

Kantian Respect

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The discussion of respect within the *Critique of Practical Reason* is in the penultimate chapter of the Analytic, after Kant has dealt with both the principles and the object of pure practical reason and where he begins discussion of what he terms the “drives” (*Triebfeder*) of pure practical reason. This chapter is one that, following the example of Lewis White Beck, I would term the “aesthetic” of pure practical reason.ⁱ In this chapter Kant discusses the manner in which the moral law motivates the will, distinguishing the effect of it on the will from pathological feeling. This requires an analogue to the argument of the Transcendental Aesthetic of the *Critique of Pure Reason*. Kant articulated there a condition for sensation that was not itself sensational but connected to the form of any sensation in the notion of *a priori* intuition. Similarly, in the argument of the *Critique of Practical Reason*, Kant argues that there is a type of feeling that does not emerge from the sensibility that is the basis of empirical feeling, but is rather derived from something that might be regarded as the form not of feeling *per se* but rather of a pure form of practical feeling. As Kant puts this: “here we have, then, the first and perhaps also the only case where we have been able to determine a priori from concepts the relation of a cognition (here a cognition of a pure practical reason) to the feeling of pleasure and displeasure” (Ak. 5: 73).ⁱⁱ The pure form of practical feeling can be discerned from the manner in which something that can be cognized relates to the basic feelings of pleasure and displeasure.

Kant understands pathological feeling, grounded as it is in a relation to pleasure, to be the basis of an empirical form of self-appraisal that is egoistic. So, just as the Transcendental Aesthetic of the *Critique of Pure Reason* enabled us to distinguish the pure form of intuition from its content, so the argument of this section of the *Critique of Practical Reason* enables a distinction between two forms of feeling, one of which is empirical and governed by matter and the other of which is *a priori* and provoked by response to a *form* of law. “Therefore respect for the moral law is a feeling that is brought about by an intellectual basis, and this feeling is the only one that we

cognize completely a priori and the necessity of which we can have insight into.” (Ak. 5: 73)

Whilst the parallel between the argument of the chapter on “drives” and that of the Transcendental Aesthetic does exist however it cannot be pushed too far. There is a significant difference between these arguments since Kant presents the basis of feeling generally as sensible and so the condition of us feeling respect *as a sensation* is the same as that of empirical feeling generally (and, in this respect, respect is unlike *a priori* intuition). However, there is nothing within empirical feeling that could be the basis for the presentation of respect to us and so, whilst, as a sensation, it appears in the same way as other sensations, the ground of this feeling is not akin to that of empirical feeling. This is why Kant refers to it as an “odd feeling” that cannot be strictly compared to anything pathological and as being of such a peculiar kind that it arises from pure practical reason itself serving only “as a drive to make this law a maxim within oneself” (Ak 5: 76, translation modified). This statement indicates that whilst respect is a feeling produced in us by the intellectual ground of pure practical reason that it nonetheless emerges as a feeling that has an effective relation to the will in the sense that it presents the latter with *a reason* for incorporating the law within itself. This appears to cut against Kant’s statement a mere paragraph earlier when he suggests that respect for the law is not a drive *to* morality, but instead a subjective way of presenting the operation of morality. When denying that respect for the law is a drive *to* morality, what Kant is emphasizing is that pure practical reason gives authority to the law and that in so doing it gives the law supreme influence. So, what is added to the law by the feeling of respect for it is not motivation as such, but rather a manner of making the operation of the law more vivid. The way in which this is achieved is by making it intuitive in the example of persons. Kant mentions here the example of a common man in whom I perceive righteousness of character arguing that in such a case I find a standard that I have to respect, with respect being here understood as a tribute that we have to pay to merit.ⁱⁱⁱ

