Suppose that someone with his arms full of groceries asks you to hold a door. You probably take yourself to have a reason to help him. You may think, as I do, that if you refuse his request without some good reason of your own, you wrong him. It seems then that he has the authority to make a claim on your help with his chosen project. But how can one person have the authority to make choices that create reasons for another?

Kant might seem unpromising on this issue, since he holds that something is a reason for you only if you can autonomously will to act on it. Then again, he also affirms a duty to share others’ ends, and thus to take their choices to give you reasons to act. These two theses look like they are in tension. In this paper I reconcile the two claims to provide an answer to the question raised above. I model my solution on Kant’s justification of the authority of the state.

In The Doctrine of Right Kant argues for an obligation to leave the Juridical State of Nature and found the state. Less familiar is a passage in Religion within the Bounds of Mere Reason where he argues for an obligation to leave what he calls the Ethical State of Nature by joining together in the Moral Community. Both texts address and try to resolve a tension between our individual freedom and our authority to make claims on one another. The Doctrine of Right takes up the apparent tension between freedom and legitimate coercive government authority, arguing that such authority is a condition for the exercise of freedom. You can establish your rights, thus securing your freedom, only in the civil society where we reciprocally recognize the rights of all. The Religion addresses personal, rather than political, relationships. Kant’s remarks there are both suggestively rich and disappointingly vague. But I take it that they include, among many other ideas, the thought that regarding other people as capable of making choices that give you reasons to act is a condition of the full exercise of your freedom in

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1. Throughout I cite most of Kant’s works according to the volume and page numbers in Kants gesammelte Schriften (published by the Preussische Akademie der Wissenschaften, Berlin). The exception is the Critique of Pure Reason, which is cited by the page numbers of both the first (A) and second (B) editions. I quote translations from the Cambridge Texts in the History of Philosophy.
Kyla Ebels-Duggan

another sense. The relevant freedom is what Kant calls *inner freedom*, and is identical to the *Groundwork’s* better-known concept of *autonomy*. In the *Religion*, Kant thus gestures at this ethical parallel to the thesis of the *Doctrine of Right*: you can establish the authority of your choices, making your autonomy possible, only in the Moral Community, a form of relations in which we reciprocally acknowledge authority to give reasons to one another. Kant provides no detailed argument for this thesis. In this paper, I aim to do so. I first review the main lines of argument in the discussion of the Juridical State of Nature, and then develop the argument for the interpersonal case.

I. The Juridical State of Nature

We are in the Juridical State of Nature with respect to one another just in case we interact but stand under no common authority. Our basic problem in this state, so Kant thinks, is that each person needs property rights if he is to be able to make use of his external freedom, but no one can establish such rights in the absence of a common authority. To understand this argument we must first grasp Kant’s conception of a property right.

A right, for Kant, is a permission to back a normative claim by coercion. Correlatively an obligation or duty of right is a claim that others may coerce you to fulfill. I have a property right over an object if, when I claim that it is mine, I do not wrong others in enforcing this claim with coercive threats. Kant explicates the content of a claim that a thing is mine by contrasting what he calls sensible and intelligible possession. I am in *sensible possession* of an object that I am holding or of land that I am currently physically occupying. In general if you would have to move my body to make use of a thing, then I sensibly possess it. Since moving my body against my will obviously constitutes interference with my pursuit of my ends, it looks as if a right to what I sensibly possess follows directly from what Kant calls the right to *external freedom*. Kant claims that this right is innate, and he glosses it as “independence from being constrained by another’s choice.” But a right to what I sensibly possess falls short of a property right. For that, Kant thinks I would need to be in what he calls *intelligible possession* of an object. I possess a thing intelligibly if my right to it endures even if I am spatially removed from it: if I put the object down or leave the land. Since you then can make use of the thing without interfering with my body, property rights cannot follow trivially from the right to external freedom.

A property right is thus a relation that holds among you, an object, and me.

2. Since Kant’s account of the Ethical State of Nature lacks detail, I do not claim that the reading that I offer here is definitive of his thought. In fact, I do not even mean for the second section of the paper to be primarily interpretive, but rather to advance our understanding of contemporary problems in moral theory. This reading is worth considering for the light it throws on the relationship between our own freedom and others’ authority to give us reasons to act.

3. In both of these passages Kant mentions problems of conflict. Some of Kant’s predecessors, notably Hobbes, took conflict in the State of Nature to be the fundamental problem that the state was needed to solve. In Kant’s own work, though conflict and the threat of conflict play a role, the fundamental problem is different. This problem, I will argue, is that in both the juridical and the Ethical States of Nature we are unable to establish as individuals the normative claims that we need in order to effectively exercise our own freedom.

4. For another reading of Kant’s discussion of the juridical state of nature and the transition to the state, see Arthur Ripstein, “Authority and Coercion,” *Philosophy and Public Affairs* 32:1 (2004): 2–35. I have concerns about this treatment because I believe that Ripstein uses the word “can” to slide from claims about power to claims about authority.

5. *Metaphysics of Morals* 6:232. Technically, this is the definition of what Kant calls “strict right.” The complication arises because when Kant first introduces the notion of “right,” he has in mind a moralized idea: rights as claims that you have against others that it would be *morally* wrong for them to violate. But shortly afterwards Kant separates this moral notion from a more strictly juridical one. He writes, “[S]trict right, namely that which is not mingled with anything ethical, requires only external grounds for determining choice; for only then is it pure and not mixed with any precepts of virtue … . This is indeed based on everyone’s consciousness of obligation in accordance with a law; but if it is to remain pure this consciousness may not and cannot be appealed to as an incentive to determine his choice in accordance with this law. Strict right rests instead on the principle of its being possible to use external constraint that can coexist with the freedom of everyone in accordance with universal laws.” What Kant is doing here is trying to separate moral obligations to follow the civil laws, which he does affirm, from the legal obligations that are the correlates to legal rights. The latter, he thinks, we can understand just in terms of permissions to coerce.

and all other people.’ If some object is rightfully yours then everyone is under obligation not to use it without your permission. So if you can establish property rights over a thing you can thereby place others under a new obligation, creating new reasons for them through your own act of will, your choice that a thing be yours. Kant describes the matter this way: ‘When I declare (by word or deed), I will that something external is to be mine, I thereby declare that everyone else is under obligation to refrain from using that object of my choice, an obligation no one would have were it not for this act of mine to establish a right.’

Keep in mind that the concepts of right, wrong and obligation here are juridical, not ethical, concepts. For Kant this means that they refer not to what you should do as a matter of autonomous self-legislation but rather to what you may coerce another to do. To say that I have an obligation not to use a thing without your permission is, in this context, to say neither more nor less than that you would be justified in forcing or coercing me to refrain from doing so. This susceptibility to coercion is the reason of right that property creates. If you can by an act of will make something yours, then you may create this reason for everyone.10

7. Kant himself asserts that a property right is a relation among persons, not between a person and a thing (Metaphysics of Morals 6:260). I take his point to be that property rights consist in the claims that one person may make upon others. But clearly in any given case these claims must be about some thing, and this is all I mean by including the thing in the relation in question. Kant’s scheme is also somewhat more complicated than I allow here, since he believes that we can have rights not only to material objects but also to another’s choice, in the case of contracts, or another’s status, as for example in marriage. I set these complications aside and focus on what Kant calls a right to a thing.


