





## The foundation of the metaphysics of the doctrine of right in Kant

### Background of the doctrine metaphysics of law in Kant

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### Abstract

The theme of this article is: The foundation of the metaphysics of the doctrine of right in Kant. The following problem was investigated: It is considered that the role of the philosopher has fallen into disuse, how can a will be free, while being submissive to the ethical and moral conditions of the norm? The following hypothesis was considered: This freedom defended by the philosopher may depend on the possibility for its existence to be possible, being free if it depends on the determination of compliance with the laws. The general objective of this work is to analyze how the philosopher, faced with contradictions, will develop rational solutions for submission to the ethical and moral conditions of the norm. The Specific Objectives of this work are: to analyze the supreme principle of morality; moral action and the concepts of reason and highlight the metaphysical character of both morality and law, addressed by Kantian works. This work is important from an individual and collective perspective, because in the introduction to the study of Law, Philosophy appears as a foundation and as the years pass within the legal and academic life, the norm goes more and more against custom, entering the individual compass. This is a theoretical qualitative research lasting six months. In concluding the study on the issues that underlie the metaphysics of morals, Kant no longer mentions the anthropological dualism, man as nature and reason, by sustaining the idea that starting from the rational, intelligible world, the human will will be free and overlap over all the influences of sensible nature.

**Keywords:** Moral. Virtue. Right. Metaphysics. Freedom.

### Resumo

O tema deste artigo é: A fundamentação da metafísica da doutrina do direito em Kant. Investigou-se o seguinte problema: Considera-se que o papel do filósofo caiu em desuso, como uma vontade pode ser livre, sendo ao mesmo tempo submissas as condições éticas e morais da norma? Cogitou-se a seguinte hipótese: Esta liberdade defendida pelo filósofo pode depender da possibilidade para que seja

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possível a sua existência podendo ser livre se depender da determinação da conformidade com as leis. O Objetivo geral deste trabalho é analisar como o filósofo perante as contradições desenvolverá soluções racionais para submissão às condições éticas e morais da norma. Os Objetivos Específicos deste trabalho são: analisar o princípio supremo da moralidade; a ação moral e os conceitos da razão e destacar o caráter metafísico tanto da moral quanto do direito, abordados pelas obras kantianas. Este trabalho é importante em uma perspectiva individual e coletiva, pois na introdução do estudo do Direito a Filosofia aparece como fundamento e ao passar dos anos dentro da vida jurídica e acadêmica a norma vai cada vez mais contra o costume, entrando no compasso individual. Trata-se de uma pesquisa qualitativa teórica com duração de seis meses. Ao concluir o estudo sobre as questões que a fundamentam a metafísica dos costumes, Kant no mais faz menção ao dualismo antropológico, homem como natureza e razão, ao sustentar a ideia que parte do mundo racional, inteligível, a vontade humana será livre e se sobrepõe sobre todas as influências da natureza sensível.

**Palavras-chave:** Moral. Virtude. Direito. Metafísica. Liberdade.

## **Introduction.**

The theme of this article is limited to the issue of the foundation of the metaphysics of law developed by the philosophical idea of Immanuel Kant. It becomes the objective to try as much as possible to elaborate the doctrine within the metaphysics of law. These who must arrive at the assumptions of values and morals, for the right. We will understand and consider certain aspects. Elements that are elaborated by the form that make us reflect and question about the essential objections proposed by Kant. That possibly justice may arise, when performed immediately, as long as this action stems from the human being. Therefore, freedom and its historical context as a process of reason must be verified, such as the deep relationship between reason and freedom.

The studies worked by Kant on morality and law are developed in the works elaborated by the philosopher. However, it stems from among the last works published by Kant, referring to the philosophy of development, which is specific to the numerous ideas about law and morals, which formed a theoretical and vast content about what is intended to be addressed (Pereira, 2011).

This article proposes to answer the following problem: It is considered that the role of the philosopher has fallen into disuse, how can a will be free, while being submissive to the ethical and moral conditions of the norm? The transcendental moral for Kant refers to the term of knowledge that is not attributed to objects. Kant uses the adjective transcendental in the sense of attributing a condition for it to be an object of knowledge. This way of transcending the obvious is characterized by the object, and suggested for morality. It is considered that there is the possibility of



transcending the representation of morality, as Kant realized in his observations and studies (Kant, 1980).

