleological references of Kant (even starting with the third formulation of the categorical imperative) entail a deeper and broader understanding of our *true selves*, beyond mere imputability.

Second, O’Neill argues that “Kant never writes of autonomous selves, or persons or individuals” (O’Neill, 2004, p. 107) yet he predicates it to reason, ethics, or principles (see also O’Neill, 2002, p. 86). I contend that such an unnecessary split between reason and self fails to give an account of how moral willing is attributed some sort of causality. Affirming the causality of moral willing could further be interpreted as an instantiation of a moral *telos* in conjunction of teleology and deontology.³ Therefore, I anticipate the constructivist methodology Kant proposes, whereas I argue that this meth-

3 In “Two Conceptions of Kantian Autonomy” (Tilev, 2021) I argue that a comprehensive analysis of Kant’s notion of autonomy and religiosity involves considering autonomy as our share of the divine in us. In this conception, moral willing which regards the divine willing as an exemplar and aims to instantiate the morally good as a part of universal teleology.

odology should not be based on anti-realist false premises and propose a reductionist picture about agency or about our true selves. Our consensus on the basic moral principles and the initial derivation of duties of justice and virtue is possible by conceptualizing autonomy as a capacity to which we can ascribe objective validity or justification. In this regard, I propose to consider autonomy initially as an inalienable rational capacity yet argue that the actualization of this capacity opens a legitimate interpretive spectrum regarding the inexplicability of this capacity.

Now let me analyze briefly how the other two formulations of the categorical imperative is compatible with what has been discussed so far. In G 4:428 Kant states:

But suppose there were something the *existence of which in itself* has an absolute worth, something which as *an end in itself* could be a ground of determinate laws; then in it, and in it alone, would lie the ground of a possible categorical imperative, that is, of practical law.

Right after this puzzling passage, Kant introduces the second formulation of the categorical imperative, i.e., the Formula of Humanity (FH): “*So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means*” (G 4:429). After these passages he again provides four cases to exemplify how the formula of humanity is operative in actuality to establish types of basic duties of justice and virtue (G 4:429-31). In these passages, Kant talks of rational nature as an objective end with an unconditional worth. Moral realists, like Wood, bases their interpretation on the passages between G 4:427-429 to argue for the “substantial value” which is necessary “to motivate” us for morality (Wood, 2006, p. 16).

Between G 4:431 and 4:436 Kant introduces the third formula of the practical principle in a much loose, and far less motto-like style. It is usually formulized either as the “Formula of Autonomy” (FA)⁴ (e.g., see Paton, 1946; Nuyen, 1993; Wood, 2008) namely as “the idea of the will of every rational being as a will giving universal law” (G 4:431), or as “so that the will could regard itself as at the same time giving universal law thorough its maxim” (G 4:434; for a similar phrasing see also G 4:432). In some other places it is also designated as the “Formula Realm (/Kingdom) of Ends”: “Every rational

4 In G 4:433 Kant introduces this title himself: “I will therefore call this principle the principle of the autonomy of the will . . .”.

being must act as if he were by his maxim at all times a law giving member of the universal kingdom of ends” (G 4:438).

In G 4:436 Kant gives us the proper strategy about how to regard these “three ways of representing” the same moral law. He states that from the first to the third formulation, in each step we proceed towards a more intuitive and determined conception of the moral maxim. In the first formula we start with the “form”, the second formulation emphasizes further the proper “ends” and the third one gives a “complete determination” of the moral maxim that sets the “harmony” of all rational beings’ willing. Nevertheless, Kant asserts that it is better to follow “the strict method” and prioritize the first formula of universal law over the others (G 4:437), because it provides the objective aspect of the moral principle and grounds all practical law-giving (G 4:431).