9. Uncharacteristically, Kant provides us with a nice example: “When it is said that a creditor has a right to require his debtor to pay his debt, this does not mean that he can remind the debtor that his reason itself puts him under obligation to perform this; it means, instead, that coercion which constrains everyone to pay his debts can coexist with the freedom of everyone, including that of debtors, in accordance with a universal external law. Right and authorization to use coercion therefore mean one and the same thing. (Metaphysics of Morals 6:232)

10. Really there are two reasons in the neighborhood. One is the reason that Kant opens the Doctrine of Right by asking whether a right to a thing is possible, and if so how. Property rights are puzzling in that they license coercion, and this seems in tension with the innate right to external freedom, and thus with Kant’s Universal Principle of Right. This principle states, “Any action is right if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law.”11 It looks like this principle, which Kant intends as the fundamental constraint on our understanding of all rights, forbids property rights. These would allow you to create a permission to coerce those who are not interfering with your body by choosing to make yours. It seems like this is to constrain them by your choice and thus is incompatible with their external freedom.

Against this prima facie implication of the Universal Principle of Right, Kant argues that the opposite conclusion follows.12 His first premise is that you need to make use of objects in order to exercise your external freedom. External freedom is the ability to move your body around and pursue your ends in a way that is unconstrained by others’ choices. But, being a physical being, you interact with the external world through physical things. Physical objects are your tools for accomplishing most of your ends. So when you actually go about pursuing your ends you will be making use of objects. And many of the ends that you pursue rely on more things, over a longer period of time, than you can keep in your sensible possession.

Thus you can effectively exercise external freedom only with a right to these objects. You exercise external freedom when you pursue your ends unhindered by other people. But suppose that you have no

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property rights. Then, though you try to make use of some object to pursue your end, I may snatch it as soon as you lay it down. My choice frustrates your pursuit of the end, and thus interferes with your external freedom. But if you have no right to the thing any such constraint on your freedom would be permissible. I might even choose to snatch every item that you temporarily abandon.

Thus forbidding coercively enforceable rights turns out to severely limit freedom rather than protect it. Now, that something limits external freedom does not by itself establish it as impermissible. The Universal Principle of Right does not assign anyone unlimited freedom, but rather limits each to the freedom that can simultaneously be enjoyed by all. But it does entitle us to the maximal freedom that we can have subject to this restriction. And while it is true that giving you property rights in a thing restricts my freedom to some extent, this restriction is much less serious than the restriction that I would face if I couldn’t establish property rights. In the former case, I may be coerced not to interfere with what you own. But in the latter all of my ends could be severely curtailed.

Of course, there may be times when we both need the same object, and in such a case my right may frustrate your ends, or vice versa. This raises issues about conflicts in rights claims, discussed below. But, in any case, forbidding the establishment of any property rights does neither of us any good. Though I could then not rightfully forbid you from using the thing in question, you could not make dependable use of it either. This explains Kant’s complaint that if we do not allow the possibility of property rights, we will have made potentially usable things into res nullius and “annihilate[d] them in a practical respect.”

The Universal Principle of Right thus demands that it be possible to have a right to a thing. Kant calls this the Postulate of Practical Reason with REGARD to Rights: “It is possible for me to have any external object of my choice as mine, that is, a maxim by which, if it were to become a law, an object of choice would in itself (objectively) have to belong to no one (res nullius) is contrary to rights.” Kant thus concludes that it must be possible to have property rights. But the potential for conflicts just mentioned continues to make mysterious how this is possible, consistent with the external freedom of all.

Kant believes that it is not possible in the State of Nature. But he does hold that we can establish something like ownership there. He claims, “…in a state of nature something can actually be mine or yours but only provisionally.” Agents wishing to make use of objects in the State of Nature assert a conclusive right over these things, that is, a right to coercively enforce their intelligible possession of them. But no one can succeed in establishing conclusive rights in the State of Nature. Rather the claims that each makes over things establish only provisional rights. That is, though they do create some normative demands, these are not the very same normative demands that constitute conclusive rights. There are at least three reasons why you cannot establish the norms of a conclusive right in the State of Nature.

The first, and most fundamental, I call the problem of unilateralism. In claiming a property right in the State of Nature you are trying to make a thing yours simply by making a choice. Kant believes that we acquire things only by choosing to do so. In a civil society with an attendant system of property you might exercise this choice by purchasing the thing. In the State of Nature it is less clear how to exercise the relevant choice, but Kant says that you must signal it by either a verbal declaration or some other relevant act. When you do this you are trying to assert a choice that, all by itself, creates a permission for you to coerce others not to use the thing without your authorization. But, however property rights are to be established, it cannot be like this. For this would allow you to unilaterally bind all others through your choice.


16. He believes that this is true even of gifts and inheritances, which must be freely accepted by the recipient as well as given. Kant thinks that this raises difficult metaphysical questions about how the gift and the acceptance could be simultaneous. See Metaphysics of Morals 6:293–294, and cf. 6:272–273 on the need for simultaneity.
and this permission clearly would constrain their freedom. Kant writes, “Now, a unilateral will cannot serve as a coercive law for everyone with regard to possession that is external and therefore contingent, since that would infringe upon everyone’s freedom in accordance with universal laws.”

You have a right to a thing only if there is a law laying on each a duty of right not to make use of the thing without your permission. But you do not have the authority to make such a law yourself, and attempting to enforce a purported law with this content is a violation of others’ rights. So you cannot have conclusive property rights in the State of Nature.

The problem of unilateralism is clearest in cases where it is paired with another, which I call the problem of indeterminacy. The problem here is that you are not competent to determine alone how far your right extends. We may disagree over who has even a provisional property right in the State of Nature, and when we do neither of us has the authority to settle the disagreement. In fact, while we remain in the State of Nature, there may be no fact of the matter about who has the legitimate claim. We can think of cases in which this is plausible: you plant a tree, but then take off for distant lands. I cultivate it to the point where it bears fruit. You return and claim that the tree is yours, while I claim that it is mine.

There is a third problem with provisional rights in the State of Nature, which is closely related to the problem of unilateralism, but conceptually distinct from it. Kant describes it this way:

... the obligation [to refrain from using what another

18. It is not clear how Kant himself thinks that the indeterminacy problem is related to the others. He does not mention it in his initial explication of the argument in Part I of the Doctrine of Right, on Private Right. But when he begins the section on Public Right, Part II of the Doctrine, he cites the indeterminacy problem as though this were the justification for founding the state that he had had in mind all along (6:312–313).

Roughly, the idea is this: others’ claims to property rights cannot put you under an obligation unless you have assurance of the effectiveness of your similar claims. Call this the assurance problem. Like the problem of indeterminacy, the assurance problem needs a solution that does not violate the unilateralism constraint. If you are by far the most powerful person around, then you could apparently gain assurance by exercising your power over others, or threatening to do so. But this would amount to just the kind of unilateral coercive threat discussed above. So there is no legitimate way for us to provide assurance to one another short of setting up an authority that solves the unilateralism problem, and giving this authority the power to enforce its dictates on us all. This just is to set up the state.

