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| 1.introduction  The *Metaphysics of Morals* of 1797 is a work on which Kant had worked for many years. Already in a letter from December 31, 1765 (more than three decades before the final publication and still prior to the so-called silent decade), Kant wrote to the philosopher and mathematician, Johann Heinrich Lambert, emphasized by italics, concerning a “metaphys.: origin of practical worldly wisdom”. Twenty years later in the programmatic, preliminary engagement of a metaphysics of morals, the *Groundwork of the Metaphysics of Morals*, the intent to write such a volume resounds in the title.  A good portion of the pertinent themes (to be sure, without the doctrine of right), are found in the first *Critique*, the *Critique of Pure Reason*. There, Kant developed the notions of a metaphysics. Admittedly, in the “Preface” he speaks of only one, the metaphysics of nature (KrV, A xx f.). However, in the “Doctrine of Method,” one also finds a metaphysics of morals (KrV, A 841/B 869). In addition, Kant speaks of “pure moral laws” (KrV, A 807/B 835) and of “principles of morality” (KrV, A 823/B 851; see Höffe 42004, Chap. 21.2).  Far more themes are found in the *Groundwork*. According to its “Preface,” there are two kinds of laws: laws of nature and laws of freedom. Metaphysics consists in the determination of non-empirical principles established *a priori* and not merely formally; when it comes to the laws of freedom, one has the metaphysics of ethics. Because they are concerned with the rational part of ethics, they can also be called morals. Kant does not embrace today’s frequently observed distinction between an ethics that consists of the good life and a morality that consists of categorical duties.  Equally, Kant is not interested in a dismissal of metaphysics. He would call premature that metaphysical skepticism so popular in philosophical circles that is far older but clearly reflected in Habermas’ *Postmetaphysical Thinking*. He would do so not naively but out of the opinion that the specific task of philosophy is independent of all experience, and it is called “metaphysics” precisely because of its non-empirical character. As a sober definition of the task of pure philosophy, this take on metaphysics presupposes neither a doctrine of dual-worlds nor a doctrine of a dual-perspective.  The following reflections from the “Preface” of the *Groundwork* are worthy of mentioning as background for the “Introduction” to the *Metaphysics of Morals*: Here, Kant speaks of “ethical, worldly wisdom” rather than of “metaphysics.” Because of this and other ways of speaking (for example, talk of “morality” already in the *Critique of Pure Reason* (KpV, A 823/B 851); ambivalence in “ethical laws” and “moral laws” (KpV, B524); further, the appearance of the expression “Sitten” in the title), the distinction between morality (“Moral”) and ethics (“Sitten”) attributed to Hegel does not apply to Kant.  Rather than speaking of the “rational part” of ethics – which we could abbreviate as “rational ethics” – Kant speaks also of a “pure” moral philosophy (GMS, 4:388). In the process, the unarticulated notion of “morals” acquires a double meaning that might give rise to misunderstandings: In one sense, “morals” refers to the rational part of ethics that is to be strictly distinguished from the empirical part, that of practical anthropology (ibid.). In another sense, the expression “moral philosophy” indicates an area of philosophy (GMS, 4: 390). In the former sense, “morals” refers to a genuinely philosophical discipline, in the latter, though, to the object of moral philosophy.  At least two further elements of the “Preface” to the *Groundwork* must be kept in mind. According to Kant, *a priori*, i.e. moral, laws require “a judgment sharpened by experience” for two reasons: “partly to distinguish in what cases they are applicable, and partly to provide them with access to the will of the human being and efficacy for his fulfillment of them (GMS, 4:389). In the first case, the judgment exercises a judicative, in the second an executive function. This is because Kant still distinguishes between being “capable” of a practical, pure reason and being able to “make it effective” (ibid.).  Finally, Kant takes a metaphysics of morals to be “indispensably necessary;” first, on the basis of the ultimately theoretical ground “for investigating the source of the practical basic principles that lie a priori in our reason;” second, on the basis of a genuinely practical reason. With this latter reason, Kant places his project of a metaphysics of morals in the tradition of a truly practical philosophy that goes back to Aristotle (cf. *Nicomachean Ethics*, I 1 1095a5 f., see Höffe 32008, Part I): Because morals “remain subject to all sorts of corruption,” we need a “clue and supreme norm by which to appraise them correctly” (GMS, 4:390).   1. **A Mature Text**   Although Kant for many years had in mind the project of a metaphysics of morals, he wrote it in a manner typical of his taking time to allow for the development and maturing of his thought: that is, only after he had completed his critical work.  Just as with the text as a whole, the “Preface” and above all the “Introduction” are densely written. Their high density reminds one in places of articles in an encyclopedia. Schopenhauer views Kant’s *Doctrine of Right* simply as the product of the author’s senility (cf. *The World as Will and Representation*, Vol. 1, Book 4, § 62). Schopenhauer accuses Kant of producing an “odd mixture of irreconcilable errors” (i.e., weaknesses in fundamental ideas and argument). This accusation, however, can be rejected for the most part (as an initial attempt, s. Höffe 82004, Chap. IX). On the contrary, one finds no sign of senility, or condescendingly and polemically: no loquaciousness. Instead, Kant writes with great density. Because he has often and thoroughly thought through the themes and articulated them backwards and forwards, he now can present and ground them succinctly without detours and with limited meanderings.  This will be illuminated by what follows in the form of a commentary. Rather than being concerned with small-minded criticism – of the kind exercised by Sixtus Beckmess in Richard Wagner’s opera *Die Meistersinger* –that sinks into irrelevancies, I will try to make Kant talk, even to astonish the reader with respect to just how it is that our philosopher succeeds within limited space to present such a richness of thoughts, as well as, stated modestly, to achieve a high degree of persuasiveness.   1. **Outline of the “Introduction”**   I will concentrate on concepts and arguments that are characterized by two aspects: (1) those that are important for what Kant seeks to achieve and their justification, and (2) those that require explanation in order to understand the former.  First, an observation: It is obvious already by reading the outline that Kant, a careful, well-thought author, could hardly have allowed for the sequence that are the divisions of the “Introduction to the Metaphysics of Morals” as we have it. To the extent that what survived as Section I generally is concerned with the “Faculties of the Human Mind,” it could by all means come at the beginning. However, because it addresses “the relation … to moral laws,” it presupposes that these laws have already been introduced. Yet their “introduction” occurs in what now is Section II so that this section originally must have come first, which is the introduction of the project of the metaphysics of morals by the concept of moral laws followed by reflections on their relationship to the whole project.  Bernd Ludwig took this inconsistency as justification in his (1988) edition for inverting the sequence, and I follow his lead. (*The Cambridge Edition of the* *Works of Immanuel Kant* also follows Ludwig’s new arrangement. For sakes of clarity, I will in what follows additionally give the original sequence, as printed in the *Akademie Ausgabe*, in brackets.)  