I argued that judging about basic principles of justice does not require a reference to any necessary ends to vindicate itself, whereas the credibility of this reading needs to face the threat posed by the above-mentioned passages between G 4:427 and 429. Even though Kant apparently talks of absolute worth, dignity of human agency or incommensurability; he neither achieves nor even tries to demonstrate or justify them. His general strategy of establishing moral autonomy, as argued thus far, advocates the absolute independence of practical reason to be practical of itself and justifies moral principles through the lawful *form* of volition. Therefore, under the light of this general picture, the necessary end of rational nature, or the emphasis of the FH should be regarded initially as a “supreme limiting condition” between moral agents while setting their subjective ends (G 4:431, 438), or only as “a negative end” indicating what should be avoided (G 4:437). Besides, Kant constantly connects the idea of dignity of rational agents with their law-giving capacity (G 4:439), and explicitly states that “autonomy is therefore the *ground* of dignity of the human nature and of every rational nature” (G 4:436) rather than the other way around. Besides, the idea of being a member of an intelligible world (realm of ends) also functions initially as a negative thought in practice which indicates that we are not determined by laws of nature (G 4:458). Accordingly, regarding ourselves *as if* we are members of such a realm is at best, only an idea that is “useful and permitted for producing in us a lively interest in the moral law” (G 4:462). Nevertheless, for the moral law Kant once again repeats that the only basis we have is the formal condition i.e., “the universality of the maxims of the will as law and so of autonomy of the will, which alone is compatible with its freedom” unlike all other laws that are determined with reference to an object and suffer from heteronomy (G 4:458).

Now, let me emphasize the distinction Kant draws between duties of justice and duties of virtue which has been sketched above as narrow/wide or perfect/imperfect duties in the discussion of the categorical imperative. Kant asserts that our subjective principle of action, i.e., maxim, is morally valid, if it is determined (or checked) by the objective principle of the moral law, namely by the categorical imperative. An action can be legal (just), ethical (good), both or none. Additionally, an action can be legal but not ethical, however it is not possible for an action to be ethical but unjust. Kant excludes the last alternative because what is defined as duty of justice holds for both realms i.e., both for ethical and legal contexts. We are not given different principles to act in accordance with each. The basic difference lies in the idea that one is about the external (juridical) and the other is about the internal (ethical) aspect of actions.

In the introduction of *Metaphysics of Morals* Kant clearly argues for how and why these two aspects of actions are to be interwoven. For instance, one can be coerced to keep one's promise, say in a contractual relation. While the (external) act of fulfilling one's promise is about the legal/jurisprudential status of the action; the maxim that the agent adopts in keeping her promise embodies the ethical aspect of the same action (MS 6:221). If it is not done through fear of punishment, or with an expectation of a price, but the action is done because the agent judged it to be the right thing to do (namely if it is done from duty) then the action also has ethical worth. In this respect, the external status of actions is characterized by "rights and duties" which makes the first part of morals as "Doctrine of Justice" (RL). Our interpersonal relations are regulated by the "Universal Principle of Right" thus the coexistence of everyone's freedom of choice without violating others' rights or omitting our strict duties is possible (MS 6:231). The second part of morals, *Doctrine of Virtue* (TL), goes beyond the outer conditions of freedom to discuss wide duties towards ourselves and others. In the first sphere our duties are defined only with respect to their formal and external conditions and no particular ends for actions are specified. Nevertheless, in TL Kant specifies certain ends which are also duties in accordance with moral law.

In *Doctrine of Justice* (RL) 6:229 Kant defines the content of this doctrine as follows: "The sum of those laws for which an external lawgiving is possible is called the Doctrine of Right (*ius*)." Kant's use of the term *Recht*, throughout the *Rechtslehre* initially covers external relations:

The concept of right, insofar as it is related to an obligation corresponding to it (i.e., the moral concept of right), has to do, *first*, only with the external and

indeed practical relation of one person to another, insofar as their actions, as deeds, can have (direct or indirect) influence on each other. ... Right is therefore the sum of the conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom. (RL 6:230)

Kant's use of the term *Recht* corresponds to Latin *Ius* and therefore its translation renders both the meanings of right and justice. Accordingly, the term *Recht* has a moral ground beyond mere legality of actions. That sense of legality with a moral normativity nevertheless still deals initially with external relations.⁵ This is one of the reasons why Gregor (1996) opts for "right", rather than "justice" in her translation of *Recht* in *Rechtslehre* which she describes as a treatise on legal justice rather than social justice (Gregor, 1996, pp. 358-359). Nevertheless, I prefer the designation of "Duties of Justice" to emphasize the alliance of justice and virtue for Kant's moral thought.