Founding the state simultaneously solves all three problems with merely provisional rights. Most fundamentally, we must solve the problem of unilateralism. Given such a solution, it is not difficult to see how to handle the other two problems. The state solves the problem of indeterminacy by making determinate laws and procedures for establishing a truth in cases of disagreement. And, in order to count as fully legitimate, it must have the power to back its decisions with coercive force and so provide the mutual assurance that we need.

Since the problem of unilateralism is that none of us is authorized to enforce our rights as individuals, what would solve it is an authority that
that represents our collective, united will. Of course, in order to make sense of this we have to understand what exactly it means to say that the state represents the united will of its citizens and how it can be organized to count as accomplishing this. Unfortunately, although Kant gives arguments to show why the state must unite the wills of its citizens in order to solve the problems with provisional rights, he is quite sketchy about just what this requires.\(^{21}\) There is a principled reason for this: Kant believes that people must regard their existing states, however they are organized, as legitimate, and this doctrine would cause tension with any attempt to spell out necessary conditions for legitimacy.\(^{22}\) Those who have some sympathy with Kant’s approach, but balk at endorsing his claim that under no conditions do citizens have a right to actively oppose their government’s authority, have generated a great deal of debate in political philosophy about the conditions under which a state counts as speaking on behalf of its citizens as a whole.\(^{23}\) Fortunately, we need not enter into these debates. I am happy to treat the unified will of the state as a place-holder for a problem that it is up to political philosophers to solve. My interest lies in understanding the nature of unity in the ethical case.

What is important for the purposes of the ethical analogy that I make below is the normative role that provisional rights play. Above I said that provisional rights establish some normative claims, though not the very claims that they purport to establish. It is now time to discuss what these claims are. What Kant most often cites is importantly not a permission to coercively defend your possession of the object in the State of Nature. If provisional rights gave that permission, it would be difficult to see what set them apart from full-blown conclusive property rights. Rather, it is a permission to coercively force anyone who does or might oppose your claim into joining with you in the civil society.\(^{24}\) So, for example, he writes: “Still, that provisional acquisition is true acquisition; … in accordance with which each is justified in using that coercion which is necessary if people are to leave the state of nature and enter the civil condition, which can alone make any acquisition conclusive.”\(^{25}\)

There is an important sense in which the upshot of all this is that, given our ongoing interaction with others, it is extremely unlikely that we will ever find ourselves in a pure Juridical State of Nature. It is almost inevitable that each of us will assert property rights against others, and this is already to invoke an authority that could only be the authority of the state.\(^{26}\) Until we come to sufficient agreement about

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\(^{21}\) See, e.g., Metaphysics of Morals 6:264, 6:311, 6:313–314, and 6:315. In the useful terminology introduced by Rawls, we might say that Kant provides the concept of the state — the unity of its citizens’ wills — but not the conception. That is to say, he names the characteristic problem that the state must solve, but does not actually spell out the solution. See A Theory of Justice (Cambridge, MA: Harvard University Press, 1971), p. 5.


\(^{24}\) Kant also believes that we may directly defend our provisional rights, but only against those who are not ready to enter the state with us. See Metaphysics of Morals 6:256. This has to mean that we may resist the use of our provisional property only in cases in which the person who would take it from us is not willing to enter the civil society with us, and we are not powerful enough to coerce him to do so.

\(^{25}\) Metaphysics of Morals 6:264. Also cf. 6:256: “If it must be possible, in terms of rights, to have an external object as one’s own, the subject must also be permitted to constrain everyone else with whom he comes into conflict about whether an external object is his or another’s to enter along with him into a civil constitution.” And again “Prior to a civil constitution (or in abstraction from it), external objects that are mine and yours must be assumed to be possible, and with them a right to constrain everyone with whom we could have any dealings to enter with us into a constitution in which external objects can be secured as mine or yours.”

\(^{26}\) You can legitimately coerce even someone who makes no property claims to join with you in the state. Call this person a Free Spirit. You can justify coercing the Free Spirit on the following grounds: you want to have a thing as yours, but are unable to do so given the current arrangements. But there is nothing about owning the thing to which the Free Spirit could legitimately object. So you are entitled to bring about the relations that allow you to make the property claim conclusively. It seems as if the Free Spirit could
the agents of this authority, and these agents have sufficient powers of enforcement, our state is apt to be very badly organized. Functionally, it may not differ from the State of Nature. But normatively it will. In asserting our claims to property we have each already committed ourselves to recognizing the legitimacy of a government that is the condition for the validity of claims of this type.

When we organize the civil society, provisional rights play their second normative role. In this organization, holding a provisional right in something gives you a presumptive claim that your right should be made conclusive. The state could overturn rather than ratify this claim, and due to the indeterminacy problem there may be cases of disagreement in which it will of necessity overturn one party’s claim. But the state may not overturn these claims without some good reason. The burden of proof is on those who would refuse to ratify a provisional claim, not on those who assert it for ratification.27

In truth, the previous paragraph is a bit misleading. The Juridical State of Nature is a construct rather than an actual historical situation. So there is no moment in time at which our rights are converted from provisional to conclusive. In practice the second normative role plays out in two ways. First, it gives us reason to regard the property claims that we find in place at any historical moment as legitimate (though the state may override particular claims, just as it may override particular

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27. Kant makes this clear at the end of a passage that I have quoted above. *Metaphysics of Morals* 6:257: “In summary, the way to have something external as one’s own in a *State of Nature* is physical possession which has in its favor the rightful *presumption* that it will be made into rightful possession through being united with the will of all in a public lawgiving … .”

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provisional rights at its envisioned inception). Second, it sheds light on how we might settle disputes about property rights that arise within the state. The settling of such disputes obviously is not the founding of a new state. But we might think of such settlements as extending the state’s organization.

The second role of provisional rights makes it important to limit the ramifications of the indeterminacy problem as much as possible. If provisional rights were radically indeterminate they might still ground the right to coerce one another into the civil society, but they would not be able to play this second function in a meaningful way. It is here that Kant’s criteria for establishing provisional rights take on importance. While, as we have seen, these fall short of determining rights with the exactitude that we must demand in the state, they do set some meaningful parameters on reasonable assertions of provisional rights. You cannot assert a provisional right over just anything in the State of Nature. Rather, you must meet certain conditions. Kant says that you must first take physical possession of the thing in question and must then give some sign that you regard it as yours.28 In a nod to Locke’s idea that you make a thing yours by mixing your labor with it, Kant holds that you could do this by, for instance, developing some land for agriculture. But you need not; you can claim a thing even without making immediate use of it.29 Nevertheless, you do need to be, in some sense, invested in the thing that you claim, and this may be what motivates Kant’s requirement that you be able to defend it in the state of nature.30 In order to claim a piece of land you must occupy it. You cannot assert with any normative force title to a tract of a distant continent that you have never visited. And while this is not as demanding as a requirement that you develop the land, it is


30. 6:257. And cf. 6:265: “The question arises, how far does authorization to take possession of a piece of land extend? As far as the capacity for controlling it extends, that is, as far as whoever wants to appropriate it can defend it —as if the land were to say, if you cannot protect me you cannot command me.”
more demanding than the requirement that you merely set foot on it. You cannot run around claiming all the land your body touches, either. Rather, you must be prepared to defend what you claim, and may in fact have to be able to do so.