There is a second problem with the sequence that does not involve so clear an inconsistency: The original Section IV presents the preliminary concepts that “are common to both parts of the *Metaphysics of Morals*” (RL, 6:222). As a consequence, one could agree with Ludwig that the original Section III ought to be placed after the original Section IV. However, the presupposed differentiation by the Section IV (III) of the two parts, the Doctrine of Right and the Doctrine of Virtue, occurs already in Section III (IV) so that– from a systematic point of view – one can keep the traditional sequence: first, the “Division to a Metaphysics of Morals” (Sect. IV (III)) and then their common preliminary concepts (Sect. III (IV). Hence, in what follows I don’t follow Ludwig’s second change to the sequence of the text. In the end, for the following commentary at least, whether the “division” comes before the discussion of the “preliminary concepts” or vice versa is hardly significant.   1. **The Preface: Why merely “metaphysical first principles”?**   Let’s quickly recall the outline of the Preface: Kant discusses the particularity of the title *Doctrine of Right*; in response to the charge of obscurity, he calls for “scholastic precision” (RL, 6: 206); he maintains that “there can be only one true system of philosophy from principles” (RL 6:207); following a criterion of truth from Shaftesbury, he claims that “the critical philosophy’s turn must finally come to laugh last and so laugh best” (RL, 6:209); he announces that toward the end of the book, namely in the treatment of public right, we are confronted with some sections which he has “worked less thoroughly over” (ibid.); ultimately, Kant hopes “to have (…) ready shortly” the second part of the *Metaphysics of Morals* (ibid.).  In order to understand the *Doctrine of Right*, the first theme (that of the reason for its specific title) is most important: Since the “Architectonic” of the first *Critique*, Kant speaks of two metaphysics, a metaphysics of nature and a metaphysics of morals. The latter, he articulates modesty here already in the title. He doesn’t mention the “metaphysics of nature” but merely the “metaphysical first principles” not of nature but of “natural science” (RL, 6:205). In contrast, when it comes to the second form of metaphysics, the title is simply “Metaphysics.” In both of its two parts, the claims are limited to these “metaphysical first principles,” which appear already in the Lambert letter.  The “Preface” speaks only of the reason for the *Doctrine of Right*, not for the *Doctrine of Virtue*, whose own preface presents no reason, either. Kant’s argument when it comes to the *Doctrine of Right* is the following: It deals with a pure concept. Therefore, a metaphysics for this concept is possible, as well as necessary. Nonetheless, the concept “still looks to practice (application to cases that come up in experience” (RL, 6:205). As a consequence, in order to realize its goal, a metaphysical system of right also has “to take account, in its divisions, of the empirical variety of such cases” (ibid.).  The argument might not be convincing, but the title is: “First principles” (“Anfangsgründe”) is the Germanization of the Latin *principia* and the Greek *archai* – in the text, however, Kant only speaks of “principles” and does not state the difference of “principles” (“Prinzipien”) to “Anfangsgründe” (literal translation: first/originating reasons). Correctly, one can expect from a metaphysics only principles that shed light on praxis. However, praxis hardly consists of mere particular circumstances, but rather of types of circumstances that are highly generalized. The central topics Kant will deal with arise from the conditions of the application of the concept of right, i.e. from the coexistence of finite reasonable beings in a spatially limited earth (cf. RL, 6:230, s. Höffe 1999, Chap. 3.2. – 3.3), and from systematic, empirically-free reflections. From these follow the concepts of (1) the internally mine and yours, (2) the externally mine and yours (for this distinction, cf. RL, 6:237), and (3) public law which, in turn, will be systematically and exhaustively covered by the distinction into The Right of a State, The Right of Nations, and Cosmopolitan Right. The same occurs with respect to the three aspects of the externally mine and yours: to have something external, to acquire something external, and a public judiciary. We also have a threefold distinction with regard to acquiring something external: property right, personal right, and personal right with respect to things. All of these distinctions cover no particular circumstances, not even generalized types, but the systematic and comprehensive aspects in Kant’s legal thought. Thus, Zöller (2013, 12) is right in calling Kant’s notion of ‘right’ a concept directed to application in experience, but he is wrong in claiming that Kant’s basic divisions arise out of appeal to the empirical variety of legally relevant circumstances (*ibid*.).  Ultimately, it is difficult to decide what the “remarks” should be, which announce “examples” that are incapable of exhaustive presentation (cf. RL, 6:205). A possible candidate for what Kant has in mind could be equity and the right of necessity, which he discusses in the appendix to the “Introduction”. They are announced in the prior paragraph as “two cases.” However, they are by no means legal cases but concepts or, rather, types of reasons for decision-making (whose legal character is contentious). For that reason, they can hardly fall under Kant’s criterion of “empirical variety” (cf. RL, 6:205).  More likely candidates for what the remarks are meant to accomplish are the indented passages that have the actual character of remarks in the sense of a more thoroughgoing analysis. One must surely exempt § E (cf. RL, 6:232) in this respect because it is not concerned with empirical but with conceptual terminology (i.e. with the equivalence ofright and reciprocal coercion; ibid.). The same applies to the final paragraphs of § 7. The last paragraph in § 9 as well as in § 17, etc., have more the character of a remark. However, these kind of notes are not indented (for example, as in paragraphs 4 and 5 in § 7). Furthermore, what one can call the empirical incompleteness of cases has no effect on the exhaustiveness of the system of “immutable principles” with which is Kant’s concerned in § A (RL, 6:205 ; cf. RL, 6:242, where Kant says that “a scientific doctrine of morals” will trace out “completely the universal principles”).  Kant includes under the Doctrine of Right the epitome of laws and not something like ‘instruction’ with respect to law so that one could speak in today’s sense simply of right. Kant himself says “*ius*” (RL, 6:229). Given , in addition, that the limitation of the title to “first principles” is not convincing, the first part of the *Metaphysics of Morals* could be called simply the “Metaphysics of Right” (as Kant himself considers in RL, 6:205) or, as an analog to the “metaphysical” science of nature (RL, 6:215), “Metaphysical Right.” However, should the title emphasize the rational in contrast to the empirical, it could also have the title “Metaphysical Principles of Law” because “first reasons” (“Anfangsgründe”) technically are indistinguishable from “principles.” The reference to the incompleteness of the empirical remains in any case unnecessary.   