Analyzing some steps of Kant, which he intends to base the metaphysics of law, in order to reveal the necessary needs that the philosopher had in unraveling the essentials of the philosophy of reason. Initially, it can be said that throughout the chapters it will become clearer, that Kant did not intend only to theorize on the subject, but to develop constructions that reveal the genius behind a philosopher who will discover the man who from his nature possesses his rationality as an ally, participating in phenomena that produce effects far beyond those desired. Conditions that will guarantee the dignity of the positive foundation of the law. For, man has freedom not because he is rational, but because of what he represents for humanity, he has progressed with a positive character if harmoniously led to the universality of his reason, due to his own will to be free. In this way, the role of coercion and its necessity for law will be studied (Kant, 2013).

The hypothesis raised against the problem in question was: The freedom defended by the philosopher may depend on the possibility for its existence to be possible and may be free if it depends on the determination of compliance with the laws. For Kant, the representation of morality should not be based on issues arising from subjective and biased emotions, which dialogue very well with the transformations that will be driven by the senses. Therefore, actions that result from emotions, even if they are noble, such feelings are being interfered with and their moral action will be compromised. This phenomenon in the philosophical conception stems from the fact that morality must be objective and rational, which must be free of any interference so as not to tarnish its validity (Marcondes, 2009).

Its basis and purpose for the philosopher is to seek representations of principles that go beyond conventional moral reality. New foundations must be found that can express morality, which, when new theoretical objections are made, will be able to build a new gravitational axis of that elevated reason that expressed the senses. These that lead you to erroneous solutions, illusions that deceive rational data and let yourself be carried away by them, obstructing the search for true data. Reason in its role must provide truly pure information, which will be necessary for the search for universal truth. Therefore, morality must be seriously imposed (Almeida, 1997, & Nahra, 1995).

The general objective of this work is to analyze how the philosopher, faced with contradictions, will develop rational solutions for submission to the ethical and moral conditions of the norm. The philosopher considers that the action was not practiced either by duty or by inclination, therefore, it only had the selfish intention of the author who had the intention of generating results for himself. The merchant's



action in acting is immoral in accordance with moral duty, he acted only with duty and not in favor of reason (Kant, 2014).

For Kant, the foundation of the will has freedom as a concept, which without this understanding would not be able to understand freedom. This freedom is caused by the actions of living beings, provided they are rational. Its freedom is considered to be particular to causalities. Therefore, what makes man free is the autonomy that freedom has in relation to his will, which has the power to guide certain determinations endowed by reason. However, it is from the moment that the practical reason that gives freedom to man is submitted to the laws. It is noteworthy that man's freedom arises from the moral law, a fundamental circumstance for the ability to self-legislate (Saunders, et al., 2009).

The Specific Objectives of this work are: to analyze the supreme principle of morality; moral action and the concepts of reason and highlight the metaphysical character of both morality and law, addressed by Kantian works. Kant lurks that even reason is capable of understanding the principle of universality. The philosopher has as his idea the false promise of the man who makes it to take advantage of his own vulgar reason. Supposing that someone is extremely difficult and to overcome them decides to think of a promise, then has the intention of not fulfilling it. He who has promised to act with due prudence, will not make the false promise for fear of future consequences, not very favorable that may arise. Even with all the appropriate information, it cannot be said that the author of the promise was acting out of good morals. However, if the subject intends to get around the situation and wants to be sincere out of duty, for Kant, he states that it is enough for the subject to question himself to arrive at an answer (Kant & Rohden 2015).

According to Kantian thought, his ideas intend to build a moral system based on reason as a human foundation. Man takes reason as an essential substance for his actions, therefore, having as scope the law that becomes morally valid as an elaborate basis of the obligation of the necessity of being. Kant a priori classifies reason, vulgar or not, reason that has such principles in its production is closely linked to knowledge. It is not necessarily based on experience alone, in order to know and acquire pure reason aimed not at the will to act, it is based on the principles of human action, or merely on laws that are validated by morality, reason that has rules generated by morality is given by principles of pure and practical reason. Within the context, this purity is attributed to the rule of practical reason, related to man's action without the real interference of feeling, avoiding his inclinations that can harm pure thinking (Kant, 1980).