According to Kant, the duties of virtue are already grounded on the principles of justice, that is, no violation of rights of others or omitting of strict duties can be virtuous. Emphasizing this issue is significant to claim that legal/political and moral principles are derived from the same grounds, political system and morality are mutually dependent and justice is the initial requirement for the moral health of the agent and society in general. A just political system serves as a necessary precondition to secure lawful use of freedom, so that virtuous people can set and realize their free ends, i.e., achieve their permissible understanding of happiness or good life.

It is important to emphasize again that in the *Groundwork* 4:424 Kant announces universalizability principle as the *canon* of moral judgment. Namely, it is a formal *conditio sine qua non* for identifying and justifying obligatory, permissible and forbidden kinds of actions (Westphal, 2016b, pp. 81-91). Universalization test also requires practical anthropology and sufficiently mature moral agency and moral literacy to "judge" and specify exactly what particular right action is to be taken at a specific circumstance. The limiting conditions regarding the permissible / impermissible types of actions which are set by *RL* categorically excludes certain "types of action" (such as "extortion, deception, fraud, and exploitation" see Westphal, 2006, p. 85) from social-moral domain.

Therefore, rules of justice do not regulate merely some sort of a non-interference between the members of a society (by setting what should be

⁵ See also *Historical Dictionary of Kant and Kantianism* (2005), entry on "Right", p. 239.

omitted not to violate rights of others), but it establishes just/fair principles of how each members of a society should be treated (e.g., never merely as a means). Accordingly, it is a mistake to consider *RL* only as a set of duties, but it should be regarded also as setting the forms of acquirable rights. Kant's articulation in *RL* starts with asserting the "only innate right" to freedom (*RL* 6:237). He then articulates how this innate right of freedom allows us to acquire further rights which bring along certain duties in turn. Therefore, the following section on "Private Right" establishes the juridical, rightful conditions for acquiring property, keeping contracts, or partaking in interpersonal relations such as marriage or parenthood (*RL* 6:246- 6:308). To claim any such rights in principle involves one's understanding and acceptance of the full obligations of that right, and the permissible ways in which that right can be used justly (Westphal, 2016a, p.119). In this regard, doctrine of justice not only regulates the "negative" sense of freedom but also frames how we can "actualize" our freedom in just ways. Accordingly, all these practical aspects of the doctrine of justice cannot be dissociated from again mature moral judging and all social and institutional conditions that can pave the way for it. Therefore, one's further subjective beliefs, reflections or hopes about moral teleology or coming of an ethical community is also inseparable from principles of justice which grounds the fundamental principles of the moral domain but also a moral view of the world.

Besides, there are several cases where outward and inward duties are intermingled, blurring the boundaries between strict duties of justice and broad duties of virtue as in the cases of intentional murder vs. self-defense and lying vs. misspeaking without intention of deception (Westphal, 2016b, 89). Kant does not categorize duties merely as groups of broad and narrow. In *TL* he introduces "strict" duties of virtue that are binding unconditionally even though there can be no external constraint regarding them. For these reasons, even though we cannot draw a strict boundary between justice and virtue, it is through the imputability of actions to agents, that in the domain of justice, or external duties and rights, we can legitimately coerce one another to omit or commit certain actions. This is operative even without regarding oneself and one another as dignified members of a possible realm of ends or an ethical community. Though character integrity does not set such compartments to one's moral reasoning in everyday life; moral theory requires us to notice what we can justify multilaterally or for all parties involved rather than simply with a group of people with shared values and beliefs.

There are several recent works which highlight that according to Kant virtue and moral character is the backbone of morality.⁶ This paper also aims to state the continuity of jurisprudence and ethics in the Kantian corpus. Nevertheless, this continuity apparently starts by the priority of moral cognition of the right action over the good or morally worthy ones. Moral character and the duty to be virtuous make the core idea of Kantian virtue ethics, whereas categorical imperative initially operates not to guide us about what good life is but about what actions are obligatory, prohibited, or permissible. In that initial point, unlike the guidelines for virtuous action, it is even possible to think of a legitimate external constraint. This makes one of the most substantial aspects of Kantian autonomy, that is, as cognizant rational agents who live together and inescapably dependent on one another we can conduct our relations justly in accordance with universalizable laws and rules.