1. **Section I: Idea of and Necessity for a Metaphysics of Morals**   Again, we begin with a brief summary of the content: In the original Section II, systematically now taken to be Section I, Kant separates the tasks announced in his title into the contrast between a metaphysics of the natural science and a metaphysics of morals (RL, 6:214-215); he focuses on the doctrine of morals as distinct from a doctrine of happiness (RL, 6:215-216); he explains that it is a duty to have a metaphysics of morals and that every human being also has it “within himself, though as a rule only in an obscure way” (RL, 6:216); parenthetically, he subsumes metaphysics under the concept of practical philosophy, a bit later he equates it to the school-philosophical discipline of “Philosophia practica universalis” (RL, 6:221 ) and views its alternative to be a “moral anthropology” that deals “only with the subjective conditions in human nature that hinder people or help them in fulfilling the laws of a metaphysics of morals” (RL, 6:217); finally, Kant identifies the subject-matter of a metaphysics of morals, now called “moral wisdom,” as the “practical in accordance with laws of freedom” which can have “principles that are independent of any theory” (RL, 6:217).  Decisive (and in comparison to earlier writings relatively new) is the differential analysis between the idea (and necessity) of a metaphysics and the duty to have a metaphysics of morals. Natural science with its concern with objects of external sense is allowed to “accept many principles as universal on the evidence of experience” without an *a priori* deduction (RL, 6:215). Chemists even depend “entirely on experience” and, nonetheless, assume necessity and universality (ibid.). Such approaches are fundamentally and completely denied for moral laws, in contrast to the prudential demands of a doctrine of happiness which needs to appeal fundamentally and completely to experience. It has to do so, because only experience “can teach what brings us joy” (RL, 6:215); purportedly rational reflections on the basis of experience are dismissed by Kant as an “apparently a priori reasoning” (ibid.). They are nothing than an experience raised by induction to generality. More importantly, they belong to a “tenuous” generality because “everyone must be allowed countless exceptions” (RL, 6:216).  From the perspective of empiricism which dominates many ethics today, these theses sound irreconcilably provocative. Yet for Kant, since the *Groundwork*, even since the *Critique of Pure Reason* (A 823/B 851), where morality is concerned with “absolutely necessary” ends, and the metaphysics of morals is concerned with *a priori* principles (B 869/ A 841), they are self-evident theses. According to Kant’s thesis, which is convincing up to this day, this is because when talking about morality, one is not concerned with what the German word “Sitten” means, namely, “manners and customs” (RL, 6:216). It is astonishing, though, that Kant makes this clear only at this point and not already earlier in his work – at the latest in the “Preface” to the *Groundwork*. In fact, however, Kant is even in the *Groundwork* already clear enough that what is at stake is a “pure will” completely determined “from a priori principles” (GMS, 4:390). Because of this categorical “ought”, everything depends (now in the *Metaphysics of Morals*) upon an absolute (they are not comparatively generalizable) and upon a universal, not generalized, legal legislation (RL, 6:216).  No less consistent and convincing is what at first appears to be an astonishing thesis: that it is a duty to have a metaphysics of morals. The thesis is astonishing only as long as one takes metaphysics to be a merely cognitive endeavor, which, of course, applies to the metaphysics of natural science but not to that of morality.  In order to understand Kant’s thesis, we must distinguish between two concepts, more precisely: between two aspects, and in addition between two levels of a metaphysics of morals. The text named M*etaphysics of Morals*, to be sure, has a cognitive character because it illuminates what the normal person “only in an obscure way” but, nonetheless, “has within himself” (RL, 6:216). Thus, it enlightens man about himself, so that there are two levels: the level of obscure knowledge and the level of bright and enlightened knowledge.  How, then, can there be a duty? The duty in question is not a cognitive a duty to bring something vaguely known into the bright light of knowledge, but a moral duty to have that which is only vaguely known. Kant gives no argument. A creative interpretation is required here that adheres closely to Kant’s convictions.  What follows seems to fit with those convictions: What is required morally is not knowledge but a moral attitude as the readiness to lead one’s life from a moral point of view. In some respects, it is a second-order duty that in a systematic respect is literally a pre-duty or pre-command: It is duty to subjugate oneself to duty. Similarly to the notion of the fact of reason, whose “autopoietical character” calls forth one to moral judgment (Höffe, 2012, 154), one should create or constitute oneself as a free being with practical reason. This task is, for Kant, a moral duty, and corresponds to an antecedent ‘ought’, to a proto-categorical imperative.  As is well-known, Kant’s philosophical ethics of autonomy systematically diverges fundamentally from Aristotle’s ethics of *eudaimonia*. Nonetheless, here it shows itself to be in conformity with Aristotle’s notion of a three-dimensionally practical philosophy: (moral) action is not merely the subject-matter. This action (gr. *praxis*), which is concerned with the overcoming of the “grossest” (including cognitive) and “most pernicious errors” (i.e., what is morally harmful in the highest sense; RL, 6:215), is also aimed at. Finally, morality is already present, not so much as an ‘is’, but most of all as a duty.  **6. Section II: A Rich Tableau of Concepts**  When it comes to the question how human mental capacities are related to moral laws, Kant develops in what was earlier labeled Section I, now Section II, a rich but also complicated range of concepts that he expands further in the section on the “Division” (Sect. IV (III)) and the section on the “preliminary concepts” (Sect. III (IV)). This kind of nuanced terminology satisfies the aspiration to “scholastic precision” (RL, 6:206) mentioned in the Preface. Every theory of action, moral psychology, and meta-ethics would do well to take it as a conceptual model.  According to the title of the section, one might expect at first an exhaustive tableau of human mental capacities that, then, would serve as the background for profiling moral laws. This expectation is dashed in two respects. Kant does not present all mental capacities as he does in the Introduction to the *Critique of the Power of Judgment*. There he discusses three: the faculty of cognition, the feeling of pleasure and displeasure, and the faculty of desire (KU, 5:177.). In this text, however, Kant is rather concerned immediately with the capacity relevant for praxis, the faculty of desire. The counterpart for the theoretical realm, the faculty of cognition, is not mentioned whereas the feeling of pleasure and displeasure is mentioned because it is in part connected to the faculty of desire.  When it comes to the faculty of desire, Kant begins with something that is easily overlooked, a capacity that is not specifically human. This capacity of a being “to act in accordance with its representations” he calls life (RL, 6:211). Kant doesn’t say to whom or what he attributes this capacity. Unquestionably, it is not possessed by every living being, for examples plants. When it comes to higherdeveloped animals, one can hardly deny its presence. *The Critique of the Power of Judgment* attributes to “the animals” the capacity to act according to representations, which is why, “they are still of the same genus as human beings (as living beings)” (KU, 5:464). To be sure, one would hardly attribute this capacity to all animals (e.g., cockroaches and ants) so that Kant would have been more precise if he had spoken just of “animals” and not “the animals.” We can also not draw from this passage – a passage which is concerned not with a theory of animals, but is part of the doctrine of method of the teleological judgment – that Kant would consider beings who lack this capacity (e.g., plants) not as living beings at all. Thankfully, since the respective questions are of an empirical nature, they are not relevant for the central aim of Section II (I). This is because only beings with practical reason engage in the relationship to the moral law referred to in the title of the section – the beings in question are, if we put aside angels and God, human beings.  