This work is important from an individual and collective perspective, because in the introduction to the study of Law, Philosophy appears as a foundation and as the years pass within the legal and academic life, the norm goes more and more



against custom, entering the individual compass. The works that will be highlighted by reason, such as what will be given by the supremacy of reason on the sensitive issues of the human being, based on fundamental characteristics constructed by the philosopher's thoughts. The freedom that is also treated as one of Kant's principles, but that is given as a certain condition of morality and law. Referring to the being that was given this condition, and that will be subject to morality and law, which is taken for granted and will be guaranteed by freedom. Therefore, the study will present the importance of philosophy that addresses law as a means of building a metaphysics that can understand the coexistence between the subject and the choices he makes.

For the elaboration of this article, the type of research used was the descriptive bibliographical one, having as research method the treatment of qualitative data of secondary nature, using as research instrument books, doctrines, articles and defended theses originating from the key words: Moral. Virtue, Right, Metaphysics, Freedom. Being made the analysis regarding the Metaphysics of Morals; Metaphysical foundation of morals; The concept of law in the philosophy of Immanuel Kant. This literature review research has an estimated time of six months. In the first and second month, a survey of the theoretical framework was carried out; in the third and fourth month, the literature review; in the fifth and sixth month, the elaboration of the pre-textual and post-textual elements that make up the entire work.

As stated by Gonçalves (2019a), the literature review consists of the perspective of bringing public bibliographic data as an instrument of reflection on a subject that is intended to be debated or dialogued. Qualitative research treats the collected information with analysis of all the nuances allowed in it (Gonçalves, 2019b).

### **The foundation of the metaphysics of the doctrine of right in Kant.**

Within the concept of goodwill as pointed out by HEIDEGGER, (1996 p.192), the philosopher thinks of countless associations, which in their first impact can be considered good, but when revisited can be bad, and not strictly good. Both can contain qualities or not. And without a deep understanding of a spirituality, it may affect the ability to judge certain issues, which will influence the courage of the decision and its purpose. Therefore, it can have a detrimental effect on its character of judgment, which will be given by the will of those who made use of these means. The individual will be merely bad character. In certain cases, even those who make use of these superior gifts must be discerned, and cannot be considered good, if by chance they do not have the good will to act ( Kant, 1980).

The action taken on the basis of duty has its moral value, and has not been developed as a purpose of the means to which it should be given. However, it should be given in determining the maxim. Without depending on the object that determines



who has some purpose, whether this is the real purpose of their action, however, it depends on the principle of wanting the action practiced with good will (Kant, 2013a & Lyra, 1986).

Kant exemplifies that, the cold blood of the criminal not only makes him much more dangerous but also immediately makes him even more abominable in our eyes than we thought he was without it (Kant, 2011).

The need for the duty of an action out of respect for the law, has as its object the effect of the action, which, when proposing its realization, may indeed feel an inclination, but never respect, as it is nothing more than an effect, it is not considered an activity of the will. In this way, respect cannot be subject to any inclination, even if that inclination is in general, whether it be of the being or of another, it may at first approve in the first case, and in the second case love it. Considered as favorable to man's own interest (Saunders, et al., 2009).

The philosopher considers that the action was not practiced either by duty or by inclination, therefore, it only had the selfish intention of the author who had the intention of generating results for himself. The merchant's action in acting is immoral in accordance with moral duty, he acted only with duty and not in favor of reason (Kant, 2014).

Kant (2013b, p.81) when discussing the preservation of life observed the man who, many times when preserving life, preserved according to duty.

It occurs with the emotional state of man, who has been happy to remain attentive to maintain the preservation of life. However, the man who is not happy tends to lose all his enthusiasm, he does not see the meaning in life for being in that situation, but with a lot of effort he tries to act with duty to preserve his life. The man who performs with charity and without benefiting, as long as it is not due to bad intentions, but for the simple satisfaction of finding happiness in doing good, will be considered a man of value, however, his action should not be confused as a duty. This situation is not considered a duty, but a personal characteristic of the need to generate the good deed. However, he who helps the miserable and needy and has no feelings for them, but still acts helping others, without showing feelings. This subject acts for moral duty or for the action that will result in the moral value of the man, even if, without interest, his action is in line with the morality of the human being (Kant, 1980 & Chauí, 2000).