So the problem in the Juridical State of Nature is that no one can establish in it the normative claims that she needs to make full use of her external freedom. These claims are conclusive property rights, the claim that something is yours, and thus that others wrong you if they make use of it without your permission. You can establish some normative claims in the Juridical State of Nature. We can each establish claims over one another that create a duty to enter together into the civil society. And each can create presumptive claims about the content of the conclusive property rights that the civil society will recognize.

II. The Ethical State of Nature

Kant introduces the Ethical State of Nature in the third book of the *Religion*. He explicitly affirms many aspects of the analogy with the Juridical State of Nature, but does not spell out the ethical analogs in detail. Here I offer an interpretation on which an individual's ends play the role analogous to property claims. Just as you must establish property rights in the Juridical State of Nature to fully exercise your external freedom, so you must commit yourself to ends to fully exercise your inner freedom. But just as it is a condition on having conclusive property rights that you enter with others into the civil society, so it is a condition on having ends with appropriate normative force that you enter into relationships in which you can give reasons to one another by making discretionary choices.

A. What is the Ethical State of Nature?

First we must understand the Ethical State of Nature. The entire social contract tradition develops the idea of the Juridical State of Nature, but Kant is— to my knowledge — unique in considering a moral analog, and even he says relatively little. Nevertheless, his repeated parallels to the juridical case show that he does not take the allusion to the Doctrine of Right lightly. Consider the following:

A juridico-civil (political) state is the relation of human beings to each other inasmuch as they stand jointly under public juridical laws (which are all coercive laws). An ethico-civil state is one in which they are united under laws without being coerced, i.e. under laws of virtue alone.

Now, just as the rightful (but not therefore always righteous) state of nature, i.e. the juridical state of nature, is opposed to the first, so is the ethical state of nature distinguished from the second. In these two [states of nature] each individual prescribes the law to himself, and there is no external law to which he, along with others, acknowledges himself to be subject. In both each individual is his own judge, and there is no effective public authority with power to determine legitimately according to laws, what is in given cases the duty of each individual, and to bring about the universal execution of those laws.31

Kant characterizes the Ethical State of Nature as one in which each individual gives himself a law, acknowledging no external authority. But this is puzzling. On the one hand, he clearly thinks that it is a problem, since he compares it to the anarchy of the Juridical State of Nature. On the other, it apparently captures a central insight of his moral theory. Compare this passage from the *Groundwork*:

If we look back upon all previous efforts that have ever been made to discover the principle of morality, we need not wonder now why all of them had to fail. It was seen that the human being is bound to laws by his duty, but it never occurred to them that he is subject only to laws given by himself but still universal and that he is bound only to

act in conformity with his own will … I will therefore call [the categorical imperative] the principle of the autonomy of the will in contrast with every other, which I accordingly count as heteronomy.32

Rather than reading the Religion as rejecting this important tenet of Kant’s practical philosophy, I take it that he is revisiting and expanding an issue already under discussion in the Groundwork: the relation between our autonomy and others’ authority to give us reasons to act.

The problem arises especially forcefully with respect to what I call positive reasons. Someone has a positive claim on me if she is entitled to my active contribution to her projects rather than merely my non-interference. In the Groundwork positive duties to others first appear in the derivation of a duty of benevolence under the Formula of Universal Law.33 If that argument and the vindication of the moral law in Groundwork III succeed, then Kant shows that we impose this duty upon ourselves. So to recognize it is not to take one’s self to be subject to an external law arising from another’s will.

But there is a problem. We can understand the duty of benevolence as a prohibition on having a policy of not helping or as a requirement to help others at least sometimes. This provides some practical guidance, but no single omission would violate this duty. Thus it could never ground an objection from any given individual whom I fail to help. But there are cases in which we apparently have such objections, so we cannot take the general duty of benevolence to exhaust our positive obligations to others.34

33. Groundwork 4:423. Kant sometimes refers to this as a “duty of benevolence,” and sometimes as a “duty of beneficence.” I use the former term here, to distinguish it from the particular view that we should promote others’ happiness. Although he often seems to use the terms interchangeably, in The Metaphysics of Morals Kant specifies that “Benevolence is satisfaction in the happiness (well-being) of others; but beneficence is the maxim of making others’ happiness one’s end …” (6:452). I do not mean to be invoking this distinction between action and regard in using the term ‘benevolence’ here.
34. Another way to understand the contrast is as between the object of evaluation of the two obligations that I am contrasting. The objection that you can

Moral Community: Escaping the Ethical State of Nature

Suppose that you are carrying heavy groceries and are unable to open a door. You request my assistance and I flatly refuse. You press me for a reason and I reply that since you, not I, chose to undertake this project, getting through the door is now your problem. If this is my full explanation it seems that you have a legitimate complaint against me. In taking this to be a sufficient reason to reject your request I refuse to acknowledge that your end gives me reason to help.

I owe it to you to be responsive to your claim. In some circumstances such responsiveness demands acting as your claim directs. But if a more pressing reason pulls against my providing help, I could appropriately acknowledge your claim without this moving me to action. In such situations we normally provide the reasons that explain our failure to help.35 Lacking even time to do that, we use other social cues to indicate that we take the reason seriously. We say, “I can’t, sorry,” or some such thing, as we rush by. But if I do not have a good reason not to help, I owe it to you to hold the door.36 And in any case in such situations you have a particular claim on me.

This is the sort of thing that the Groundwork’s general duty of benevolence cannot explain. The Groundwork argument purports to establish an obligation to, as it were, create a benevolence fund but does not entitle any particular person to draw on it. That is, you don’t owe the duty to any particular person. It is merely an obligation with respect

make to my not helping arises because of a single interaction between us. But the general duty of benevolence does not evaluate us with respect to single interactions. It takes a whole life, or at least some substantial chunk of it, as its object.

36. My argument aims to get duties owed directly to others on the table. On this compare Stephen Darwall, The Second-Person Standpoint (Cambridge MA: Harvard University Press, 2006). The duty that I am discussing is just a duty to acknowledge the claim that another makes on me. In some circumstances I will count as acknowledging this claim only if I act as it directs. In others, because the claim is outweighed or overridden by another reason, acknowledging it won’t require action. So there is a further step needed to complete this argument, a discussion of how to evaluate the relative force of reasons. I do not purport to accomplish this here.
to others, not one that recognizes another person as having the authority to give you reasons.

We can read the Religion discussion of the Ethical State of Nature as attempting to fill this gap by grounding a class of positive duties beyond the general duty of benevolence: duties owed to particular others to do particular things. These are different from, though obviously related to, the duties established by the general duty of beneficence. Ethical duties — duties of virtue — are duties to acknowledge certain considerations as reasons and act accordingly. The duties in question are duties to particular others to regard their choices as providing reason to act.