The general argument concerning the relationship between respect and pathological feeling is presented in terms of a dynamic discussion of forces within feeling that relates the moral law to freedom. For the operation of the moral law to be effective within us is for the will to be determined by pure practical reason and the ground for this to take place is fundamentally the causality of freedom operating by means of

the law. The dynamic picture that emerges from this concerns the way in which cognition of the law has a dual effect on the sense of selfhood since, on the one hand, it requires humiliation of the egoistic sense of self but, alongside this, elevation of the practical sense of self by means of respect for the law. The most interesting aspect of the argument of this chapter emerges here:

Therefore respect for the moral law must be regarded as also a positive though indirect effect of the law on feeling insofar as the law weakens the hindering influence of the inclinations by humiliating [one's] self-conceit, and hence must be regarded as a subjective basis of activity, i.e., as an *incentive* to comply with the law, and as a basis for maxims of a way of life conforming to it. (Ak. 5: 79)

The direct effect of the law on feeling was mentioned at the opening of this chapter as being determination of the will such that actions that have moral worth become possible. However, the drive to comply with the law is grounded on a second, indirect effect on feeling in terms of respect, a feeling that relates to other feelings. The mere determination to act in a way that has moral worth requires being complemented by a feeling that can be set against the pleasures of egoism. The difficulty with setting something against egoism is that it appears that egoism is the self's principle of enjoyment and hence that something non-hedonic has to balance it. On one level this is correct and this is why Kant describes the example of the other person acting as an example to me as striking down my pride (Ak. 5: 77). This realisation of the need for pride to be struck down is not a pleasurable one but a humiliating one. Jeanine Grenberg correctly views humiliation as *warranted* constraint of self involving a sense of the moral judgment on the part of the agent that: "it is 'good' for her sometimes to feel humiliation...because she is in fact the kind of being who needs at times to have her pretensions to the primacy of self-love challenged".^{iv} However, the humiliation in question is one that is subsequently balanced by a sense of the possibility of the self being elevated inasmuch as it is capable of being lifted above the level of egoistic satisfaction to a different type of self-awareness, the type that Kant defines as a sense of *personality*. This sense of personality emerges from an awareness of the ability to be able to act under a constraint provided by one's own reason with this ability requiring the sense that the law is something for which respect is due. I want now to turn to the

type of respect that is at issue in respect for the law before moving on to describing the basis for connecting respect for the law to respect for persons, particularly in the Formula of Humanity.

Types of Respect

Thus far I have discussed respect in a general way without attempting to classify the manner in which Kant's account of respect is both connected to, and in certain ways, different from, other ways of discussing respect. Stephen Darwall has described two distinct ways in which respect can be manifested describing one form of it as consisting in "a disposition to weigh appropriately in one's deliberations some feature of the thing in question and to act accordingly". The weight in question is described here as attaching to a "feature" of what is being evaluated, and due to this, Darwall terms this *recognition respect*.^v This type of respect refers, according to Darwall, to a type of fact that we give due weight to in deliberation. It is contrasted with the view of a certain kind of excellence being manifested in someone as part of his or her character. Recognition of this excellence is what Darwall terms *appraisal respect*. We can connect Darwall's distinctions to a duality in Kant's notion of respect. The description of the exemplar that is given in the *Critique of Practical Reason* as being a response to a person as meriting tribute is related to Darwall called *appraisal respect*. Mary Gregor has used the occasional reference by Kant to *reverentia* to describe this element of respect as reverential respect. She contrasts reverential respect with the respect that Kant articulates as due to all persons as such in the Formula of Humanity. This latter type of respect is surely related to what Darwall terms "recognition respect" with the recognition in question referring to the possession of the "fact" of pure reason in the person of each rational being.^{vi} Darwall's distinction is problematic if regarded as exclusively disjunctive since respect for the moral law would appear to involve both recognition respect and appraisal respect. Furthermore, if we relate Darwall's notion of appraisal respect to Gregor's notion of reverential respect it should be apparent that reverence is not really equivalent even to positive appraisal but rather marks a high degree of such appraisal. Given these refinements the distinctions of Darwall and Gregor capture a divergence of attention in regard to types

of respect for persons between that devoted to exemplars and that given in an egalitarian fashion to rational beings generally.