It is understood that to act in order to have value, it must be practiced according to duty and it is not enough to be practiced simply by duty. Man must act for moral value. Even the one influenced by the feeling stems from the pathology. For Kant (2014, p.51), action is only exercised directly by reason, a moral action that depends exclusively on the rational being to be put into practice. The philosopher demonstrates the supremacy of reason through two situations: a patient who can



freely and spontaneously choose the pleasure of the meal, who can either influence the effects of the symptoms or renounce his own happiness in his favor; the other situation concerns religious love, which commands its unconditionality and even attributes it to its enemies. In the first situation raised by Kant, the existence of having by the individual is defined by an ordering of choice, therefore the individual simply wants to have something to satisfy his desire, regardless of what results, whether negative or positive. The second situation concerning love is for Kant:

Love as an inclination cannot be ordered, but doing good out of duty, even if we are not led to it by any inclination and even if a natural and invincible aversion is opposed to it, is a practical and not pathological love, which resides in will and not on the tendency of sensibility, on principles of action and not on languid compassion, it is only this love that can be ordered (Kant, 1980).

The definition of freedom has two aspects: one negative, inasmuch as it arises from the natural necessity, or cause of all irrational beings to be determined to be fully influenced by external and extraneous factors; and positive, it follows from this same freedom that, as a concept of causalities, it obtains the laws of pure practical reason. What presupposes freedom is the ability to determine oneself by will and choose or not to obey the laws, which was observed in the freedom that has morality as theft ( Kant, 1980, Kant, 2003).

However, it would be impossible to think rationally with just one's own conscience, even if one could receive a guide from elsewhere that concerns one's own judgment. To whom the subject must assign this faculty of judging, reason, if given to impulse, the subject must consider the author of the decisions he makes, even if influenced by strange factors, which through practical reason must consider himself free of himself. Therefore, such a will is under the light of the idea of freedom, to which Kant suggests that it be attributed in a practical sense, that will that exists in all rational beings (Beckenkamp, 2003).

The will that flows through the capacity to decide is a source of power that is contrary to the law of reason itself. For Kant, the will does not recognize this freedom as true. Now, the action that stems from morality may have had its ability to act without having been led by the sensitive inclinations of nature. It understands that the natural aspects of man are not eliminated, but only left aside, because they are subject to the will. Therefore, human discretion is given by the decision of the will and is a form of power, which can be conducted by pure reason or moral law. Animal discretion, different from man's, results from choices made by certain inclinations ( Lebrun, 2002 & Peres, 1988).

Concepts of autonomy, freedom and will are interconnected when given by Kant. However, these concepts are only constituted when human beings take reason



by nature. Freedom is presupposed by autonomy, since, to be autonomous, man must transcend the causal determinations of nature so that he can create a subject, with the capacity to produce other types that do not only result from nature. Kant, states that only in this way will it be possible to understand Kantian morality itself (Rohden, 1891).

Doubts that were only remedied with the critique of pure reason, second part, of 1787. The thinker resorts to the division of man, as a phenomenal being, sensitive and of appearance, and as a nominal being, an intelligent being. In the case of the phenomenal being, this is favorable to the causality of the experience susceptible to sensible inclinations. The nominal being, part of reason, where there is the cause of understanding proper to freedom. Now, man is nature and freedom, and when man acts morally, his action is the cause of other causes, that is, he acts as the creator of the law to which he submits, he intends to affirm freedom as morally produced causality (Kant , 2002).

Therefore, the action of the man who creates the legislation, as long as it stems from morality, is absolutely free from any sensible affectation caused by nature. However, freedom is the ability to initiate an action, as long as it overcomes the natural inclinations of man, even if it can also mean the will, since it is the cause of rational beings. It has freedom as a foundation that is subject to morality (Peres, 1988).

Kant in the metaphysics of morals begins the introduction to the doctrine of right. According to the philosopher, the doctrine of right is called the sum of all the laws for which an external legislation is possible (Kant, 2003).

For Kant, regarding external legislation when dealing with the doctrine of law, it will be formed later with positive law. Therefore, it is possible to distinguish between two currents: natural law and positive law. Although it defines law as positive law. The philosopher establishes a positive sense of the legality of the law that is established in written form. But, what defines for the philosopher as the foundation of law is reason, this element is necessary for its determination as a source of law and freedom (Almeida, 2006).