The Ethical State of Nature is then best understood as a certain relationship with others: the relationship in which we attribute no authority to one another’s choices. We are in this relationship if we take the general duty of benevolence to exhaust our positive duties towards one another. The problem of each individual’s prescribing the law to himself, not acknowledging any external law, is a problem about the practical import that we take our own and others’ choices to have. The situation has the potential for conflict because it amounts to disagreement about what reasons there are. But, as in Kant’s juridical case, disagreement and conflict are not the fundamental problems. Rather, the problem is that we assert claims over one another that we are not authorized to make.

B. The Postulate of Reason Creation

The first parallel that we need to establish between the Juridical and Ethical States of Nature is that when we exercise our freedom in each case we also assert a normative claim over others. In the juridical case when I assert a property right, I claim to have authority to give others reason to act. The parallel claim in the ethical case is that exercises of internal freedom presume a similar authority.

The threat to your external freedom comes from outside of you, from others’ potential interference. As we might expect, Kant takes the primary threat to your internal freedom to come from inside of you, from what he calls your inclinations. Your internal freedom is violated or limited when these determine what you do. In order to exercise inner freedom you need reasons to stick to a course of action even as new inclinations arise. In the case of discretionary ends, those that are neither forbidden nor required, we take ourselves to have two distinct grounds for these reasons. First, the project’s value: it is worthwhile enough to merit time and energy. Second, our choice of this project over others.

Both grounds are needed to make the exercise of inner freedom possible. That the project is worthwhile gives you reason to override inclinations to waste time on worthless pursuits when giving in to these inclinations would undermine it. But these reasons do not guard against another temptation: the pull to abandon your project in favor of other equally valuable options. Though it is sometimes appropriate to reconsider a course of action, if you yield to any such inclination you will not stick with any project long enough to make it count, or you will do so only by lucky accident. It is in the face of this problem that Plato identified in the democratic man. He cannot accomplish anything, and — despite what he thinks — this constitutes the severest sort of restriction on his freedom. Compare what Plato says:

And so he lives on, yielding day by day to the desire at hand. Sometimes he drinks heavily while listening to the flute; at other times, he drinks only water and is on a diet; sometimes he goes in for physical training; at other times, he’s idle and neglects everything; and sometimes he even occupies himself with what he takes to be philosophy. He often engages in politics, leaping up from his seat and saying and doing whatever comes into his mind. If he happens to admire soldiers, he’s carried in that direction, if money-makers, in that one. There’s neither order nor necessity in his life, but he calls it pleasant, free, and
that the fact that you have chosen the end plays an important role in grounding your inner freedom. Your choice gives you reason to override inclinations to reconsider. But you are able to exercise a certain kind of authority over yourself, creating reasons for yourself through an act of will.

We also take both grounds to give others reasons. Many philosophers have observed the role of the first: if you take a project to be valuable enough to give you reasons, you must also take it to be capable of giving reasons to others who are similarly situated. This is part of the very idea of a reason, so that if you deny that your project gives others reasons, you deny that it is worthwhile and would not be able to make sense of pursuing it yourself.

I mention this way in which your projects make claims on others only to set it aside. Notice that if your projects generated only reasons grounded on their value, others might choose to contribute based on the merits of the project, but they would never owe this to you. Even if the value of the project were, under the circumstances, sufficient to demand contribution, failure to contribute would simply be failure to respond rightly to something of value. And for discretionary projects no one who did not choose to contribute would do anything wrong.

blessedly happy, and he follows it for as long as he lives.” (Republic 561d)


40. Luca Ferraro argues in Making Up One’s Self: Agency, Commitments, and Identity (Doctoral Dissertation, Harvard Department of Philosophy, 2002) that having made a decision gives us no reason to continue with the adopted course of action. I am unconvinced by his dismissal of the possibility that a decision I make can give me a reason without the cooperation of other mechanisms such as institutional, social, or psychological sanctions or the costs of undoing the decision, a dismissal for which he gives very little argument. Thus, I am also unconvinced by his claim that regarding a decision as a source of reasons results in self-manipulation on the part of the agent.


Moral Community: Escaping the Ethical State of Nature

But we take our choices to generate further reasons, making claims on others that they owe it to us to respect. These are the claims that interest me. Though I am most interested in the positive case, consider negative claims first. Almost everyone agrees that people have reasons not to interfere in another’s permissible projects. If you are trying to frame the perfect photograph, this gives me reason to avoid the relevant area. If I have no more pressing reason to be there, I owe it to you to stay out of the way.

The Doctrine of Right establishes reasons not to interfere with others’ property, but negative claims that we make on one another in setting ends go further. In the first place, property rights just license the enforcement, by force or coercion, of certain claims. To establish a right is to refuse to rely on others to take the fact that their action would interfere with your project as a reason not to do it. Instead a right permits the state to give them a quite different reason, that cited in the threat of punishment. If you are executing your photography project on your own property, you can appeal to this reason, posting signs that read “NO TRESPASSING; POLICE TAKE NOTICE.” If all goes well this will secure my non-interference. But it is not just the same as my taking the fact that you are trying to take the photograph as itself a reason. In the second

42. The right way to put this is a bit more complicated. A strict right does not, in the first place, establish reasons for not interfering with another’s property. It permits the state to step in to enforce rights that would otherwise be violated. To apply force to you to prevent you from violating my rights is to decline to reason with you at all. Because the state’s agents cannot be everywhere at once, the state will also set up a system of threats of punishment, so that those who do manage to violate others rights will suffer consequences after the fact. Once this system is in place someone can take the threat of these consequences as reason not to violate others’ rights. Kant himself talks this way. Cf. the quote in note 5, above.

43. I believe that the Doctrine of Right argument relies on some such argument about the reasons we have. A right, recall, is a permission to back a normative claim with force. But it is a necessary (though not sufficient) condition of having a right that the underlying normative claim also has authority. In order to establish relations of right you need not acknowledge the authority of this claim; acting out of the desire to avoid sanction is enough. But it is only because you nevertheless have the prior reason for staying off my property that the coercive threat that moves you is permissible. If I am right about this then Kant put the Metaphysics of Morals together backwards. The Doctrine
the realization of an important value, but in both alike my interference amounts to a personal affront.

Positive claims arising from my projects can also outstrip what the value of the project would ground. Just as you would resent someone who willfully interfered with your activities, so you resent those who refuse help without adequate reason. Moreover, no less than in a case of interference, your resentment can be directed at particular individuals. In some situations, we consider our own projects’ claims as stronger than that of being one among many possible outlets for others’ benevolence. We think of them as making particular claims on particular others’ help.