If we briefly return to the question of respect for the law then it is not to attempt to make further distinctions between types of respect. Rather, prior to relating respect for the law to respect for persons, I wish to re-focus attention on the manner in which respect for the law is to be understood. The description of the relation of the law to egoistic principles derived from empirical feeling made clear a distinction between two senses of selfhood, one that is driven by empirical feeling, and one that can be captured in terms of an ideal will. Kant identifies the possibility of formulating maxims in accordance with the conception of the ideal will with a capacity for personality, or, as he puts it in *Religion within the Limits of Reason Alone*, “the idea of humanity considered wholly intellectually” (Ak. 6: 28). On these grounds David Velleman notes that what is actually involved in reverential respect *for the law* is not a body of rules or even their abstract form but rather: “reverence for the authoritative self-ideal that the will’s intelligible aspect constitutes for it, which is precisely its aspect as self-governing legal authority”.^{vii} Hence, in a fundamental sense, respect for the law is equivalent to respect for the personality that is constituted in the autonomous act of self-legislation and thus part of respect for one’s own reason. However, in a partial correction of this emphasis Richard Dean points out that:

“The person who legislates moral law to herself but then flouts it does not provide such an example”.^{viii}

Dean seems to view this point as contradictory of the view that respect for the moral law can be understood as respect for the autonomy that is involved in legislating it, preferring instead the view that it should be seen as respect for the good will. However, what it corrects is not necessarily the sense of a relation between autonomy and respect for the moral law, as identification of the capacity for autonomy with reverential respect for the moral law, indicating that such reverential respect can be seen as respect for the good will whilst recognition respect for the moral law can be identified with recognition of the capacity for autonomy. The capacity for autonomy in general terms is however what is at issue in the egalitarian Formula of Humanity and it is this that is part of the rationale for its limitative characterisation in contrast to the positive account given of the Formula of Autonomy. What I wish now to

turn to is a description of how the respective relations involved in the two forms of respect that are presented in these alternative formulas are connected first in the *Groundwork* and subsequently in the description of duties in the *Metaphysics of Morals*.

The Formula of Humanity and the Formula of Autonomy

In the discussion of respect in the *Critique of Practical Reason* Kant states respect always applies only to persons and never to things (Ak. 5: 76) and this is part of the move towards the provision of the exemplar that makes the moral law intuitive. Now, in the second section of the *Groundwork*, Kant makes clear that the provision of the Formula of Universal Law is not sufficient to prove that there exists a pure practical law. If there is such a law it needs to incorporate in its statement an *a priori* connection between itself and the concept of the will of a rational being. The connection of the law with the concept of the will is what leads to the provision in this work of a rudimentary notion of the metaphysics of morals. The conception of the metaphysics of morals in the *Groundwork* is described in its “Preface” as an examination of the idea and the principles of a possible pure will.^{ix} This is connected to a type of end in the argument of the second section where it is initially introduced in a hypothetical manner: “But suppose there were something the *existence of which in itself* has an absolute worth, something which as *an end in itself* could be a ground of determinate laws; then in it, and in it alone, would lie the ground of a possible categorical imperative, that is, of a practical law” (Ak. 4: 428). This citation has been analysed by Allen Wood as containing three different elements: unconditionality, self-sufficiency and incommensurability.^x

The claim of unconditionality is that the end-in-itself is not part of a regress of conditions that refers to something beyond itself. In this sense its claim upon us is not relative to something else. The self-sufficiency of the end-in-itself is similar to its unconditionality but Wood stresses the point that the end-in-itself is an existent end, that is, not an end that requires being brought about. The notion of an end that is not one that requires being brought about has caused confusion with some commentators describing it as incoherent.^{xi} Wood, by contrast, presents the notion of an end that is not something to be produced as something “for the sake of which” we act.^{xiii} This

requires the view that whilst some ends are followed for the sake of production of something beyond them that others, by contrast, are the basis of ends having the responsive relation of appraisal at all and this point is what would be at issue in describing them as ends-in-themselves. Viewing the claim of self-sufficiency of the end-in-itself this way brings our understanding of it close to the notion of the incommensurability of this end, an incommensurability famously stated in Kant's claim that the dignity of the end-in-itself is opposed to anything that has a price as its dignity is without equivalence.