Kant makes it implicit when he states about what is called the doctrine of right, such that, for the right to be able to legislate externally, it must guarantee the freedom of the subjects. The law will only be possible if it supports an external legislation that is based on the coexistence of freedom. For it is possible that laws can be created within an external institution that deeply guarantees freedom. Therefore, the states have the capacity to legislate, and will be called laws of law in order to seek the preservation of the essential of the human being ( Kant, 2003).

For the philosopher, it presents the law as the sum of the laws that will be contextualized in the external legislation. Part of this understanding for some





concepts of legal science. It states that the jurist is the one who has an understanding of the law and, instructed in the laws, also learns to apply the laws of law, and during its application acquires knowledge that underlies the legal practice. This aspect of law arises and gives rise to the legal prudence of those versed in law, supported by law. This prudent action becomes the means to make the best decision for the well-being of the human being. It emphasizes that from the rational subject, this should have the full capacity to say the right resulting from external legislation (Pavão, 2002).

The subject may be influenced by the freedom he has to act, such choices affected by impulses, even if they are not determined, will not be pure in itself. So it depends on the discipline of rational habit. The decisions of human discretion must be based on rationality and not on natural sensitivity, if it is independent of this discretion, its meaning will be negative in terms of the subject's freedom. The right that presents itself as the possibility of acting by reason obeying the law, or even the subject may transgress them, which does not lead to consider the duty derived from a good will. Negative freedom is the condition that man sought to decide rationally without the proper need to choose out of duty. However, positive freedom is due to an action of the will when it is a kind of cause belonging to a subject who, insofar as they are rational, this freedom is taken as a property of the cause that will make it fully effective, since it is independent of any foreign sensitive influence. This freedom will be autonomous, that is, freedom will have the property to be a law for itself due to the acquired rational habit (Kant, 1995, Kant, 1980).

For the philosopher, freedom is the basis for moral conduct, through motive it is seen as a universal law created by reason, which will serve as a mold to lead the being to act autonomously. This universal law is the categorical imperative, which imposes itself on rational subjects. This use should not be taken to achieve any purpose, it serves to guide the subject through practical reason. Feeling that the philosopher notes that the categorical imperative is expressed is an a priori proposition, or an imposition on the rational subject, its sensory dimension. The essence of the human being is established in morality as an autonomous source of the categorical imperative. According to Kant, the subject's condition of acting here makes use of the aforementioned universal law that would have the possibility of creating the idea of practical reason for himself. In this sense, the internal freedom of the moral subject, and the external freedom of the legal subject are ordered by the possibility that the subject has regarding his action, which must be in accordance with the universal law. Kant says that freedom is independent of coercion carried out by another will, insofar as it coexists with the freedom of all guaranteed by universal law. Ordinary right that belong to the subject due to its nature ( Kant, 2003).



Universal law is the a priori support pillar of the morality that succeeds law. However, there is a distinction in terms of morality with regard to the motive of acting morally in reference to the legal motive, both can occur in some cases, since the subject acted for the moral that will be in accordance with the duty, the moral motive must respect the law. It differs from what happens in law, as there is the possibility that a law admits another motive that is not duty. However, legality does not limit the scope of law, even if objectively it is its orientation. Law will indirectly be moral in respect of legal duties, even if these are external, and established internally, such that it implies moral duty within the legal scope (Kant, 2003, Kant, 1980).

The categorical imperative does not prescribe any behavior that determines. Like the formal moral law. Universal law may arise before any empiricism arises. It is like the moral law, but the legal law is independent. You must not confuse the universal law with the positive law, rather the positive law informs you. The positive law is not perfect, based on the empirical nature, but its evolution will depend on the oppositions that arise from experience with the universal law, but even with the existence of these differences, both have something in common. The common law is taken as sources of morality, both follow the same broad sense that the faculty of reason has. Therefore, the existence of the difference between the moral imperative and the subject's internal need, that is, for morality, the law appears through the universal necessity that is present in the will of the moral subject, who will create an internal law for himself, without end or effectiveness. The external and effective legal imperative, the agent's action will be on external reality, the categorical imperative will be only one. Because it should be noted that the moral necessity and the realization of the legal imperative are not distant between them, but rather complement each other (Beckenkamp, 2003).