If someone refuses, without excuse, my request to hold the door when I am carrying heavy groceries, I may resent this in the same way that you resent interference with your photograph. I take this Unhelpful Person to violate a warranted claim that I make on her. She can truly retort that my grocery project is no more pressing than other ends that she could, but does not, pursue. If I agree that she is blameless for not contributing to these, I grant that the value of my project is not sufficient to establish the reason to which I appeal. I may nevertheless think that in refusing to respond to my need the Unhelpful Person fails to respect my authority to make these claims on her and thus fails to respect me.46

So far I have been describing what I take to be our normal attitudes towards our projects and our own value. On some views these attitudes are not justified. For example, on certain hedonist views we

44. Resentment is especially plausible in a case like this, where the Interfering Person aims directly at upsetting my project. Someone may worry that this will not generalize to cases in which my project is collateral damage in someone’s pursuit of an independent end. I focus on the simpler case here, because I aim only to show that we take our ends to be capable of generating some reasons for others. The familiarity of resentment in the simple case is sufficient to show that we attribute some such authority to our choices. In fact this doesn’t always generalize, since once we turn to cases in which you have independent reasons to interfere, it might be okay to do so. The reason that my project creates places a burden on you to meet it with a reason of your own before you interfere, but you may be able to meet this burden. This all depends on what your reasons are.

45. Someone might have an excuse but not offer it. As I said above, I think that there is normative pressure for us to cite our excuses to one another. But in a particular case, one might have sufficient reason not to. Then I may still feel resentment, but mistakenly. However, my resentment will be unwarranted because it is based on an empirical error: I am not taking whatever circumstance provides your excuse into account.

46. The positive case is somewhat trickier than the negative case, since here there is a wider range for legitimate controversy about how far our claims over one another extend. But we do not need to resolve these controversies now. Doing so parallels the task of resolving conflicting claims to property when we found the state, and we have not yet come to that stage of the argument.
would have to weigh the pleasure that I get from upsetting your photoshoot against the pleasure that you would take in successfully completing it, in order to determine whether I have reason to allow you to continue. Since I have stipulated that the project may not be very important to you, it will not be obvious within this weighing paradigm that I should refrain. In cases in which your pleasure does outweigh mine, the hedonist is committed to denying that there are any grounds for resentment. Notice that this goes beyond the claim that you ought to forgo resentment, as when you forgive an insult or regard it as beneath your dignity to respond. On the hedonist view the Interfering Person is entirely justified, so there is no offense to which one could react. I have not given an argument that rules out the coherence of hedonism, but in what follows I discuss how we might validate the attitudes towards our projects and ourselves that I have been discussing. I leave it to the reader to judge the plausibility of the hedonist alternative.

Like the hedonist, the person who thinks that your projects create no reasons other than those grounded in their value is committed to denying the element of personal affront. This attitude would be strange on its face, and I believe that it manifests a lack of self-respect. But this only renames the deeper problem. That problem is that choices that could not create reasons beyond the value of the project would also fail to have the appropriate authority for you. A project that made all its claims based strictly on its own inherent value could not reliably hold your allegiance. It could not give you reason to override inclinations to abandon it in favor of another worthwhile pursuit. But if you could not give yourself reason to stick with a particular project in the face of competing inclinations, you could not exercise your inner freedom. So we have to attribute to ourselves the authority to create reasons through our choices, and I have argued that among the reasons that we take our choices to create are reasons for others. So when we exercise our inner freedom we also assert interpersonal authority.

I do not take the argument that I have given here to show that you must necessarily make claims on others in order to exercise your inner freedom. The argument claims only that when you do what you must do to exercise your inner freedom (take your choices as capable of creating reasons) then you do, as a matter of fact, assert claims over others, both negative and positive. So, if you think that your choice is the kind of thing that generates reasons then you will — I claim — assert these claims on others. And, I argue, you need to take your choices to be that kind of thing if you are to exercise your inner freedom.

It’s worth noting that the argument in the case of right also does not show that you must necessarily make claims on others. You can exercise a severely truncated version of external freedom without making property claims by working with just what you can empirically control. The problem is that this makes only immediate consumption projects reliable. You can grab an apple and eat it immediately. You can pursue longer-term projects so long as others don’t interfere, but this requires luck. So forgoing property claims truncates your external freedom by limiting the range of ends that you can successfully pursue to those that do not depend on intelligible possession. In the ethical case declining to see your choices as making claims on others truncates your internal freedom by restricting the ends that it makes sense for you to adopt to those that do not require anything, including non-interference, from others. Given the extent of our interdependence this restriction is severe.

Moreover, ruling out the possibility that our choices create reasons for others would be unwarranted just as ruling out the possibility of property rights is. In fact, in the moral case, assigning this authority to each person arguably generates no per se conflict with others’ inner freedom. Inner freedom is just a matter of acting only on considerations that you take to be reasons; there is no bar on taking these reasons to originate in another’s will. Thus we have a Postulate of Reason Creation, corresponding to the Postulate of Practical Reason with Regard to Rights. Just as it must be possible to have property rights in things, so it must be possible to create reasons by setting ends. Otherwise, in the correlate of the juridical worry that we will make things res nullius, no one would have any reason to override her inclinations to abandon or change her projects.

Just as when we established the postulate of property, we now
know that it is possible, consistent with the inner freedom of all, for each to have the authority to give reasons to others through discretionary choices. We have not yet seen how this is possible. And, as the compatibility of property and hence permitted coercion with external freedom was prima facie puzzling, so is the compatibility of my authority to create reasons for you through discretionary choices and your inner freedom. It is not hard to see how you could choose to regard another’s projects as reason-giving without violating your inner freedom. But the idea that my choices could place normative requirements on you independent of any choice of yours remains mysterious.

C. Provisional Ends in the State of Nature
I am treating our ends as the ethical corollary to property claims in the Juridical State of Nature. If this is right then these will have normative force analogous to that of provisional rights: our ends will generate normative claims, but not the very claims that we purport to make. In the Juridical State of Nature a provisional right gives us reason to form a social organization, the state, where rights can be made conclusive. Once in the state it creates a presumptive claim on its object. I argue that we should understand our ends as playing similar normative roles in interpersonal interactions.

First we must understand why the claims that we make on one another in the Ethical State of Nature cannot be warranted. Recall the three problems for establishing conclusive rights in the Juridical State of Nature. The most important was the problem of unilateralism: each person lacks authority to establish her rights by herself. The problem of indeterminacy, the impossibility of saying how far property rights extend, compounds this. Finally we face the problem of assurance because we cannot generate appropriate trust in the State of Nature. I will discuss the ethical correlates of the problems of unilateralism and indeterminacy here. The ethical treatment of the problem of assurance differs from the juridical; I take it up at the end of the paper.

As in the civil case, the lack of authority attaching to unilateral demands is the most fundamental obstacle to establishing conclusive claims in the State of Nature. But the problem manifests itself differently in the ethical case. In the political case the problem is that it is impermissible to unilaterally coerce others to act as if they recognize your claims to property. But in the ethical case you demand not just that others act as if they recognize your claim; you insist that they do recognize it: that they treat your choice of an end as giving them reasons to act. The problem here is that it is impossible to unilaterally bring another to do this. As Kant says, “[a]nother can indeed coerce me to do something that is not my end (but only a means to another’s end), but not to make this my end….”