Viewing the end-in-itself in terms of its incommensurability connects the common possession of rational nature to an egalitarian claim on our attention, the claim at issue in the statement that the end-in-itself is "the supreme limiting condition of the freedom of action of every human being" (Ak. 4: 431). This supreme limiting condition is such that to view the end-in-itself any other way would be to deny its incommensurability in favour of a view of its possible exchange with something taken to be of greater worth. This is connected to the account of respect given earlier in the *Groundwork* where Kant describes it as properly being "the representation of a worth that infringes upon my self-love" (Ak. 4: 401n), a statement in accord with the move from egoistic sense of self to the principle of personality as traced in the *Critique of Practical Reason*. To relate to another as having a worth that requires respect is to understand them as having the characteristic of existing as an incommensurable end. The further statement of this point in the Doctrine of Virtue directly connects the understanding of incommensurability to a generalized egalitarian appraisal of worth when Kant states that viewing persons as themselves as ends-in-themselves is seeing them as possessed of dignity with dignity and personality are there directly correlated (Ak. 6: 462).

Persons thus are those capable of formulating maxims for action that are in accord with a principle of personality. It is due to this that they are incommensurable with anything else and this incommensurability is something we find in ourselves:

"the lawgiving itself, which determines all worth, must for that very reason have a dignity, that is, an unconditional, incomparable worth; and the word *respect* alone provides a becoming expression for the estimate of it that a rational being must give. *Autonomy* is therefore the ground of the

dignity of human nature and of every rational nature.” (Ak. 4: 436)

If autonomy is the ground of the dignity of rational nature and such autonomy is expressed primarily through the act of law-giving to oneself then we only need the reminder that effective recognition of this autonomy involves actions that are in accord with its permissible maxims. Moving on from the generality of discussion that is at work in the *Groundwork* and the *Critique of Practical Reason* I want to look next at the way in which this picture connects to two specific topics, namely, the account of duties of respect in the Doctrine of Virtue and the authorisation of conditions that secure the universal principle of right in the Doctrine of Right.

Duties of Respect in the Doctrine of Virtue

In the division of duties to others in the Doctrine of Virtue Kant distinguishes duties of respect from duties of love.^{xiii} The basic difference between them is that what Kant terms a “duty of love” is one the performance of which puts others under obligation to you whilst the duty of respect does not result in such an obligation on the part of others. The reason for the difference between these classes of duties concerns the type of claim they involve as in the case of duties of love no one in particular has any rightful claim to them whilst each of us has a legitimate title to being treated with respect (Ak. 6: 464). This further illustrates the egalitarian character of respect for persons as Kant makes manifest when he states that we cannot withdraw the respect that belongs to the quality of being human even to a vicious man “even though by his deeds he makes himself unworthy of it” (Ak. 6: 463). Duties of respect are hence duties towards others that have a specific legitimacy, which is that all can claim them and do so in accordance with their status as rational beings as such. Thus these duties are specifically owed to each person as a person but without being particular in their nature.^{xiv} Since these duties emerge from the Formula of Humanity they are intended to indicate ways in which the limitation of self-esteem by recognition of the dignity of others should be manifested. Viewed as such limitative duties they take a negative form, that is, they are expressed in terms of description of vices that would violate the duty of respect, rather than providing us with specific descriptions of virtue that would be equivalent to such respect being attained.