According to Kant, strict law is what is detached from ethics. Therefore, its external character requires no internal elements, no virtue is needed for it to be effective. It should be noted that there is an awareness on the part of the obligated subjects who are involved in the legal relationship, however, this awareness for it to be effective cannot be endowed with a motive, or it will not fulfill its legal role. However, what makes law effective is its ability to constrain the external. For example, the case of the creditor who fails to demand the right to collect. This will no longer be necessary for the right in the broad sense, for the simple fact that the creditor demands his right in the strict sense. The right follows the same understanding that belongs to the obligation, the subject in front of the right is obliged to comply with respect for the right, which he has as a way of obliging him through coercion. A question that alludes to the transcendental character of law, regarding the concept of reciprocal coercion, which agrees with universal freedom (Silveira, 2002).



For the philosopher, the case of this alleged right to equity refers to the fact that there is the possibility of a right without the existence of coercion. A balanced law endowed with a true claim within the law. Kant presents the case of the commercial society, through the terms of the contract they clarify that the profits must be divided in equal parts to the associates, however, if one of the partners works more and consequently generates more profit than the other partners, for the commercial society . the company will suffer setbacks, such that the partner that generated the most profit will also have a greater loss. This partner may, through equity, demand more than was proposed under the terms of the contract, even if this sharing is equal. In accordance with strict law, the claim may be rejected by the judge, who will not have at his disposal the knowledge of the information necessary to decide the value deserved by the partner. Another case would be the servant who received the annual salary, but the currency has devalued, as he no longer has the purchasing power to acquire what was stipulated at the beginning of the contract. The service continues to receive the amount stipulated in the contract, but the currency depreciates. However, if he decides to claim the right to be rewarded, the judge will be unable to grant this right, for the simple reason that the servant continues to receive the same amount stipulated in the contract. However, the value of the currency is no longer the same and none of this was specified in the contract, however, you can even claim compensation for part of the loss, provided that you claim the right of equity as a basis (Kant, 1980).

Kant's work that raises numerous debates among numerous scholars is about the foundation of the right of reason. Treated in the philosopher's Doctrine of Law, work that is based on the concepts and principles of a priori reason should not be questioned. However, what opposes it would be the validity of the normative and obligatory character of the principles that serve non-perfect rational beings. Kant states that within the debate raised by scholars, the fundamental question refers to the possibility or not of Law to seek its own concepts and fundamental principles that can theorize the morality that this was elaborated in its works, foundation of the metaphysics of customs and metaphysics of customs . Such that, it tries to present the foundation of the law in the moral theory – law that presupposes the moral theory and the principles that underlie it, the moral imperative. Since this will be the only way of interpreting the Doctrine of Law, if we do not wish to make the necessary observations and statements that may contradict the subject's own thinking. Any attempt to theorize about Kant's law on principles other than those of the author, based on pure practical reason, whether these principles are of mere understanding, or on principles of reason, will be considered contrary to the efforts that Kant had in elaborating the metaphysics of morals, as for the doctrine of law that will be part of it.



Therefore, the works were respectively unraveled with the intention of demonstrating the trajectory from morality to law ( Kant, 1980).

In the first study of the work *fundament da metaphysics*, the supreme principle of morality is grounded, which will serve as a guide so that the subject, at the moment he must practice an action, can act with the intention of seeking a morally correct action. In this work, the formative concepts of the theory of morality are constructed. For Kant, the moral action of those who act out of pure duty will be in accordance with the law. Acting out of greater respect, which is out of duty to whom, the actions of the subject who acts in this way, will not be thought of or intended to be anything other than obeying the a priori law of reason. The law of duty is inherent in all beings endowed with rationality. The duty possessed by the subject must be perceived to be established by the principle of morality, as well as the metaphysical character of the science of morality and law, since what he can understand in relation to duty will result in the transcendental elaboration. In this way, the rational subject, when putting into practice the mechanisms of reason itself, will be able to recognize the moment when he acts morally good.

### **Final considerations**

In the work *fundament da metaphysics of morals*, the treated concept of duty underwent an evolution, the philosopher worked on other concepts that formed the moral identity. Concepts also worked on, such as goodwill and the categorical imperative. So that they can be analyzed, it is necessary to elaborate the proper correlation with the principles of autonomy of the will and freedom, these that with the proper understanding will form the architecture of morals in Kant. The perspective about the construction of the present approach will be unviable to not observe the role that the reason is seen on the natural aspects of the human being. Therefore, it will be a condition determined by the foundation of morality, which must be abstracted from its structure, which is independent of the condition and root, of empirical data.