Coercion leverages ends another already has—the end of staying alive, say, or staying out of prison—re-arranging his situation so that doing or avoiding certain actions becomes instrumental to these ends. Even when coerced, a person acts on considerations that he takes to be reasons. Thus, though coercion limits external freedom, it leaves internal freedom untouched. In the juridical case Kant makes use of the principle that I am not permitted to diminish another’s external freedom. In the ethical case it is not simply impermissible, but impossible, to make a warranted claim on someone if she cannot recognize and act on it without diminishing her inner freedom.

As in the juridical case the second problem, indeterminacy, highlights the first. The ethical form of the problem is that in the Ethical State of Nature we cannot say how far my legitimate claim on your help extends. Students of Kant recognize this as the indeterminacy of wide duties: the general duty of benevolence tells us that we owe others assistance, but does not tell us whom we should help or how much.

If this indeterminacy is not brought under some control, defenders of the obligation cannot answer either those who regard it as negligible and easily over-ridden, or those who worry that, if we acknowledge the extent of need in the world, this duty will swamp all other concerns.

47. Metaphysics of Morals 6:381.
48. See Metaphysics of Morals 6:390. Kant here characterizes a wide duty as one that “… leaves a playroom (latitudo) for free choice in following (complying with) the law, that is, that the law cannot specify precisely in what way one is to act and how much one is to do by the action for an end that is also a duty.”
In the Ethical State of Nature we assert claims over one another, taking our choices to create reasons for others, but the problems of unilateralism and indeterminacy expose these claims as unwarranted. Provisional ends, like provisional rights, can be conclusive only when they are in some sense jointly ratified by all those whom they bind. And indeed, Kant holds that just as the state removes us from the Juridical State of Nature, what he calls the Moral Community removes us from the Ethical State of Nature. He envisions this community as the historical successor to the Christian Church and takes it to include all of humanity. Unfortunately, it is even harder to get a grip on how Kant understands this universal community than to grasp the problem to which it answers. In particular, it is far from obvious what the moral analog of the unity of the state, represented there by a powerful authority, could be. We need an account of this unity in order to understand the relevant notion of joint ratification. In the next section I try to make a start on this task.

D. Marriage as the Paradigm of the Moral Community

We’ve seen that we do take our ends to give another reasons to do well-defined things. This happens most dramatically in the context of close relationships. In these contexts you need to be a source of reasons for another that are categorical, but still contingent in that they depend on your discretionary choices. You thus need your choice of an end to share an attribute of conclusive property rights: “by it, an obligation is laid upon … others which they would not otherwise have had.”

So I suggest that we turn to the friendship that overlays marriage—its ethical, as opposed to juridical, aspect—as a paradigm of the Moral Community. There is reason to suppose that Kant would be congenial to this strategy. He takes friendship and the Moral Community to share important features. No one can legitimately coerce us into either, and yet Kant thinks that we have a moral duty to enter them. These are the only two human relationships to which Kant attributes both of these properties. Moreover, he suggests that our best friendships are the nearest that we come to realizing the ideal of the Moral Community, explicitly endorsing the former as a paradigm of the latter.

I believe that in marriage, ideally, we solve locally the problems with provisional ends in the Ethical State of Nature. Married friendship can serve as the analog to the state because it embodies another sort of unity. We solve the problem of unilateralism by declining to regard some ends as yours and others as mine, rather seeing ourselves as having shared ends, which we seek to realize together. We solve the problem of indeterminacy by working out jointly what our ends are and how to share them. There is no a priori procedure for making


the reasons generated by provisional ends determinate. Rather, actual interactions do real, indispensable work. By choosing our shared ends we jointly create reasons to do things that we would otherwise not have had. This again closely parallels founding the civil society. Kant does not purport to derive an entire body of positive law a priori. Rather, the argument concludes that we must organize our relationships so that we can make these laws together authoritatively. When the state acts, making, interpreting, and enforcing laws, it creates — that is, we create — reasons to do things that we would otherwise not have had.

This leaves us with the assurance problem. In interpersonal relationships like marriage we must rely on one another’s good will, depending on one another to regard shared ends as reason-giving. This highlights an important disanalogy between the juridical and ethical cases. Politically, we minimize this reliance. The assurance problem arises in the political case just because we cannot assume that we can trust others to follow legitimate laws without further incentive. If everyone were perfectly virtuous, and known to be so, then we could secure our external freedom by solving just the problems of unilateralism and indeterminacy. A state without coercive power could do this if everyone were unfailingly motivated by the obligation to obey the laws. But people are not perfectly virtuous, so we can reasonably trust them to respect our external freedom only in the context of an institution that gives them an independent incentive to do so. Thus, we forge the unity of the state by setting up a sovereign with both power and authority to exercise coercion.

However the Moral Community cannot involve coercion. This is a conceptual truth, but confusion about it leads to moral errors. It is a conceptual truth because the task of the Moral Community is to come to agreement about what to make our ends and thus about what reasons we have. And, as I explained above, we cannot use coercion to accomplish this. This, whereas the power that unifies the state is the coercive power of the sovereign, the Moral Community can remain united only through the power of choice of the individuals involved.

This leaves us inescapably vulnerable to one another in our personal relationships in a way that we can limit in politics. And the closer, and thus more demanding, our relationship is, the more vulnerable we are. Regarding others’ ends as reason-giving for you does expose you to the danger of being treated unfairly. And the danger is real: you interact with some of the same people whose supposed vices require empowering a sovereign before we can establish political trust.

It may be in an attempt to make this risky trust more palatable that Kant invokes God as the sovereign of the Moral Community.\textsuperscript{57} This move is otherwise extremely puzzling, since God cannot play the same role in the Moral Community that the political sovereign plays in the state. Reiterating his longstanding view about the relation between morality and religion, Kant makes clear that he does not think that God can act as legislator for the Moral Community.\textsuperscript{58} And God is no more able to enforce the laws of virtue than anyone else. Some interpreters have taken it that God is uniquely capable of enforcement because God can discern human motives.\textsuperscript{59} But it is not a lack of epistemic access to motives that makes external sanction impossible in the Moral Community. It is rather that no one, not even God, can force us to have a given motive by making not having it costly. If you need a threat of punishment for motivation then avoidance of punishment is your reason. But if you act to avoid punishment then you are only acting as if you take the relevant ends to give you reasons. If you did take them as reason-giving, the threat would be superfluous. But perhaps Kant imagines God as playing another role: God makes trust in the

\textsuperscript{56} Moreover, attempts to coerce someone into making something his end tend to misfire and become attempts to make him act as if a thing were his end. But the community united by coercive demands to act as if various things are our ends is just the civil society. Because of its license to exercise coercion, the scope of the civil society’s authority is importantly limited. A Moral Community that tried to unite its members coercively would thus amount to a state overreaching its proper bounds. This, in a very small nutshell, is the doctrine of what John Rawls calls “political liberalism.” See \textit{Political Liberalism} (New York: Columbia University Press, 1996).

\textsuperscript{57} \textit{Religion} 6:99.

\textsuperscript{58} \textit{Religion} 6:99.

