



Aspects of Practical Bindingness in Kant: Introduction

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Received: 13 March 2023 / Revised: 13 March 2023 / Accepted: 17 March 2023 / Published online: 5 April 2023
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Abstract

One of the few points of consensus in the Kantian literature is that Kant’s Moral Law is binding universally and unconditionally. Hence, the Moral Law is binding for all human agents (universally) irrespective of the agents’ particular interests (unconditionally). Whether or not we intend to act on the Moral Law, this is the law we ought to follow. Beyond this point of consensus, however, even the most important details are matters of controversy. What exactly does the Moral Law require of us? What, if anything, grounds its bindingness? In particular, does Kant argue that the Moral Law is binding because it is ‘self-legislated’? What is the relation between the Moral Law (supreme principle of morality) and substantive moral laws such as the law that we ought to promote the happiness of others? What does Kant mean by his claim that the will has autonomy? In the four articles discussed in this special issue, Kleingeld proposes novel answers to these questions. This introduction presents the articles and brings to the fore the larger theme tying them all together.

Keywords Autonomy · Consent · Possible or Actual · Contradiction · Kleingeld · Moral Law · Rawls

The origin of the present special issue was the ‘Jean-Jacques Rousseau’ Annual Lecture and Conference at Keele University, which took place on 9 and 10 March 2018, and featured Pauline Kleingeld as the ‘Rousseau’ Annual Lecturer. The focus of dis-

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cussion for the Annual Conference consisted of four articles of Kleingeld's: "Contradiction and Kant's Formula of Universal Law" (2017), "Moral Autonomy as Political Analogy: Self-Legislation in Kant's *Groundwork* and the *Feyerabend Lectures on Natural Law* (1784)" (2018), "The Principle of Autonomy in Kant's Moral Theory: Its Rise and Fall" (2018) and "Autonomy Without Paradox: Kant, Self-Legislation and the Moral Law" (2019, co-authored with Marcus Willaschek).

The format of the conference was designed to facilitate a dynamic scholarly exchange between participants on the topic of Kleingeld's recent work. Four speakers presented papers that engaged with one or more of the four texts mentioned above. The brief for speakers was to give presentations in which they would discuss Kleingeld's texts against the background of their own work and research. The extent to which each paper did address Kleingeld's texts and develop the author's own position unsurprisingly varied from paper to paper, but the result was a stimulating dialogue, one which raised a number of interesting issues and thereby moved the debate forward.

For each paper presented by a speaker, there was a discussant or commentator, who provided critical feedback on the respective paper, obviously also with reference to Kleingeld's texts. Finally, Kleingeld herself offered a reply to both speakers and discussants. The 'Rousseau' annual events have been organized following this format with great success over the last few years, so we decided to preserve the same format for this special issue. The complex interplay between the papers, critical comments and replies included in this special issue is also a good reflection of the dynamic character of the exchange at the conference.

The issue comprises (revised versions of) most of the texts presented at the conference, namely, first, papers engaging with Kleingeld's four articles by Mark Timmons, Michael Walschots, Sorin Baiasu and Alyssa Bernstein; second, comments on these papers by, respectively, Paola Romero, Stefano Lo Re, Marie Newhouse and Christoph Hanisch; and, third, Kleingeld's reply to these papers and comments. The purpose of these introductory remarks is to lay the groundwork (pun of course intended) for the exchange below by introducing the four articles on which that exchange hinges in their guise as contributions to the larger theme tying them together.

One of the few points of consensus in the Kantian literature is that Kant's Moral Law is binding universally and unconditionally. Hence, the Moral Law is binding for all human agents (universally) irrespective of the agents' particular interests (unconditionally). Whether or not we intend to act on the Moral Law, this is the law we ought to follow. Beyond this point of consensus, however, even the most important details are matters of controversy. What exactly does the Moral Law require of us? What, if anything, grounds its bindingness? In particular, does Kant argue that the Moral Law is binding because it is 'self-legislated'? What is the relation between the Moral Law (supreme principle of morality) and substantive moral laws such as the law that we ought to promote the happiness of others? What does Kant mean by his claim that the will has autonomy? In the four articles discussed in this special issue, Kleingeld proposes novel answers to these questions.

The first article, "Contradiction and Kant's Formula of Universal Law," considers the command to "act only according to that maxim through which you can at the

same time will that it become a universal law” (*GMS* 4:421).¹ More specifically, the article concerns itself with the question of how we are to conceive of the contradiction to which those maxims failing to be binding are supposed to be liable according to Kant. Kleingeld argues that the key to understanding what that contradiction amounts to resides in the “simultaneity condition” expressed in the qualifier “at the same time,” a condition whose significance she thinks has generally been overlooked by Kant’s commentators.

As Kleingeld reads Kant, the criterion specified by the Formula of Universal Law has it that a maxim is morally permissible just in case it is possible for us to simultaneously will the maxim as our own principle of action *and* as a universal law without contradiction. Given that the maxim in question figures in both relata of the relation here, the reading makes good on Kant’s insistence that a maxim that fails the criterion in question — and by extension the will adopting that maxim — ipso facto contradicts *itself*, or so Kleingeld argues. By contrast, any reading of the Formula of Universal Law leaving out the simultaneity condition will be forced to conceive of the contradiction at issue here as one between the maxim in its universalized form, on the one hand, and, on the other, something external to that maxim — freedom understood as a substantive value, or the presuppositions or background conditions of finite agency as such, or something else yet — which then renders obscure the notion that the contradiction in question is reflexive in character. The focus in this first article, therefore, is on the criterion for deriving binding substantive moral laws, a criterion which has often been questioned in the literature and has puzzled numerous interpreters. Kleingeld’s discussion draws the attention of both Timmons and Walschots, who examine it in their papers and whose views are critically considered in their comments by, respectively, Romero and Lo Re.