As the last point, I would like to discuss very briefly that Kant's basic principles of justice have a cosmopolitan spirit and his discussion of "private rights" is followed by "public rights" which ultimately projects a universal system of justice. To argue whether or how Kant's basic principles of justice also provide a basis for the legal system –in terms of positive laws– requires a separate study on its own. Nevertheless, my aim in briefly mentioning this continuity is to show that Kant's ideal of an ethical community (*R* 6:94-98), or the ideal of realizing a highest good on earth (*R* 6:136, *TL* 6.355, *KU* 5:44) both of which symbolize a harmonious togetherness of moral agents in a just social system, have their normative force from the principles of justice. Therefore, it is significant to assert how principles of justice constitutes a political-legal order as a condition of morality.

Kant argues for the innateness of right for free action and to be able to actualize this capacity a civil condition is necessitated in which one's intelligible possession of something and one's mastery over one's own person is guaranteed. Kant envisages that this civil condition extends the limits of a single state and develops as a binding principle for the whole human race. Therefore, the transition from "private right" to "public right" and from "the right of a state" to "the right of nations (states)" and the "cosmopolitan right" displays a continuity (*RL* 6:354-5) in which singular actions of an individual is either allowed or obliged by external laws.

In "What is Enlightenment?" [*WE*] (1784) and in his much later works such as "Towards Perpetual Peace" [*PP*] (1795) and "On the Common Saying"

⁶ For instance, Louden's *Kant's Impure Ethics: From Rational Beings to Human Beings* (2000); and Baxley's *Kant's Theory of Virtue* (2010) very successfully explicate centrality of virtue in Kantian morals.

[TP] (1793) Kant emphasizes the importance of freedom of speech and belief. No authority other than the dictates of one's own reason is allowed to claim hegemony over human beings who are to set ends for themselves freely, so long as they act respecting the freedom of others. Kant points that only in a just political system to act morally and freely, and realization of one's moral and morally permissible ends which could serve for her happiness can be mobilized and secured. Therefore, moral individuals, who act "as if" they are members of a realm of ends –regardless of the moral deficiencies of the current society they happen to be in– are morally responsible to make such a just realm/system actual.

In other words, the fact that what is legal and what is moral appears in a continuity in Kant's thought demands the betterment of political condition as a requirement of ethical life. In "Towards Perpetual Peace", Kant underlines that it would be absurd to think of a contradiction between politics as a doctrine of justice and morals (PP 8:371). The crucial point for Kant is that so long as both are determined according to the formal principle of reason rather than the material principle of the human condition, they shall be legislating from the same ground. Practical consistency requires the compatibility of external relations and one's maxims. Therefore, public justice and ultimately global peace subtly manifests "as a condition arising from acknowledgment of duty":

The latter principle must undoubtedly take precedence; for, as a principle of right, it has unconditional necessity, whereas the former necessitates only if the empirical conditions of the proposed end, namely of its being realized, are presupposed; and even if this end (e.g., perpetual peace) were also a duty, it would still have to be derived from the formal principle of maxims for acting externally. Now the first principle, that of the political moralist (the problem of the right of a state, the right of nations, and cosmopolitan right), is a mere technical problem (*problema technicum*), whereas the second, as the principle of the moral politician, for whom it is a moral problem (*problema morale*), is far removed from the other in its procedure for leading to perpetual peace, which is now wished for not only as a natural good but also as a condition arising from acknowledgment of duty (PP 8:378).

Kant takes both the idea of perpetual peace and even general will as a coming, evolving progress, a kind of dynamic development.⁷ Even if at any

7 See also PP 3:386 : "If it is a duty to realize the condition of public right, even if only in approximation by unending progress, and if there is also a well-founded hope of this, then the perpetual peace that follows upon what have till now been falsely called peace treaties (strictly speaking, truces) is no

specific moment of history, a complete achievement of this ideal cannot be actual, Kant is optimistic about maturation of people and societies. Maturation in this context refers to rationalization and “having the courage and resolution to use one’s own” understanding without direction from another (WE 8:35). Accordingly, moral bindingness of aiming and working for a better and better system of justice and political order cannot be denied because of the corruption of the current states of affairs.