The vices that Kant discusses here are arrogance, defamation and ridicule. Arrogance is the first vice that would be contrary to duties of respect as it concerns a direct attitude of devaluation of others that would treat them with contempt comparative to the sense of one's own worth. So arrogance is a direct following of egoist principles. Arrogance is effectively related both to the other vices that are in opposition to the general duty of respect. For example, the action of defamation involves making public something prejudicial to others for the sake of pleasure in their downfall. For such pleasure to be a goal of ours is surely to manifest an attitude of disregard for others in comparison with our selves and this disregard implies a superior sense of our own comparative worth. The vice of ridicule of others is further a means of withdrawing respect from them in an exercise of comparative/competitive evaluation. This is why Dennis Klimchuck describes the vices that are opposed to the duty of respect as involving a representation of my judgment as the basis of another's value.^{xv} In conclusion I will turn to outlining a final point concerning the reciprocal basis of Kantian respect as manifested in the discussion of the condition for safeguarding the supreme principle of right.

Coercion and Mutual Freedom

The discussion of respect in the *Critique of Practical Reason* includes the dynamic picture of the action of the moral law on feeling taking place by means of hindering the influence of sensuous drives and, through this hindrance, promoting the positive drive of respect. The Doctrine of Right opens with the formulation of a universal principle that enables coordination of externally free actions with each other. However, just as the Formula of Universal Law is insufficient in the argument of the *Groundwork* to prove the reality of the claim on us of the moral law, so the formulation of the universal principle of right is not sufficient for a state of right. Whilst the Formula of Universal Law required supplementing by the Formula of Humanity, a formula that enabled recognition of the basis for treating respect for the law and respect for persons as integrally connected, the next stage of the account of right, by contrast, incorporates an authorization in the understanding of right that is the condition for its safeguard. The authorization in question is one for the use of *coercion*:

Resistance that counteracts the hindering of an effect promotes this effect and is consistent with it. Now whatever is wrong is a hindrance to freedom in accordance with universal laws. But coercion is a hindrance or resistance to freedom. Therefore, if a certain use of freedom is itself a hindrance to freedom in accordance with universal laws (i.e., wrong), coercion that is opposed to this (as a *hindering of a hindrance to freedom*) is consistent with freedom in accordance with universal laws, that is, it is right. Hence there is connected with right by the principle of contradiction an authorization to coerce someone who infringes upon it. (Ak. 6: 231)

Just as the account of respect in the *Critique of Practical Reason* indicated a dynamic picture of moral psychology so here we find an authorization to coercion to safeguard the state of right to be grounded on a conception of competing forces. The force that would undermine the state of right is the free operation of certain actions that are set against the universal condition of reciprocal recognition of freedom. In response to such violence Kant authorizes a *greater* violence that would secure the state of right. The authorization of this violence is one that hinders that which would hinder freedom. Similarly, respect, in his account of moral psychology, hinders the action of the drives to sensuous motivation and in hindering them, hinders something that would hinder freedom. Both with regard to internal and external freedom Kant presents a dynamical picture of opposing forces with, in each case, the resort to something that has a hindering effect on that which would hinder freedom. Since the free recognition of the moral law is equivalent to the sense that there is a possibility of acting in a manner that is not determined by sensational inputs then the recognition of rightful action is recognition of the general ground of free action. Persons are those whose possible maxims for action include acting in a manner that is based on free acknowledgement of a self-given universal law and the condition of right is the one that provides a minimum guarantee that such self-given law will not be permissibly undercut in external action. On these grounds the institution of a state of right is effective recognition of a universal dignity to persons with this effective recognition being the enabling condition of my own formation of autonomous maxims in relation to others. The general statement of recognition of the dignity of the rational nature of others stated in the Formula of Humanity is in

accord with the institutions given in the state of right and formulated in the universal principle of right. However, my acceptance of the legitimacy of the state of right is of a piece with the reciprocal acceptance by others of such a state. Hence the state of right is a *minimal* condition of respect or the background enabling condition of the possibility of virtue. Similarly to the Formula of Humanity it is also presented in an explicitly egalitarian manner as Kant refers to innate equality as “independence from being bound by others to more than one can in turn bind them” (Ak. 6: 238).

