

# Topics in Kant's Philosophy of Right

## QUARTER YEAR

### Instructor information

Instructor: Laurenz Ramsauer  
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### Course description

For the longest time in the history of western philosophy, the conceptual distinction between law and morality was either nonexistent or unimportant. Kant's *Metaphysics of Morals* is one of the first texts in the history of western thought to draw a line between 'right' and 'ethics.' In this seminar, we will closely read parts of the first volume of the *Metaphysics of Morals*, the *Doctrine of Right*, and think through the different ways in which right and ethics are separate and connected in Kant's critical philosophy. This will include the question if the idea of right can be deduced from the categorical imperative, what relation right has to violence, and whether right is perhaps even a prerequisite for ethical life in Kant's thought.

### Prerequisites

Basic familiarity with Kant's practical philosophy is a prerequisite for this course. Familiarity with contemporary philosophy of law as well as German reading skills will be helpful, but are not required.

### Texts

All texts will be made available online.

### Course requirements

- Thoughtful participation in discussion.
- A 10-15-minute presentation of your essay topic.
- A final 15-20-page paper.

### Assessment

Assessment will be based on a brief one-on-one conversation. After handing in your final paper, we will meet and I will ask you to give me a brief elevator-pitch about how your understanding

of law has become more nuanced over the course of the quarter, and what you have contributed to the course. You will then grade yourself based on your own estimation of both your learning and your contribution to our discussions. In optional, upper-level courses, self-evaluations tend to be honest and accurate. But in order to prevent students from undervaluing their effort and contribution along e.g., gendered lines, I keep a veto-power over suggested grades, and may raise suggested grades if I believe suggestions to be overly modest. Because assessment will be conversation rather than a top-down judgment, I encourage you to keep reflecting about both your contribution to our discussion and your own learning-process – as well as to your peers' learning – throughout the course.

## Accommodation for Students with Disabilities

If you need accommodation, please inform me as soon as possible. All discussions will remain confidential.

## Schedule

### Week 1: The project of a 'metaphysics of morals,' and the idea of a 'doctrine of right'

Preface to the *Groundwork*, GMS 4:387-392  
Introduction to the metaphysics of morals, MS 6:211-228  
Preface to the doctrine of right, MS 6:205-210  
Optional: Stuart Brown, 'Has Kant a Philosophy of Law?'

### Week 2: Deriving right from ethics?

Introduction to the doctrine of right, MS 6:229-242  
Willaschek, 'Why the Doctrine of Right Does Not Belong in the Metaphysics of Morals'  
Paul Guyer, 'Kant's Deductions of the Principles of Right'  
Optional: Martin J. Stone, 'Kant's Apparent Positivism'

### Week 3: Deriving right from ethics II

Introduction to the doctrine of right, MS 6:229-242  
Katrin Flikschuh, 'Kant's Indemonstrable Postulate of Right'  
Ben Laurence, 'Kant on Strict Right'

### Week 4: Right and the idea of private law

Introduction to the doctrine of right, §§ A-B  
Michael Thompson, 'What is it to Wrong Someone?'  
Optional: Arthur Ripstein, *Force and Freedom* (chapter 1)

### **Week 5: Right and coercion**

Introduction to the doctrine of right, MS 6:229-242  
Ripstein, *Force and Freedom* (chapter 2)  
Norberto Bobbio, 'Law and Force'

### **Week 6: External possession and property**

Doctrine of Right, §§1-17  
Hegel, *Elements of the Philosophy of Right*, §§41-45  
Robert Pippin, 'Mine and thine? The Kantian state'  
Optional: Ripstein, *Force and Freedom* (chapters 3-4)

### **Week 7: Contract, consent and status**

Doctrine of Right, §§18-31  
Appendix 1-3, MS 6:357-361  
Hegel, *Elements of the Philosophy of Right*, §§71-75  
Optional: Ripstein, *Force and Freedom* (chapter 5)

### **Week 8: From private to public right; the special problem of poverty**

Doctrine of Right, §§8-9, 15-16, 36, 39, 41-49  
Hegel, *Elements of the Philosophy of Right*, §§241-46  
Optional: Jeremy Waldron, 'Homelessness and the Issue of Freedom'

### **Week 9: Right before ethics?**

*Groundwork* section II, GMS 4:406-445  
Japa Pallikkathayil, 'Deriving Morality from Politics: Rethinking the Formula of Humanity'

### **Week 10: Right before ethics cont.**

Hegel, *Elements of the Philosophy of Right*, §§133-141  
Barbara Herman, *The Moral Habitat* (chapters 9-11)