With remarkable consistency as well as trenchant succinctness, Kant proceeds by means of three steps, which he never expressly distinguishes. First, he develops the concepts of pleasure and displeasure which are contrary to the moral law because they are “merely subjective” (RL, 6:211). Kant elaborates on these concepts by connecting them with two modes of action of the faculty of desire: desire and aversion. Next, Kant introduces the concepts of feeling and practical pleasure (in contrast to mere contemplative pleasure), and, in a further step, he presents the concepts of desire, inclination, interest, and concupiscence (RL, 6:213). The concept of interest constitutes a shift from subjective concepts to concepts which are explicitly morally relevant. However, because interest judges according to “a general rule” (RL, 6:212), it admits of, as a special case, universal rules or “pure rational principles” (ibid.) by which it becomes a “pure interest of reason” (RL, 6:213), and a “sense-free inclination” emerges (ibid.).  In the second step, Kant now turns to concepts that lead to morality but are not yet specifically moral concepts: choice, wish and will. The third step eventually leads to the genuinely moral concepts of freedom of choice (as opposed to animal choice) and to the positive and negative concept of freedom. Subsequently, the concepts of moral, juridical and ethical laws follow, as well as the concepts of legality and morality.  This tableau of concepts is already so rich that one is astonished to encounter their further development in the later Section III (IV). In any event, one must relativize the later section’s title of “preliminary concept”: As we can see, concepts that are “common to both parts of *The Metaphysics of Morals*” (RL, 6:222) are already developed in the Section II (I), which is devoted to mental capacities. What follows here is a closer discussion of some of those concepts:  Decisive is a pair of concepts that are not found before in either the *Groundwork* or in *the Critique of Practical Reason*. The two related but strictly distinct concepts of choice (“Willkür”) and will (“Wille”) appear for the first time in Section II (I) of the Introduction to the *Metaphysics of Morals*. Both are found under “the faculty of desire in accordance with concepts” (RL, 6:213) and consist of a “faculty to do or to refrain from doing as one pleases” (ibid.). Their difference lies in. When it comes to choice, the faculty of desire is directed towards “one’s action” (ibid.) whereas with will the concern is with “the ground determining choice to action” (ibid.). In this latter case, one no longer is determined by something external, which, then, is tantamount to practical reason itself (ibid.; cf. also GMS, 4: 413).  We should note that Kants, here, speaks simply of practical reason, without giving any further qualification. In doing so, Kant admits for all three possible forms, that of technically-practical,pragmatically-practical, and morally-practical reason. Because these forms increase in their demands, but no demands are made explicit in this passage, the least demanding form is what we are left with: When the notion of practical reason is left unqualified, we are dealing with technicallypractical reason, i.e. reason in its hypothetical and technical interpretation with its respective principles. The same threefold distinction – albeit not mentioned explicitly by Kant – holds for the the concept of the will: the will can take on a technical, pragmatic, and moral form. Since, again, we do not get any further qualification, Kant seems to mean the most basic form of the will, i.e. the technically-rational will.  Höwing (213, 37-42) goes to great lengths to determine what Kant might understand by a “faculty to do or to refrain from doing as one pleases” (RL, 6:213). Höwing’s conclusion is convincing that the relevant principles are not yet moral-practical principles. We can, however, also – and more readily – arrive at this conclusion when we take a closer look at the text itself and distinguish, as I have done here, the three steps in Kant’s presentation of his conceptual tableau. Such a reading interprets the passage on the „faculty of desire in accordance with concepts“ (RL, 6:213) as leading towards morality, but in doing so as not yet employing moral concepts. Three observations clearly support this interpretation. I present them in reverse order: (1) One encounters the notion of “pure,” hence, moral, practical reason for the first time only in the next paragraph (ibid.). (2) The final concept of the paragraph leading to morality – practical reason – is not qualified in any further sense; hence, it is not yet morally qualified. (3) Even “to do or refrain from doing as one pleases” lacks any moral qualification.  One encounters “free choice” where the determination occurs not by mere sensible impulses as is the case with animals but independent of them by means of pure reason: In accordance with the negative concept of freedom, the will here is a pure will because it is independent of sensible impulses. Positive freedom consists in “the ability of pure reason to be of itself practical” (RL, 6:214). In contrast to an occasional misunderstanding, pure practical reason does not consist in a (theoretical) ability to percieve the demands of morality but, rather, in the capacity to act morally on the basis of maxims.  The condition for an appropriate maxim consists in its “qulifying as universal law” (ibid.). Even if Kant speaks here of an “imperative” (ibd.) without the supplement “categorical,” it is the categorical imperative he is talking about, in its basic form as found in Section III (IV) (cf. RL, 6:224). The three forms of the categorical imperative which Kant distinguishes in the *Groundwork* (the formulas of natural law, human end, and kingdom of ends) are found neither in Section III(IV), nor here, in Section II (I). Kant’s explanation for the imperative (RL, 6:214), however, is already known from the *Groundwork* and the *Critique of Practical Reason*  (cf. KpV, §7): Because pure reason as a faculty of principles “does not have within it the matter of the law (...), there is nothing it can make the supreme law and determining ground of choice except the form” (RL, 6:214).  In his famous essay, “Two Concepts of Liberty,” Isaiah Berlin accuses Kant of only knowing the positive and not the more important concept of negative freedom. This accusation is astonishing because it contradicts Kant’s understanding of (negative) freedom as independence from sensible impulses (RL, 6:213) that one finds already in his earliest writings and is here simply repeated.  Just as there are two forms of metaphysics – that of natural science and of morality – so, too, there are two kind of laws, natural laws and the laws of freedom. The latter are also called “moral” laws (RL, 6:214). These laws of freedom occur in two forms. These two forms should, however, not be equated with the distinction between the Doctrine of Right and the Doctrine of Virtue: Where the laws of freedom are directed only to the conformity to law of external actions, they are “juridical” (ibid.). If the laws of freedom, however, themselves serve as determining grounds for action, they are “ethical” (ibid.).  