The general condition of respect having any chance of a sustainable ground is based fundamentally on the Doctrine of Right in the sense that it provides the conditions under which it is possible to not only possess rights but also to be able to exercise them. This is the reason why the principle of right has to lead from considerations of justification of private possession to the need for a state itself as when Kant writes: “A rightful condition is that relation of human beings among one another that contains the conditions under which alone everyone is able to *enjoy* his rights, and the formal condition under which this is possible in accordance with the idea of a will giving laws for everyone is called public justice.” (Ak. 6: 305-6)^{xvi} The point I want to make additional to Kant’s explicit one is that just as the basic recognition of the universal principle of right was intimately intertwined with an authorization for coercion, so, for the coercion thus justified to be effectively operational, requires that the greater violence it authorizes be manifested in *institutions*. Such institutions are the guarantee in principle of the effectivity of right but foremost amongst them is the state.

The importance of concluding with the discussion of the twin authorizations of coercion given in the Doctrine of Right is that effective restraint of persons in a manner that provides background conditions for the securing of moral health is presented here. These background conditions involve the regulation of the forces that would undermine the possibility of achieving recognition of respect for persons. It is due to them that respect for persons in the form of ethical conduct is possible. Hence, the setting of Kantian respect is one of political formation of will with this political formation being the ground of any possible actuality of reciprocal manifestation of respect so that the state is the basis of it being possible that there could be a kingdom of ends. Kant in *Religion within the Limits of Reason Alone* even explicitly states this where he writes, concerning the possibility of an ethical community that “without

the foundation of a political community, it could never be brought into existence by human beings” (Ak. 6: 94).^{xvii}

Concluding Reflections

In conclusion then what I have brought out is that whilst Kantian respect involves a legitimate inter-relation between persons and the law, a relation that shows the effective equivalence of respect for the law with respect for autonomy, that such respect has a background condition in the prior establishment of authorized coercion that guarantees right. This background condition is one that is the basis of there being any possibility of virtue despite the fact that it is far itself from being a virtuous condition. Respect for persons is comprehended by Kant fundamentally not as a maximal condition of moral action but rather as the basic minimal condition of attaining to personality. This entails that formation of a more truly desirable condition would have to supersede the basic conditions of respect but that nonetheless the provision of conditions in accord with respect is the ground of the formation of moral maxims.

ⁱ Kant directly compares the organization of the *Critique of Practical Reason* with that of the *Critique of Pure Reason*, indicating at the same time that the chapter on drives is the analogue of the Transcendental Aesthetic although this is part of a mis-description of the structure of the *Critique of Pure Reason* (Ak. 5: 90). Cf Lewis White Beck (1960) *A Commentary on Kant's Critique of Practical Reason* (The University of Chicago Press: Chicago and London), Chapter XII for his discussion of the “aesthetic” and p. 90-1, n2 for the translation of *Triebfeder* as “drive”.

ⁱⁱ That is not the only case where this is possible is evident not only from Kant’s subsequent expansion of the area of moral feeling in the *Metaphysics of Morals* but also from the argument of the *Critique of Aesthetic Judgment*.

ⁱⁱⁱ This raises a delicate question concerning whether respect for persons is therefore also itself necessarily indirect in Kant’s account. To clearly address this question would require relating the discussion of respect in the *Critique of Practical Reason* to the accounts of the formula of humanity in both the *Groundwork* and the *Metaphysics of Morals*, a larger task than can be encompassed here.

^{iv} Jeanine Grenberg (2005) *Kant and the Ethics of Humility: A Story of Dependence, Corruption, and Virtue* (Cambridge University Press: Cambridge and New York), p. 157.