\textsuperscript{59} This seems to be part of Allen Wood’s argument for the claim that God must be the Moral Community’s sovereign, \textit{Kant’s Ethical Thought}, p. 317.
moral order of the universe reasonable, assuaging our worries about exposing ourselves to being taken advantage of by others. If we think that there is a moral orderer of the universe, we can have what Kant elsewhere calls practical faith that fulfilling the demands of morality will not, in the end, leave our own lives impoverished.60

Once we have established the Moral Community, the second normative role for provisional ends kicks in: these have a presumptive claim to be included in the plans that we make together. Again, it is easiest to envision this in the case of a developed relationship like a marriage. In deciding what to do together we should not start from scratch as if we had no reason to do any one thing rather than another. Rather I presume that your ends are worthy of inclusion, and you regard mine likewise. We may together overturn some end that one of us has, but we must have some reason to do this.

Again, this makes it important to limit the role of the indeterminacy problem. And again, we accomplish this in similar ways. In order for an end to count as making a presumptive claim on your contribution, I must have a certain investment in it. It may be that I have poured time and resources into it, and my claim to have it included in our joint ends is greater for this. But it might be enough that I have invested my identity in the plan, that pursuing some particular end has been important to my self-conception over a long period of time. In any case, just as I cannot make property claims willy-nilly in the Juridical State of Nature and expect that these claims will be honored in the state, the ends with which I lay provisional claim to your help with cannot be mere whims.

I have been developing marriage as a model of the way that others’ choices give us reasons to act. This model is admittedly sketchy, but let me now say how we can apply it to interactions with strangers. Earlier

I pointed out that it seems to many as if in some situations a stranger can, by making choices, give you not only negative, but also positive, reasons to act. Insofar as we can apply the model of sharing ends in marriage to these far less developed relationships, we can explain and vindicate this sense.

Of course I would not deny that entering an intimate relationship dramatically extends the content of what partners can claim from each other. In cases like the person carrying groceries, the relationship in question is extremely thin, normally consisting of just a single conversation. It may seem crazy to compare this to marriage, but I believe that there are helpful similarities in kind here, even if there are wild differences in degree. In both cases, our actual interactions determine the reasons that we have with respect to one another. It is not your need as such that makes a claim on me, or not only this. When you ask me for help, an interaction begins. I suggest that I could hold the door. You gratefully accept. Your provisional claim gives me reason to enter such an interaction. Then the interaction makes your claim on me conclusive.

Consider what it would be like if I began this exchange and then abruptly walked away. One thing to notice about this is that, absent further explanation, this would be an odd derailing of my own agency. Having undertaken to help you, I take on your project as my own, at least locally. I share your end, so now, it is like my other ends in that I need some reason to give it up. This also explains why, once we are interacting, your claims are no longer unilateral: They are part of our shared project of getting you through the door. Moreover, if I begin helping, but then abandon you, it seems more obvious that I have wronged you than it does in the case in which I never begin to help. Refusing to enter into any interaction with you violates only a provisional reason. But once we have worked out together the particular thing that I will do towards the end at hand, I have reason to do that very thing.

Our relationship continues: I have helped with the door, but now you then ask for more. You want me to follow you to your car and help you with the keys. This would encroach on my own projects, so I

start giving you reasons stemming from these: I promised to be home for dinner with my family and must go now to make it on time. You accept this, affirm the importance of my reason, and thank me for the help that I gave. Notice that this give and take of reasons, determining together what it makes sense for us to do, is the same sort of work that people do in more developed relationships.

So I am treating the Moral Community as an actual ordering of relationships, not a mere abstraction. The reasons that we give one another by choosing ends are merely provisional apart from embedding in actual interactions that solve the problems of unilateralism and indeterminacy. But provisional reasons do the normative work of exerting pressure to form the kind of relationship in which they can be made conclusive, and setting parameters on the way that we adopt joint ends within these relationships.

I want to be clear about what this solution does not purport to accomplish: it does not give us determinate answers about what positive duties we have towards others in particular cases. There are two reasons for this. First, since making the reasons in question conclusive requires actual interaction to settle some of the problems of indeterminacy, no theory can bring us all the way to the particular things that we ought to do. Remember, this is just like Kant’s declining to endorse a full body of law in the Doctrine of Right. Second, even when we have eliminated this indeterminacy we have only established reasons to do particular things. But we come to these interactions with many reasons already in place. So we still need some way to compose reasons stemming from others’ choices with our other reasons to make an all-things-considered judgment about what we ought to do. This important and difficult project is downstream from this paper.

Moreover, the theory that I am sketching here does not attempt to account for all positive duties to others. The duties that I am trying to ground are just those owed to particular others, on account of their choices, to do particular things. These, I claim, are grounded in reasons that arise from actual interactions, but I do not claim that we have no reason to help others apart from interactions like this. The reasons that interest me supplement rather than replace those falling under the general duty of beneficence. For instance, the reasons that we have to donate to institutional charities often stem from this general duty.

III. Conclusion

I have argued that, just as we must establish the state to legitimately secure the conditions of our external freedom, so we must establish the Moral Community to legitimate the claims that we make on others when we exercise our internal freedom. In order to secure internal freedom we need to take our choices as having the authority to give us reasons. In particular they must give us reasons to act against inclinations to abandon an end in favor of an equally worthwhile project. But when we make choices that have this authority for us we also assert claims over others. However, the problems of unilateralism and indeterminacy make all such claims unwarranted. So our ends can be only provisional prior to the proper organization of relationships. These provisional ends give us reason to form a relationship in which we share our ends, and function as presumptive claims once we achieve this organization.

In these final sections I have suggested that to understand this relationship, which Kant calls the Moral Community, we look to the friendship overlaying marriage as a paradigm. Though not exactly what Kant has in mind in the Religion, these relationships ideally solve the very problems that the Ethical State of Nature presents. I claim that in these relationships we aim to achieve a unity that would solve the unilateralism and indeterminacy problems. The unity that the sovereign provides in the juridical case is here forged directly through the agencies of the parties to the relationship. When they set ends together, each regards the sources of his reasons for action as something shared in common with the other. This is an important disanalogy with the juridical case in that it provides no solution for the assurance problem. In the Moral Community we are vulnerable to one another, and must exercise trust in relying on one another’s good will. Kant argues that this justifies practical faith.
I have said very little about the structure of the ethical relationship and the norms that should govern it, so we are left with several questions. What are the parameters on appropriate interaction? What exactly does it mean to share one another’s ends? How can we adjudicate disagreements to preserve both unity and individual freedom? All of these questions parallel questions about the organization of the state, and I have not addressed this above. Kant is not particularly helpful about what should count as a legitimate state authority. So, rather than pursue the parallel between right and ethics further, I leave these questions for future work.  

61. This paper developed over several years and with the help of many minds. Though I am no doubt forgetting some who deserve thanks, I want to mention especially Melissa Barry, Bill Bristow, Michael Kessler, Christine Korsgaard, Japa Pallikkathayil, Simon Rippon, Tim Scanlon, Gisela Striker and the members of the Moral and Political Workshop at Harvard University.