At this point, we also get a further alternative which Kant will expand on in the following section (one cannot summarize more simply the complex phenomenon of morality): Freedom can be taken in an external and also in an internal sense with regard to choice: externally it is concerned with legality; internally with morality. Although there are two forms of laws of freedom, those of juridical and ethical laws of freedom, we do have an analogous situation to theoretical philosophy’s concept of two forms of intuition: space (with respect to outer sense) and time (with respect to inner sense). The juridical laws of freedom correspond to space; ethical laws of freedom correspond to time. Just as in the case of theoretical reason where time is concerned with both outer and inner objects, so here morality is concerned not only with the external but also the internal use of freedom “although they should not [in the sense of: need not ] always be considered in this respect” (RL, 6:214.).  **7. Section IV (III): On the Division of a Metaphysics of Morals**  In light of the disputed sequence of the sections, one might be advised to link Section IV (III) to Section II (I) with its treatment of faculties. On the one hand,Section IV(III) provides a more precise discussion of Section II’s (I) not yet developed concepts of the juridical (i.e., Jus) and the ethical (i.e., ethics). These as well as further concepts such as “legality–morality” as well as “external–internal legislation” are paired. In other words, they are part of that dichotomous character that, according to Kant’s *Lecture on Logic* (cf. Note 1 to §113), constitutes the sole a priori division of principles. On the other hand and in support of maintaining the traditional sequence of the sections, Kant employs concepts here such as duty and obligation that are not introduced until Section III’s (IV) treatment of preliminary concepts. As well, the footnote given to the title of Section IV (III) provides grounds for placing Section III (IV) (on preliminary concepts) prior to Section IV (III) (concerned with the organizational structure of a metaphysics of morals). Reflections on “the division of a system” fit better at the end of an introduction. In light of the disagreement over the sequencing, I hold to the traditional sequencing especially because, as has been said, the sequence doesn’t affect an objective discussion of the themes. At best one can say that Kant did not reach final clarity with the composition of the introduction: the conceptual pairing of the “juridical–ethical” as well as that of “legality–morality” are treated twice, but they are absent in the list of shared preliminary concepts; the concept of maxims plays a role already in Section II (I) (RL, 6:214) but is not actually discussed until Section III (IV) (RL, 6:225). Not least, what is given in the footnote as the “highest divided concept” of “right or wrong” as “aut fas aut nefas” [i.e.“proper or improper”] (RL, 6:218) is not found in the preliminary concepts of Section III (IV). There, one finds “right or wrong” paired with another Latin concept, that of “rectum aut minus rectum” (RL, 6:223), contrasted to just (”justum”) and unjust (”injustum”) (cf. RL, 6:224). Final clarity here is difficult to determine.  Section IV (III) begins with a concept of lawgiving whose qualification by the term “all” (RL, 6:218) appears to be plainly general. In fact we are here concerned with actions and thus not with all, but only with practical legislation. Since Kant mentions two options: not only “reason alone,” hence morality as prescriptive, but also “the choice of another” (ibid.), he could be speaking of the lawgiving of plain, and not yet moral practical reason. The “two elements” of practical lawgiving – a law as the obective, normative element and an incentive as a subjective, motivational element (cf. ibid.) – support such a reading. These two elements apply as well to sub-moral, hypothetical-practical laws that, to be sure, have as imperatives of prudence only the rank of empirical counsels (cf. GMS,4:418). However, a more careful reading discovers that the “two elements” are genuinely moral:  With regard to the law, the respective action is represented as a duty (RL, 6:218).Furthermore, what is referred to as the incentive is explained by the concept of obligation, which nequivocally has a moral nature according to the preliminary concepts as “the necessity of a free action under a categorical imperative of reason” (RL, 6:222). In this respect, the brackets after “all lawgiving” with its two possibilities of an “internal or external action” together with “by reason alone or by the choice of another” (RL,6:218) anticipate the alternative between an ethical or juridical introduced in the next paragraph. For this alternative concerns two different incentives: either one makes the “duty the incentive” (i.e., ethical lawgiving); or “an incentive other than the idea of duty” is permitted (i.e., juridical lawgiving; RL, 6:219). A few lines later Kant speaks of rightful and ethical legislation; and even later of doctrine of rights (or ius) and ethics. The three conceptual pairings of ethical-juridical lawgiving, rightful-ethical legislation, and the doctrine of right’s ius-ethics turn out to be equivalent.  Subsequently to this discussion, we get a lucid definition of legality (lawfu lness) as the (non-)conformity of an action with law with the supplement: “irrespective of the incentive to it” (RL, 6:219). When it comes to morality, in contrast, the idea of duty “is also the incentive to the action” (ibid.).  Consequently, Kant explains that ethical lawgiving (therefore ethics generally) applies the notion of duty to both internal and external actions because it applies to “everything that is a duty in general” (ibid.). When it comes to Kant’s precise formulation, though, one encounters a small discrepancy: On the one hand, not only ethics but also “ethical lawgiving” covers all duties; on the other hand, a part of lawgiving is not included in ethics, but rather in ius (cf. ibid.). Kant employs the example of the precept “pacta sunt servanda”, which he – not entirely consistent – sometimes translates with “contract” (ibid.); elsewhere as “promises agreed to must be kept” (RL, 6:220); and even as “keeping with promises made in a contract” (ibid.).  Leaving these small, linguistic discrepancies aside, Kant’s conceptual tableau proves to be highly complex yet, nonetheless, congruent with our fundamental moral intentions. In this respect, it appears to be superior to the simplyfied concepts employed ba many moral and legal philosophers today; it is highly suitable for the problem area of law and morality (see Höffe 2001, Part II, espec. Chap. 5). For it is one question is whether duties apply to external or internal actions: legal or ethical lawgiving, respectively duties of right or duties of virtue. It is an altogether different question whether one only fulfils duties simply because they are duties regardless what the actions are to which they are applied: morality in contrast to legality? And since acting from duty alone, i.e. morality, includes all duties, ethics needs to be examined from two perspectives: There are, on the one hand, duties specific to ethics that go beyond what is demanded by legal morality; and, on the other hand, all duties belong to ethics, not only those that are its specific duties.  Kant does not elaborate his concept of internal action, i.e. that which is distinctive of ethical lawgiving. If one invokes the Introduction to the Doctrine of Virtue, we could think of the notion of “self-constraint” (TL, 6:379). It makes sense that Kant, in this respect, speaks, of “internal lawgiving” (RL, 6:220 and 221).  In the last two paragraphs devoted to the further examination of ius and ethics, one encounters along the way examples for the different forms of lawgiving. It is part of juridical lawgiving – duties of right of which one can be coerced (RL, 6: 220) and duties “of narrow obligation” (TL, 6:390) – to fulfil one’s promise, whereas it is a virtue to fulfil it without being externally coerced (ibid.). Ethical lawgiving is by contrast exclusively (!) internal with its “directly-ethical duties” (RL, 6:221) of “wide obligation” (TL, 6:390) and demands “actions of benevolence” (RL, 6:220). To internal lawgiving, finally, belong all duties –the directly-ethical, i.e. genuinely ethical duties as well as the indirectly-ethical duties, i.e. the duties of right.  **8. Section III (IV): Preliminary Concepts**  The longest section of the “Introduction,” which consists of eight pages and is almost as long as the other three sections together, alludes to the tradition of scholastic philosophy with its subtitle that is placed in brackets, “Philosophia practica universalis” – especially to Christian Wolff’s text from 1738-39 with the same title. In the Preface to the Groundwork, Kant distanced himself sharply from the “celebrated Wolff” (GMS, 4:390). Despite his invocation of Wolff’s text in the subtitle here, Kant by no means retracts his criticism of him (i.e., the absence of a pure a priori principle). In stark contrast, Kant begins with a pure a prioriconcept – that of freedom defined as a pure rational concept (RL, 6:221).  Kant neither explains his criterion for selecting and organizing the concepts to follow, nor is such a criterion easy to detect from the text. The majority of the concepts as well as their sequencing can be explained by what for Kant is the vital task Metaphysics of Morals. That task is to develop a not only a legal-but also virtue-relevant theory of action in conjunction with the initial and guiding concept of freedom that is characteristic not of pure (i.e. “holy”: RL, 6:222) but, rather, of free creatures which are also sensuously stimulated. With the allusion of his subtitle, Kant means to show that in his Metaphysics of Morals he wishes to treat that same broad and comprehensive topic area of the doctrine of right and virtue  as Wolff had done. In fact (and in contrast to Wolff), Kant develops a genuine and rigorous theory of freedom.  Section III (IV) develops, thus, concepts which are common to both parts of the Metaphysics of Morals (RL, 6:222). More precisely, they are preliminary concepts and, as such, concepts which are not specific to one of the two parts. Above all, these are concepts that are not discussed in either part because of their generality. This procedure has the astonishing consequence that a conceptual pairing that is so central for law as “person” and “thing” (RL, 6:223) appears only in the passage on preliminary concepts and not – not even additionally – in the  Doctrine of Right proper.  When it comes to Kant’s concept of the person in the Metaphysics of Morals, there is an important passage in the Doctrine of Virtue. Its content should have appeared already among the preliminary concepts because of its meaning and validity for both parts of the Metaphysics of Morals. Within the passage “On Servility” in § 11 of the Doctrine of Virtue, one reads that a human being“regarded as a person, that is, as the subject of a morally practical reason” is “exalted above any price” (TL, 6:434). This is because he possesses a dignity, described as an “absolute inner worth,” because of which he can demand respect“from all other rational beings in the world” and “which he must also not forfeit” (TL, 6:435).  When in § B of the Introduction to the Doctrine of Right Kant speaks of a “universal law of freedom (RL, 6:230), one is to call on the preliminary concepts for adequate understanding. Where it comes to differentiations, they break down again dichotomously: theoretical-practical philosophy, negative-positive freedom, technical-categorical imperative, permitted-unpermitted, person-thing, right-wrong, etc.  As was said, Kant begins with the concept of freedom, declares it to be a pure rational concept, which for that reason makes it regulative rather than constitutive for theoretical philosophy. When it comes to its practical application, however, freedom demonstrates its reality by its practical principles (RL, 6:221) – here Kant alludes to his theory of the “fact of reason”.  “Unconditional practical laws,” which Kant also calls “moral” (ibid.), are based on this concept of freedom. When it comes to the qualification of laws, “moral” is here employed not in the sense of morality which is concerned with inclination, but rather in the sense of morality as a pure rational discipline (see GMS, 4:388) with its specific form of obligation.  These practical laws take on the character of imperatives when applied to sensible but nevertheless free beings, i.e. rational natural beings. Given their unconditionality, they take on the character of categorical imperatives. Two things are striking here: First is the obvious plural because there is more than one, single, unconditional practical law (on the plural, see RL, 6:227). The singular categorical imperative, more familiar to the Kant reader, appears only later in the text (RL, 6:225). Second, Kant identifies as the contrast to the categorical imperatives not the hypothetical imperatives as he does in the Groundwork. Hypothetical imperatives don’t appear in the Introduction at all although the criterion “command only conditionally” (RL, 6:221) corresponds to that of a hypothetical imperative. Kant introduces from the Groundwork only a subset of hypothetical imperatives, the technical imperatives. However, the introduction treats them as a whole (“All other imperatives are technical”; RL, 6:222). Pragmatic imperatives are not discussed, which could be explained by a remark in the Groundwork. There we read concerning the (pragmatic) imperatives of prudence that they would “agree entirely with those of skill”, i.e. with (technical) imperatives of skill, were there “a determined concept of happiness” (GMS, 4:417). This demand is not fulfilled, according to Kant, which he here – in the discussion on preliminary concepts – seems to silently embrace.  Presumably because Kant is primarily concerned with sensible rational beings, he is not always consistent in maintaining the distinction between imperatively indifferent practical laws and the (categorical) imperative. On the one hand, already in § 7 of the Critique of Practical Reason, he doesn’t introduce this imperatively indifferent law but the categorical imperative under the title“Fundamental Law of Pure Practical Reason.” Similarly in the Metaphysics of Morals a bit later, he will speak of the categorical imperative in the singular as“the supreme principle of the doctrine of morals” (RL, 6:226), and, again later, the (moral practical) law is qualified twice in a manner not applied to all rational  beings (i.e., not to pure, holy beings) but merely to sensible rational beings. On the other hand, Kant calls the law to be a “proposition that contains a categorical imperative (a command)” (RL, 6:227).  When Kant turns to the concepts of morally possible or impossible actions, he is interested exclusively in the morally necessary actions. Adherence to what is morally necessary is connected “with a pleasure (...) of a distinctive kind”, a moral feeling which – here Kant criticizes the British moral sense philosophers –for two reasons we take no account of “in practical laws of reason” (RL, 6:221). First, this feeling has nothing to do with “the basis of practical laws but only with the subjective effect in the mind” (ibid.). Second, this feeling does not add anything “objectively, i.e., in the judgment of reason” (ibid.). The Preface to the Doctrine of Virtue underscores this: Moral feeling is subjectively, and not objectively, practical. Here one is to think of that – intellectually effected – feeling of respect for the moral law (cf. KpV, 5:75, see also KU, §12). Consequently, a feeling always belongs to “the order of nature” (TL, 6:376).  From the many additional preliminary concepts that are introduced, let’s take a closer look at the following: According to the concept which Kant has introduced as a silent attack on Wolff, obligation is “the necessity of a free action under a categorical imperative,” not restricted but strengthened by the addition “of reason” (RL, 6:222). The bond of obligation to the categorical imperative is so tight that Kant can reverse it. Namely, a few paragraphs later he writes: “The categorical imperative (...) as such only affirms what obligation is” (RL, 6:225). This is followed by the familiar basic formula of the categorical imperative, which in the whole Metaphysics of Morals appears only here, in the Introduction:“act uopn a maxim that can also hold as a universal law” (ibid., see also 226). The justification why the categorical imperative can serve for universal lawgiving and the importance of the concept of maxims follow immediately.  