^v Stephen Darwall (1977) “Two Kinds of Respect” *Ethics* 88:1, p. 38.

^{vi} Mary Gregor (1963) *Laws of Freedom: A Study of Kant’s Method of Applying the Categorical Imperative in the Metaphysik der Sitten* (Blackwell: Oxford and New York), p. 181n. The context of Gregor’s distinction is the account of duties of respect in the Doctrine of Virtue and we will turn to this subsequently.

^{vii} David Velleman (1999) “Love As A Moral Emotion” in David Velleman (2006) *Self to Self: Selected Essays* (Cambridge University Press: Cambridge and New York), p. 81. Although Velleman does not spell this out a natural consequence of this view is to understand respect for the law as effectively consisting in respect for autonomy.

^{viii} Richard Dean (2006) *The Value of Humanity in Kant’s Moral Theory* (Clarendon Press: Oxford and New York), p. 147.

^{ix} For an intriguing discussion of the change in the conception of “metaphysics of morals” between the *Groundwork* and the *Metaphysics of Morals* see Mary Gregor *op. cit.* Chapter 1.

^x Allen Wood (1995) “Humanity As An End in Itself” in P. Guyer (ed.) (1998) *Kant’s Groundwork of the Metaphysics of Morals: Critical Essays* (Rowman & Littlefield: Lanham and Oxford), pp. 168-70. Wood connects this analysis there to a controversial view of moral value from which I have here abstracted as it would require lengthy discussion.

^{xi} The lead in this charge seems to have been taken by Leslie Mulholland who states that the end-in-itself is not “in any reasonable sense, an end”. L. Mulholland (1990) *Kant’s System of Rights* (Columbia University Press: New York and Oxford), p. 103.

^{xii} Wood, *op.cit.* p. 169 and see also Allen Wood (2008) *Kantian Ethics* (Cambridge University Press: Cambridge and New York), p. 85.

^{xiii} I will leave duties of love substantially aside here. For a comparison between them that does not however, in my view, succeed in illuminating the contrast there is here, see Marcia Baron (1997) “Love and Respect in the *Doctrine of Virtue*” in Mark Timmons (ed.) (2002) *Kant’s Metaphysics of Morals: Interpretative Essays* (Oxford University Press: Oxford and New York).

^{xiv} For a suggestion for a need for such particularism to be developed in a manner that corrects Kant’s emphasis whilst relating to its core demand see Robert Noggle (1999) “Kantian Respect and Particular Persons” *Canadian Journal of Philosophy* 29:3: pp. 449-78. The particularism defended here is quite different from that articulated in the intuitionist presentation of Kant given in Philip Stratton-Lake (2000) *Kant, Duty and Moral Worth* (Routledge: London and New York) but comparison of these types of particularist account would be worth undertaking.

^{xv} Dennis Klimchuck (2003) “Three Types of Respect for Persons”, *Kantian Review* 7: p. 52.

^{xvi} Two points are worth making here: firstly, it is the *enjoyment* of rights, not the possession of them that requires the move beyond the state of nature, a point that shows that there are legitimate rights even within it and that justification of rights is hence not equivalent to justification of a state. For further exploration of this point see Gary Banham (2007) “Publicity and Provisional Right”, *Politics and Ethics Review* 3:1: pp. 73-89. The further consideration of the implications of this point requires detailed response to the very innovative and extensive treatment of state of nature theory in

Robert Nozick (1974) *Anarchy, State, and Utopia* (Blackwell: Oxford and New York). The second is that Kant again refers here to an egalitarian principle that is based on the point derived from the discussions of the *Groundwork* and the *Critique of Practical Reason* concerning the general possession of a predisposition to personality.

^{xvii} As Kant goes on to argue this is not an equivalence claim between political and ethical community as the latter has a special principle of its own in addition to its own form and constitution. Despite this the condition of possibility of the latter being achieved is the prior existence of the former.