When contemplating pure moral philosophy, which is free of any empirical contingent factor, the philosopher constitutes reason as the absolute source of the moral law, which he sees represented by the idea of duty, and in its last instance provides the presentation of a morally good act. In this context, freedom stands out, since morality is only possible to the extent that reason determines, by itself, unconditionally, what must be obeyed within the circle of human action.

In the moral elaborated by Kant, duty is the need that the subject has in relation to his own action that he has in respect of the moral law, deliberates a priori by reason, an absolutely necessary law and with the due universal character of actions that oblige the subject to act according to a maxim expressed by the will of



desire to become a law, which has validity for all others. Kant says that every individual who has a good will will be able to arbitrate and choose the best rule for himself and for everyone.

Within this sphere, the conception of the moral law that will insert the categorical imperative, which is different from the other concepts, does not deal with the matter of action, but with the way in which the action takes place. As a result of this, the categorical imperative will be able to find the law that has necessary validity and that does not depend on a condition, an objective law that will serve the scope in general.

In concluding the study on the issues that underlie the metaphysics of morals, Kant no longer mentions the anthropological dualism, man as nature and reason, by sustaining the idea that starting from the rational, intelligible world, the human will will be free and overlap over all the influences of sensible nature. For, it will be able to strengthen the metaphysical character of the Kantian moral.

In another work, he studies the metaphysics of morals, the philosopher refers in particular to the science of law, which has a transcendental character of legal science. The title given to the matter of the metaphysical principles of the doctrine of law will be perceived. Circumstance that legally elaborated this universality since it is necessary, as proposed by Kant, but that this elaboration will only be possible if it respects the rational foundations, a priori. A condition that stems from this science of law that will not be established by the world of nature or empiricism.

So that the subject can understand the law, he must have a full understanding of the concept of will, as a determining factor of the ability to choose. This concept understands that, as well as freedom, it is fundamental for the constitution of the philosopher's rational system. In this way, it must be understood that the metaphysical right that, when constituted, will be able to abstract itself from the natural and sensitive dimension of the subject.

Supported by anthropological dualism, Kant solidifies the interrelationship between the concepts of will, discretion and freedom. In view of this, man will belong to the natural world who will be subject to the various influences, but as long as he is part of the intelligible world he will be able to choose according to what determined his reason, even when the will submits to the laws of reason and will elevate the subject to a duly free being, one who will make his choices because he is actually free. Therefore, the natural elements of man are not eliminated, but will be subjected to the will and arbitrariness of the human being. When the choice is given, the actions will be external and may require only what is in accordance with the law, the subject will act in the field of the norm, however, on the contrary, when the choice is guided by internal issues of the human being, the actions will take place in respect of morals.



For Kant, with regard to the difference between morality and law, he initially understands the motive of action. In this way, the law will act due to pathological inclinations, while with regard to morality, it will act out of respect for the law. Such that, it will make use of the external elements, for the law and, internal, for the moral, mentioned in the previous paragraph. But, doing one, it is observed that morality can consider both internal and external factors related to what motivated them. In this way, it will be possible to understand that morality, even if it cannot embarrass, the contract must be honored, regardless of time or errors that occur throughout the process.

It is argued that the insufficiency of morality as a factor that enables sociability, precisely because it believes that only the internal elements of human action could be sufficient. They are not. For this reason, limits were given to morality, Kant suggests law and adds coercion to it as an aspect that singles it out from morality. As the concept of freedom is the main element of moral and legal. Law is only possible when it is reconciled with coercion and freedom. Therefore, to be free is to be at the same time submissive to the norm. That for Kant, it will be all that add up to the conditions under which the subject's choice can be inserted into the choice of others, provided they are in accordance with a universal law. Therefore, the law is the simultaneity of the wills of imperfect rational individuals.

Therefore, the law has the coercive power conferred on it and which gives it the status to guarantee life in society. However, for the philosopher, coercibility is only seen as fair when freedom is threatened by the freedom of the other individual. It is understood that coercion will be fair. Finally, it is emphasized that the Law is directly linked to the competence to apply coercion. Therefore, the existence of a power that has legitimacy to exercise such competence is admitted, which will be practiced by civil society.

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