Let’s return to Kant’s concept of obligation: It is a strictly normative and purely moral concept. The legal notion of obligation in civic law, usually occurring in the plural as liabilities, plays no role here when it comes to the task of a metaphysics of morals. What is to be recognized is that in this context obligation is, according to the crierion of necessity, a singular thing. (This is why Kant in the Doctrine of Virtue speaks of “only one obligation of virtue, whereas there are many duties of virtue”; TL, 6:410). Later, Kant speaks of obligation also in the plural, but then in a different sense that is closer to the concept of duties (cf. RL, 6:224).  Kant explains that “the ground of the possibility of categorical imperatives” lies in its exclusive connection to the freedom of choice (RL, 6:222). The additional concepts are related to freedom, or the obligation resulting from freedom, as well: Duty is labeled as the “matter of obligation” (ibid.). An action is a deed insofar as it is viewed “under obligatory laws” that are imputable to the agent as author. A person is a subject capable of this kind of imputation, where everything else is a thing (accordingly also all higher-ranking animals?). A deed that conforms to duty is “right;” whereas deeds contrary to duty are “wrong.”  Kant introduces next a set of paired concepts (“just and unjust”) that he rarely employs. In the context of the paired concepts of “right and wrong,” “just and unjust” are concerned with a subset of external laws. They are equated with the Latin notions of iustum and iniustum, which appear in § B of the Introduction to the Doctrine of Right in German as Recht and Unrecht. Assuming that there is a consistency to the concepts, what appears in the Introduction as “recht-unrecht” [“right-wrong”] is concerned with the whole, whereas “Recht-Unrecht” [“justunjust”] is concerned with that subset that is treated in the Introduction as related to external laws and, there, can be translated as “just-unjust.”  The next paragraph is probably the most frequently discussed piece of the entire Introduction: It consists of four (in part lengthy) sentences amounting to eighteen lines concerned with the topic of as possible “conflict of duties.” Without providing any example, the first sentence defines the theme: a conflict of duties occurs where a duty “wholly or in part” cancels another duty (RL, 6:224). The second sentence explains that duties that are opposed to one another are “inconcievable.” Kant gives a cogent, two-part argument: For one thing, because of the concepts of duty and obligation, particular actions have an objective practical necessity, for another thing, “two rules opposed to each another” cannot“be necessary at the same time” (ibid.). The third sentence states it is only possible that there are two grounds of obligation, one of which “is not a duty.” If, then, two such grounds of obligation conflict, Kant in the fourth sentence claims that practical philosophy (which, according to RL, 6:216 has as its object “ freedom of choice”) announces that not to the stronger obligation, but to the stronger ground of obligation should have priority.  I would like to offer a tentative interpretation of this topic, which in fact is a complex field of themes. My interpretation asks, initially, what examples apply to the sentences 2 and 3. The popular example for sentence 2, concerned with the conflict of duties, is one that Kant himself gives in his treatise “On a Supposed Right to Lie from Philanthropy”: the conflict between the prohibition of lying and the requirement to offer aid. According to his critics, Kant here demonstrates himself to be an inhuman rigorist. However, his arguments are not so easily dismissible: First, as an absolute duty with narrow obligation (cf. TL, 6:390), the prohibition of lying admits of no exception whereas the requirement to offer aid– as a duty of virtue and as an imperfect duty with wider obligation (cf. ibid.) – prescribes no concrete, particular action. Second, a lie, defined as “an intentionally untrue declaration to another (...) alsways harms another, even if not another individual, nevertheless humanity generally, inasmuch as it makes the source of right unusable (8:426). Put into a nutshell: If we have a conflict between a duty of right and a duty of virtue, a duty of virtue which would infringe the duty of right, would indeed be contrary to duty. Furthermore, Kant knows of no conflict between two genuine (i.e. moral, not positivistic) duties of right – and thre are good reasons to presume that such a conflict is difficult to imagine.  The criterion of “stronger obligation” mentioned in sentence 4 but rejected by Kant can’t hold because the necessity involved in the definition of obligation allows for no ‘more or less’ but only for ‘either necessary or not necessary.’ Kant doesn’t present this argument himself. What example can one give of two actions that obligate from grounds which vary in their strength? The ground for obligation, in Kant’s context, seems to be weaker than obligation itself; therefore, it involves less than necessity. If we imagine two non-necessary demands (e.g., in the Kantian spirit, two prudential imperatives aiming at one’s personal well being), it seems to be clear that in the case that two such imperatives conflict, one follows that councel that with greater probability or to a greater degree serves one’s own welfare.  Therefore, despite the common charge that Kant would be a inhuman rigorist, Kant’s thesis that there can be no conflict between duties is by no means odd, maybe even correct. | 1.导论  1797年出版的《道德形而上学》是康德多年思考的一个成果。早在1765年（距离《道德形而上学》的最终出版超过三十年，而且还早于康德学术生涯中所谓“沉默的十年”）的12月31日，康德在一封写给Johann Heinrich Lambert——当时的一位哲学家和数学家——的信中用斜体强调到。自己关注于一门“关于实践的生活智慧之源头的形而上学”。在这之后过了20年，康德发表了一部对一种道德形而上学理论进行纲领性、预备性规划的著作——《道德形而上学的奠基》，书名已经明白揭示了康德的写作目的。  本书主题中的相当一部分（准确的说，除了法权论），都在第一批判，即《纯粹理性批判》中有所涉及。在那里，康德发展了一种形而上学的主张。诚然。在“前言”中他只讲了其中的一个部分，自然形而上学。然而，在“方法论”中，人们也发现了一种道德形而上学。此外，康德也提到了“纯粹道德律令”和“道德原则”。  但是在《奠基》中，道德主题得到了更深入的探讨。据其“序言”，存在两种律法：自然律和自由律。形而上学的建立在于用非经验原则构建一个先验的但非纯形式的理论体系的决心，当用这种方法来考察自由律，便能触及到伦理的形而上学领域。因为这一领域涉及的是伦理的理性部分，也就是道德的领域。康德不接受当下时代由大量经验观察得到的在由对美好生活的追求构成的伦理学和由对绝对的义务进行明确的道德理论之间的区别。  同样，康德也不会对形而上学的祛除感兴趣。他会将这种在哲学界十分流行以至于显得非常古老但在哈贝马斯的《后形而上学思想》中有清晰反映的形而上学的怀疑主义称为草率的。他不是朴素地做出这种判断，而是出于那样的观念：哲学的特殊任务是要独立于一切经验而进行的，它被称作“形而上学”恰恰是因为自身非经验的特性。作为对纯粹哲学任务的严肃定义，这一观念表明形而上学的前提既不是一种二重世界主义也不是一种二重视角主义。  在《奠基》的前言中接下来的反思里值得一提的是《道德形而上学》的“导言”的背景。在这里，康德说到：“伦理的，生活世界的智慧”而不是“形而上学”。因为这种和其它的一些说法（例如，在《纯粹理性批判》里已经谈到的“道德”，康德在“伦理律令”和“道德律令”间有一种矛盾的心理；更进一步，在标题中出现的“Sitten”这一表达），归属于黑格尔的在道德（Moral）和伦理（Sitten）之间的区别并不适用于康德。  康德也谈论一种“纯粹的”道德哲学，而不仅仅是伦理的“理性部分”——我们可以将其简称为理性伦理。在这个过程中，未经阐明的“道德”概念由于具有双重含义而可能引起误解：从一种意义上说，“道德”归于那种和经验部分，即实践的人类学严格区分开来的伦理的理性部分。从另一种意义上说，“道德哲学”这一表达表明了一个哲学领域。在前一种意义上，“道德”归属于一个真正的哲学学科，然而，在后一种意义上，它是道德哲学的对象。  在《奠基》的“序言”部分至少还有两个要点必须被我们放在心上。据康德所言，一种先验学说，例如道德和法律，要求“一个判断的效力要得到经验的增强”，而这有两个原因：“一是区分它们试用何种情况，二是让它们能够进入人类意志并且愿意履行它们的要求。” 在第一种情况下，判断行使一种判决功能，第二种情况下行使的则是执行功能。这是因为康德依旧在实践的“能力”，纯粹理性和“使其产生效果”的可能性之间做出了区分。  最后，康德把一种道德形而上学放到了“不可或缺地必须”的地位，首先，在终极理论基础的根基上“作为研究位于我们先验理性中的实践基础原则的源泉”；其次，是在真正的实践理性的根基上。由于这后一种原因，康德将他的道德形而上学体系归属于一种可以追溯至亚里士多德的真正的实践哲学传统：因为道德问题“依然受到多种多样败坏”，我们需要一种“线索和最高的标准来正确的审视这些问题”。   1. 一个成熟的文本   尽管康德很多年来一直在心中构建他的道德形而上学体系，他还是在通过自己的特殊方法花费时间使自己的思想发展和成熟后才正式下笔：那就是，在他完成批判工作之后。  正如作为一个整体的文本，“前言”，尤其是“导言”被一气呵成的写就。它们那高度的紧密性让该部分作为一篇文章保留在一部百科全书中。叔本华将康德的《法权论》简单的视作作者衰老的产物。他指责康德制造了一些“不可调和的错误的奇怪混合”（例如，在基本思想和论证上的不足）。然而，这些指责中的大部分都可以被反驳。相反，人们没有发现康德衰老的迹象，或者居高临下和强词夺理：也没有喋喋不休。相反，康德的写作具有极高的紧密性。因为他通过主题反复地彻底思考并且阐述这些思想的来龙去脉，以至于他能简洁地呈现和坚实这些思想，在有限的曲折下避免了绕过多的弯路。  这些说法将在接下来以一种说明的形式得到阐明。我们不进行心胸狭窄的批判——正如理查德·瓦格纳的歌剧*Die Meistersinger*中的Sixtus Beckmess所做的那样——那只会陷入无关紧要的争论，我将努力还原康德之所言，甚至使读者伴随着尊重而震惊于我们的哲学家是如何在如此有限的理论空间内成功的呈现如此丰富的思想，并且，说得谦虚点，实现了高度的说服力。   