The political pedigree of Kant’s conception of autonomy as self-legislation marks the topic of the next two articles, namely, “Moral Autonomy as Political Analogy” and “The Principle of Autonomy in Kant’s Moral Theory.” What animates Kleingeld’s case in both articles is the idea that we can only make proper sense of the appeal Kant makes in his moral philosophy to the concept of autonomy by coming to systematic grips with his political thought qua origin of that concept. “Moral Autonomy as Political Analogy” calls on the *Naturrecht Feyerabend* notes from Kant’s 1784 summer semester lecture on natural right to suggest a strict analogy between Kant’s moral and political philosophy during the period in which he composed the *Groundwork*. As Kleingeld argues, the Kant of that period thought that the two-tiered relation between the Moral Law and substantive moral laws was structurally similar to the relation between a state constitution and positive state laws. He saw both the Moral Law and constitutional state laws as a priori principles of pure reason, and he saw these a priori principles as providing the normative criterion for substantive moral laws and positive political laws. According to his political theory in the *Naturrecht Feyerabend*, for a ruler’s law to be just it suffices that the people subject to the

¹ In what follows, in this introduction, in citing Kant’s works, the following abbreviations are used: *AA*: German edition of Kant’s complete works (*Kants gesammelte Schriften*) (1900-). *GMS*: *Groundwork of the Metaphysics of Morals* (*Grundlegung zur Metaphysik der Sitten* – *AA* 04) (1785), in Kant (2011). Pagination references in the text and footnotes are to the volume and page number in *AA*. Translation used is listed in the References.

law *could* have adopted it themselves. To be practically binding, neither moral nor political legislation requires actual consent of those who are subject to the laws.

“The Principle of Autonomy in Kant’s Moral Philosophy,” in its turn, argues that the Kant of the *Metaphysics of Morals* had come to *reject* the view that the mere possibility of the people’s consent to the positive law to which it is subject already suffices for a law to be just and instead had come to think that just legislation requires the people’s actual consent, in the form of citizens’ representative participation in the legislature. Since no parallel shift occurred in Kant’s moral philosophy — Kant throughout held fast to the idea that the Categorical Imperative only requires the *possibility* of simultaneously willing one’s maxims to become universal laws — the erstwhile analogy between morality and politics came to break down in Kant’s later work. This, Kleingeld suggests, explains the marked decrease in prominence of the notion of autonomy in the later Kant’s practical philosophy: since he presumably regarded that concept as inextricably tethered to its original home in politics, it was no longer unproblematically available to his moral philosophy once morality and politics had themselves become mutually untethered in his thinking. The questions discussed by these two articles, their focus on the different emphases Kant places on actual and possible consent and the conditions of the bindingness of practical laws in his various writings represent the topics of the paper by Sorin Baiasu; Marie Newhouse’s comments discuss Baiasu’s paper.

Finally, in “Autonomy Without Paradox,” Kleingeld and Willaschek argue against the view, which many of Kant’s readers tend to ascribe to him, that the bindingness of the Moral Law on us derives from our autonomy in the sense that we need to view ourselves as *actually* having legislated the Moral Law ourselves (thereby in effect reading something akin to the actual legislation requirement from Kant’s later political thought into his moral philosophy). Yet that view seems paradoxical by Kant’s own lights in that it seems to amount to a denial of the Moral Law’s unconditional and universal validity (which, we mentioned earlier on, most commentators agree is to be found in Kant). Kleingeld and Willaschek’s proposal is to reject the reading of Kant from which the paradox arises. On the basis of an examination of the relevant texts they argue that, according to Kant, the bindingness of the Moral Law for us is in fact *not* a matter of our actual legislative activity. Rather, the Moral Law binds us because it is an a priori principle of pure practical reason as such. This thesis is the focus of Alyssa’s Bernstein’s paper (examining Rawls’s interpretation of Kant’s view of autonomy) and Christoph Hanisch’s comments.

Set against the theme of practical bindingness in Kant, the exchange included in this special issue can be seen not only as scholarly significant in the context of the relevant debates in the Kantian literature, but also as important and relevant for our pluralist world, in which differences and conflicts could only find a normatively genuine answer in a standard or law with authoritative guiding force. The examination of the binding force of such a law and of its conditions, as one of the significant topics discussed in this special issue, thus promises to make an important scholarly and practical contribution.

Acknowledgements This has been a project long in the making, and we are grateful to the previous and current editors of this journal, Asa Kasher and Mitchell Green, for their willingness to consider it for

publication, and for their patience and support. For their work and support, thanks are also due to all contributors, particularly to Pauline Kleingeld, whose ideas are the focus of discussion here. Special thanks are owed to all those who provided feedback and comments on earlier drafts of these papers: participants to the initial conference, reviewers and colleagues with interest in these topics. For editorial assistance, we are grateful to Sebastian Orlander and Zachary Vereb.

Declarations

Competing interests The authors declare that they have no conflict of interest.

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