In this paper, I discussed Kant’s elaboration of the categorical imperative which is the formal principle of moral willing. Although Kant’s different formulations of the moral imperative reflect different aspects of the same principle, I argued that in justifying universal basic principles of justice prioritizing the formula of universal law which provides the most formal and strict *canon* for moral judgment is legitimate. It enables to justify and give justificatory reasons for moral action without reference to values, ontological assumptions or teleological interpretations. Kant’s conception of autonomy as the inalienable property of human agency and the implicit normativity of judging provides the necessary minimum basis to justify and even to enforce principles of justice and virtue to be in effect across all layers of moral domain (i.e., in the interpersonal relation and relations between agents and institutions and state, and between the states). In this connection, I also argued that purposiveness of moral reasoning itself, namely the practical capacity to set moral ends and to claim their possibility, also necessitates a just society and political order even without a reference to teleology. Nevertheless, one’s attentiveness and adherence to justice and to the duty of working towards a reign of justice is consolidated even further if she judges that autonomy is the divine in us and the teleological order of all things are morally responsive. This subjectively valid way of judging enriches and consolidates one’s adherence to and interpretation of her moral agency and responsibilities in every aspect of her moral experience including justice, virtue, aesthetics, and religion.

empty idea but a task that, gradually solved comes steadily closer to its goal (since the times during which equal progress takes place will, we hope, becomes always shorter”.

Abbrieviation of Kant's Works

An Answer to the Question: What is Enlightenment?	WE
<i>Critique of Pure Reason</i>	KdrV
<i>Critique of Practical Reason</i>	KprV
<i>Critique of the Power of Judgment</i>	KU
<i>Groundwork of the Metaphysics of Morals</i>	G
Theory and Practice	TP
Towards Perpetual Peace	PP
<i>Metaphysics of Morals</i>	MS
Doctrine of Justice	RL
Doctrine of Virtue	TL
<i>Religion within the Boundaries of Mere Reason</i>	R

* All references to Kant's texts are made to the Academy Edition, Kant, *Gesammelte Schriften*. I have used the translations in the Cambridge Editions of the Works of Immanuel Kant in Translation.

Abstract

In this paper I give a detailed account of Kant's notion of justice in its various respects. First, I discuss how Kant's conception of the moral law – its form as a categorical imperative, as the synthetic *a priori* basis of moral reasoning, operates initially as a limiting condition for the moral agent not to violate freedom and rights of one another. In this connection I analyze Kant's various formulations of the categorical imperative and prioritize the formula of universal law over its other formulations. Second, I argue that according to Kant justice and virtue make two sides of the same coin and principles of justice are the basis of all moral affairs (embracing not only external rights). Finally, I state that because moral purposiveness of reason demands realization of a system of justice, Kant sets constituting a civil condition and global justice as a duty towards which we are required to work together as a moral duty.

Keywords: Kant, Justice, Categorical Imperative, Politics, Virtue.

Öz

Kant'ın Adaleti

Bu makalede Kant'ın adalet nosyonunu farklı yönleriyle ele alarak detaylı bir analizini sunuyorum. Öncelikle Kant'ın ahlak yasası kavramının ve onun ahlaki akıl yürütmenin sentetik *a priori* temeli olan kategorik buyruk formunun, ahlak öznelere üzerinde nasıl birbirlerinin özgürlüklerine tecavüz etmelerini engelleyen, kısıtlayıcı bir koşul olarak işlev gördüğünü inceliyorum. Bu bağlamda Kant'ın kategorik buyruğunun farklı formülasyonlarını ele alarak, evrensel yasa formülünü diğerlerinden öne çıkarıyorum. İkinci olarak Kant'a göre adalet ve erdem bir paranın iki farklı yüzü olduğunu ve adaletin prensiplerinin tüm ahlaki ilişkilerin (yalnızca dışsal hakların değil) zeminini oluşturduğunu savunuyorum. Son olarak, ahlaki akıl yürütmenin amaçlılığının bir adalet sisteminin gerçekleştirilmesini gerekli kıldığını, ve bu sebeple Kant'ın sivil toplum ve küresel adaleti gerçekleştirmeye yönelik gayret etmeyi hepimizin üzerine düşen ahlaki bir ödev olarak ele aldığını ifade ediyorum.

Anahtar Kelimeler: Kant, Adalet, Kategorik Buyruk, Politika, Erdem

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