1. 对“导论”的概述   我将专注于阐述那些有两方面特点的概念和论证：（1）那些对理解康德所追求的目标和相应辩护而言重要的地方；（2）为了理解第一点而需要进行解释的地方。  首先，可以认识到：康德作为一位考虑周全，深思熟虑的作者，几乎不允许我们随意改变他已完成的“道德形而上学导论”的叙述顺序，在读过概要后，这一点是很明显的。从某种程度上来说，第一节一般的讲述的是关于“人类心灵能力”的问题，而这从各种意义上来说都可以作为开端。然而，由于康德提到了“与道德律的……关系”，他以这些律令已经被介绍了作为前提。然而这些“介绍”在发生在第二节，所以这个方面必须首先得到阐述，以便通过道德律这一概念以及随之而来的它与整个理论体系的关系来论述道德形而上学的整体规划。  贝恩德·路德维希以这种不一致为理由，在他1988年编辑的版本中将康德的写作顺序进行了调换，我认同他的看法。（《剑桥康德作品全集》也认同这种新的排序。为了清晰起见，我会遵照传统在括号中给出原始的顺序，正如在*Akademie Ausgabe*的印刷中所做的那样。）  第二个关于顺序的问题不涉及如此清晰的顺序不一致：原初的第四节提出的基础概念：“是《道德形而上学》各个部分的论述共同需要的”。因此，人们会同意路德维希的看法，原初的第三节应该被放到第四节后面。然而，他的观点是以分化第四(三)节这两个部分为前提的，法权论和德性论在第三 (四)节中都有所涉及，所以——从一种动态的观点来看——人们可以保持康德的原初顺序：首先是“道德形而上学的划分”，然后是它们共同的预备概念。因此，接下来我不会按照路德维希对文本的第二个顺序调整行文。最后，至少在接下来的论述中，无论是“划分”的探讨先于“基础概念”还是相反，都无关紧要。   1. 前言：为什么只是“形而上学的第一原则”   让我们快速回顾一下前言的框架：康德探讨《法权论》论题的特殊性；作为对其文本晦涩性指控的回应，他要求“学术精确”；他认为“从基础原则只能得出一个真正的哲学体系”；在沙夫茨伯里的真理标准下，它认为“批判哲学的转向必将笑到最后，而且笑得最灿烂”；他宣称,在这本书的末尾,即在公共权力的处理部分,我们面临一些他“处理得不够详细”的部分。最后，康德希望“不久就可以准备好”《道德形而上学》的第二部。  为了理解《法权论》，第一个主题（由于它的特殊题目的原因）是最重要的：自从第一《批判》的“建筑学”开始，康德一直谈论两种形而上学，自然形而上学和道德形而上学。而这后一种，他已经在标题里进行了朴素的阐明。他没有提到“自然形而上学”，仅仅提到“自然科学”的而不是自然的“形而上学的第一原则” ，与此相对，当谈到第二种形式的形而上学，他使用的标题是简单的“形而上学”。在它的两个部分，一切主张都被“形而上学的第一原则”所限定，这个原则在写给兰伯特的信中已经提到了。  “前言”中仅仅谈到了《法权论》的论证，而没有提到《德性论》的，其自身的前言是无论证的。谈论《法权论》时，康德认为它涉及一个纯粹概念。因此，在这一方面的一种形而上学是可能的，也是必要的。但是，这个概念“看起来依然是实践的（可以应用到由经验而来的情况中）”。因此，为了理解它的目的，一种关于权利的形而上学体系也已经“在其划分上考虑到经验的多种情形”。  这个论点可能不是那么让人信服，但标题：“第一原则”（Anfangsgründe）是德语由拉丁语的*principia*和希腊语的*archai*翻译而来的——然而在文本中，康德仅仅使用“principles”但没有阐明“principles” (“Prinzipien”)和“Anfangsgründe”的区别（文学的翻译：第一/原始原因）。准确的说，人们可以期待仅仅从形而上学原则中揭示现实。然而，现实与其说仅仅由特殊情形构成，不如说由高度普遍的情形种类形成。康德将要处理的中心主题来自权利概念的应用条件，即有限理性的存在在一个有限空间的地球上的共存，以及系统的，无经验的思考。这些条件伴随着以下观念：（1）我和你的内在，（2）我们的外在，以及（3）公共法律将依次被邦国权利，国家权利，世界公民权利之间的区别系统地、完全地覆盖。对你我的外在而言相同的三个方面：有一些外在事物，对外在事物有所需求，以及一个公共的司法制度。在涉及外在索取方面我们也有三部分的区分：财产权，人身权以及在涉及事物方面的个人权利。所有这些区别不存在特殊情况，虽然不是普遍的类型，但也是康德法权思想中系统的和综合的方面。因而，Zöller是正确的，他认为康德的“权利”概念是一个直接应用到经验上的概念，但他的错误在于，他声称康德的基本划分会引起对法律在各种情况下进行实证的要求。  最终，很难决定“评论”应该是什么，它宣布“例子”是不能详尽呈现的。康德心中的答案的候选可能是公平和必要的权利，这些方面他在“导论”的附录里进行了探讨。它们在之前的段落作为“两个例子”得到说明。然而，它们绝不是法律案例，而是概念，或者毋宁说是做决定的理性的两种类型（它的法权特征是好争论的）。由于这个原因，它们很难归入康德的“经验多样性”准则。  从一种更彻底分析的意义上说，更有可能的“评论”的候选会在那些有着实际“评论”特征的首行缩进的段落找到。在这方面有一种情况必须确保被排除，因为它不涉及经验而涉及概念术语（例如，涉及权利等值以及相互的强制）。上述情况也适用于§ 7和§ 9以及§ 17的最后一段，它们都有更多的“评论”特征。但是这些文本没有缩进（如§ 7的第四段和第五段那样）。此外，我们可以称为经验不完备情况下对系统的穷尽性没有影响的“不变的原则”正是康德在§ A中所关注的。（RL, 6:205 ; cf. RL, 6:242,康德在哪里说到，“一种科学的德性论将”描绘出“彻底的普遍原则”）。  康德的法权论体系包括了法律的缩影,而不是某种法律方面的“导论”，以便人们可以在现今的意义上简单的谈论权利。这种东西康德自己称之为“*ius*”。此外，鉴于“第一原则”这个标题的限制不能令人信服，《道德形而上学》的第一部分可以简单的称为“权利形而上学”（正如康德自己在RL, 6:205中考虑的那样），或者，作为对“形而上学的”自然科学的模仿，称为“形而上学的权利”。然而，标题应该强调理性与经验的对比，所以标题也可以是“法权的形而上学原则”，因为“第一原因”（Anfangsgründe）在学术上与“原则”是难以区分的。对经验的不完整性的涉及依然在任何情况下都是不必要的。   1. 第一节：一种道德形而上学的理念和必要性   同样，我们以一个内容的简要总结作为开始：在原初的第二节，即我们的论述体系下的第一节，康德在标题中对研究体系进行了区分，即对自然科学的形而上学和道德的形而上学进行了对比；他的重点是将德性论从一种幸福论中分离出来；他解释我们有义务建立一种道德形而上学，而且每一个人类都“内在的，尽管只是以一种隐晦的方式将其作为准则”；顺便，他将形而上学归入实践哲学这一概念之下，稍后，他又将其等同于“ 一般实践哲学”的经院哲学学科，而且认为它将替代“道德人类学”，这种学说“只处理那种在人性中阻碍或帮助人们履行道德形而上学律令的主观条件”；最后，康德确定了道德形而上学的主题，现在也可以被称为“道德的智慧”，即“遵照自由律进行实践”，其中可以有“独立于任何理论的原则”。决定性的（而且相对于之前的著作比较新的思想）是在形而上学的观念（以及必要性）和构建一种道德形而上学的义务之间的差异性分析。自然科学由于其关注的是外部的感官对象而允许在没有先验演绎的情况下“接受一些由经验进行证明的原则的普遍性”。化学家尽管假设必然性和普遍性，但他们甚至是依靠“完全的经验”的。这样的方法是从根本上彻底否定了道德律，而相比之下，一种幸福学说的审慎要求需要从根本上彻底求助于经验。之所以这样，因为只有经验“能告诉我们什么可以给我们带来愉快”；经验基础上的有根据的理性反思被康德作为一种“显然的先验推理”而遭到驳斥。它们无非是通过归纳将经验提升到普遍性。更重要的是，这种一般性是“脆弱的”，因为“每个人都必须被允许无数的例外”。  从经验主义视角在伦理学中占据统治地位的今天来看，康德的理论听起来有一种难以调和的挑衅意味。然而在康德那里，从《奠基》，甚至从《纯粹理性批判开始》，道德是关于“绝对必然性”的，而且道德形而上学是关于先验原则的，它们都是自明的理论。康德的相关理论，近些年来说服力上升了，这是因为当谈论道德时，人们关注的不是德文词“Sitten”，即“礼仪和习俗”。然而令人惊奇的是，最迟在《奠基》的“序言”——在它之前的工作中还没有准备好——中，康德就已经弄清楚了这一点。然而，事实上康德甚至在《奠基》中已经足够清楚：处于紧要关头的是认识到“纯粹意志”完全由“一个先验原则”所决定。因为这个直言的“应当”，一切都依赖（现在是在《道德形而上学》中）于一个绝对的（它们不是相对可归纳的）和普遍的，而不是归纳的合法规定。  不一致的和难以令人信服的起初似乎是一个令人惊奇的论断：拥有道德形而上学是一种义务。只要一个人仅仅把形而上学作为一种认知上的努力，那么它就会觉得这一论断是令人惊奇的，当然，这种认知的努力被应用于自然科学的形而上学而不是那种道德的形而上学。  为了理解康德的理论，我们必须区分两个概念，更准确的说，两个方面，此外还有道德形而上学的两个层次。《道德形而上学》这本著作，由于其点亮了普通人“自身内部所拥有的东西”，尽管“只以一种不起眼的方式”，毫无疑问具有一种认知的特征。于是，它启发了人们关于自身的认知，因而这里就有两个层次：晦涩知识的层次和鲜活的、启迪的知识的层次。  然后，如何有一种义务？这个问题中的义务不是那种把一些模糊的认识上升到澄明知识的认知的义务，而是一种掌握那些仅仅模糊了解的意识的道德义务。康德并没有进行论证。一个富有创造性的解释在这里要求做到紧随康德的信念。  接下来的阐述似乎适合那些信念：所需要的道德不是知识，而是一种道德态度，在这种态度下，一个人原意以一种道德的观点引导自己的生活。在某些方面，它是一个二阶的义务，按字面的说法在系统方面就是“前-义务”或“前-命令”：它是使某人服从义务的义务。类似的理性事实的概念，它的“自制的特性”唤起一个人的道德判断，他应该作为一个自由的存在以实践理性建立或构成自身。对康德而言，这个任务是道德的义务，并且把一个先行的应该对应到原-绝对命令。  众所周知，康德的系统的自为的哲学伦理学从根本上与亚里士多德的“幸福主义”伦理学背道而驰。尽管在这里它显示自己与亚里士多德的三维的实践哲学概念相符：（道德的）行动不仅仅是主题。这个行动，关注的是“最显而易见的”（包括认知的）和“最有害的错误”（例如，什么是最高意义上的道德的损害）的克服，而且也以此为目的。最后，道德已经存在，相对于说它“是”什么，最重要的是它是一种义务。  6.第二节：一幅丰富的概念图画    当涉及人类的心灵的（mental）能力是如何与道德法则联系起来的问题时，康德在已经被标示出来的第一节，现在在第二节，形成了一套丰富而复杂的概念，这套概念在论“划分”那一节 (Sect. IV (III)) 和论“预备概念”那一节 (Sect. III (IV))进一步拓展。正如序言所言，这些细致入微的术语满足“学术精确”的要求。每种行为理论，道德心理学和元伦理学，如果将其作为一个概念的模型，将会得到良好的处理。  根据此节的标题，人们首先或许期待一副详尽的描绘人类心灵的能力的画面，充当描绘道德法则的背景的作用。这一预期在两个方面被破灭。康德未像他在《判断力批判》导言中所做的一样，呈现出所有的心灵的能力。在这里他谈论了三点：认知能力，愉快和不愉快的情感，欲求能力 (KU, 5:177.)。然而，在这个文本中，毋宁说康德直接关注的是与实践相关的能力——欲求能力。与之相对的理论领域——认识能力——未被提及，而愉快和不愉快的情感却被提及是因为它部分的与欲求能力相关联。  当涉及欲求能力时，康德从那些易被忽视的事情开始——一种不仅限于人的能力。他将这种一个存在者“依据其表象去去行动”的能力称为生命（life）。康德没有说明他将这种能力归属于什么。毫无疑问的是，这种能力并非任何有生命者所拥有的，例如植物。就高级动物而言，几乎无法否定其存在。《判断力批判》将根据表象去行动的能力归属于“此种动物（the animals）”，这正是“它们仍然与人类处于同一个属的原因（作为生物）”(KU, 5:464)。诚然，几乎不能将这种能力归属于所有的动物（例如，蟑螂和蚂蚁），如果是这样康德称“动物(animals)”而非“此种动物（the animals）”会更加精确。我们同样不能从这个段落——不是关于动物的理论，而是目的论判断力的方法论的一部分——中得出康德将缺乏这种能力的存在者视为非生物。万幸的是，这个代表性的问题只是属于经验的自然，而未涉及第二节的主要目的。参照章节的标题，这是因为只有有实践理性的存在者涉及与道德法则的联系——问题在于存在者是人类，而非天使和上帝。  带着显著的一致性和犀利的简洁性，康德通过三步继续前进，这三步他从未明确地区分。第一步，他形成了愉快和不愉快的概念，这些概念由于仅仅是主观的而与道德法则相对立 (RL, 6:211)。康德通过将它们与欲求能力的两种行动模式——欲求和憎恶——联系起来，详细描述了这些概念。接着，康德介绍了情感和实践的愉快的概念（与仅仅是沉思的愉快相对比），更进一步，他描述了欲求、偏好、兴趣和情欲的概念(RL, 6:213)。兴趣的概念包含了从主观的概念向明确地与道德相关的转变。然而，因为兴趣根据一个普遍的规则做判断(RL, 6:212)，作为一个特例，它承认普遍的规则或“纯粹的理性的原则”，通过它兴趣成为一个“纯粹的理性的兴趣”(RL, 6:213)和一个“不受感官约束的偏好”的显现。  第二步，康德转向了引出道德（morality）但至今不明确的道德概念：抉择、愿望和意志。第三步最终引出了自由选择的真正地道德的概念（作为动物选择的对立面）和积极的自由和消极的自由的概念。随后跟随的是道德的概念、法学的和伦理法则、合法性（legality）的概念和道德性的概念。  这幅概念的图画是如此的丰富以至于某人当他在第三节遇到进一步的发展时会大吃一惊。无论如何，必须将后一节“预备概念”的标题相对比：我们可以看到，“《道德形而上学》两部分常见”(RL, 6:222)的概念早已在致力于心灵的能力的第二节就形成了。在这里紧跟其后的是这些概念中的一部分的进一步的探讨：  决定性的是一对在之前的《奠基》和《实践理性批判》中未发现的概念。两个相联系但严格地区别的概念——抉择(“Willkür”) 和意志 (“Wille”)——第一次出现在《道德形而上学》的导言的第二节中。它们都是在“根据概念的欲求能力”(RL, 6:213)和包括“根据喜好有所为或者有所不为的能力” (ibid.)下发现的。它们的不同之处在于：当谈到抉择时，欲求能力直接指向“某人的行为” (ibid.)，然而谈到意志时，涉及的是“决定选择去行动的根据” (ibid.)。就后者而言，某人不再是被外在的某物决定的，而是相当于于实践理性自身 (ibid.; cf. also GMS, 4: 413)。  我们应该注意，康德在这里简单地提了实践理性而没有给出进一步的限定。当他这样做时，康德承认了三个可能形式——技术实践理性、实用实践理性和道德实践理性。因为这些形式以它们的需求增加，但是在该文中没有明确表达的需求，需求最少的形式是我们剩下的：当实践理性的观念是未经限定的时，我们在处理的是技术地实践理性，也就是理性在其带有各自的原则的假设的和技术的解释中。相同的三重的区分——即使未被康德明确地提及——为了意志的概念而持有：意志可以具有技术的、实用的和道德的形式。因此，我们没有得到任何进一步的限定，康德似乎意指意志的最基本的形式，也就是技术理性的意志。  Höwing(213, 37-42) 竭尽所能地通过“根据喜好有所为或者有所不为的能力” (RL, 6:213)去确定康德的理解。Höwing的结论是有说服力的，相关的原理不是道德实践原理。然而，当我们更近一步阅读文本和辨别在康德所呈现出的概念图画中的三个步骤，正如我在这里所做的，我们也可以——更容易地——得出这个结论。这种阅读解释了“根据概念的欲求能力”(RL, 6:213)引出道德的段落，但是这样做时仍未使用道德的概念。三个观察结果清楚地支持这种解释。我将它们以倒序的方式表达出来：（1）遇到“纯粹”的观念，因此，道德的，实践的理性第一次出现只在下一段(ibid.)。（2）这一段的最后一个概念引出道德性——实践理性——并无进一步的限定，因此，它仍未被道德地限定。（3）甚至“根据喜好有所为或者有所不为”缺乏任何道德的限定。 遇到决定发生的“自由选择”的地方，一个人不是像动物一样通过感性冲动而是借助于纯粹理性而独立于感性冲动：根据消极自由的概念，此处的意志是一个纯粹意志，因为它独立于感性冲动。积极自由在于“纯粹理性仅凭自身就是实践的能力”(RL, 6:214)。与一种偶然的误解相对照，纯粹实践理性不在于一种（理论的）认识道德需求的能力，而是在于基于准则去道德地行动的能力。  一条恰当的准则的条件在于它“有资格作为普遍的法则”(ibid.)。即使康德在这里提到一条“绝对”没有补充的“命令”，这是他所说的在第三节中建立起基本形式的绝对命令(cf. RL, 6:224)。康德在《奠基》中区分的绝对命令的三个形式（自然法则、人类目的和目的王国的公式）既不是在第三节也不是在第二节建立的。然而，康德对于命令的说明(RL, 6:214)，在《奠基》和《实践理性批判》中已经得到明确表示(cf. KpV, §7)：因为纯粹理性作为某些原则的能力，这些原则“不包含法则的质料，除了形式不存在任何使最高法则和抉择的规定根据成为可能的东西”(RL, 6:214)。    在他著名的论文《自由的两个概念》中，以赛亚·柏林指责康德只知道积极的自由概念而不是更加重要的消极自由的概念。这个指责令人吃惊，因为它与康德把消极自由理解为独立于感性冲动(RL, 6:213)的看法相悖，而这种看法可以在康德的早期文本中看到，这里只是简单地重复罢了。  正如形而上学有两种形式——自然科学的形而上学和道德的形而上学——也有两种法则，自然的法则和自由的法则。后者也称为道德法则(RL, 6:214)。自由的法则以两种形式存在。然而，这两种形式不应当被等同于法权论和德性论的区分：在这里自由的法则被指定为仅仅与外在行动的法则相一致，它们是“法学的”(ibid.)。然而，如果自由的法则作为行动的决定性根据而起作用，它们就是“伦理的”(ibid.)。  在这里，我们也得到了康德在下一节中拓展的进一步的交替选择（不能对复杂的道德现象总结的更简单了）：关于抉择，自由可以在外在的和内在的意义上来加以考虑：外在地，它涉及合法性；内在地，它涉及道德性。尽管自由的法则有两个形式，法学的和伦理的自由法则，理论哲学的两种形式的直观概念有类似的情况：空间（关于外部感觉）和时间（关于内部感觉）。法学的自由法则对应于空间，伦理的自由法则对应于时间。正如在理论理性中的例子，时间即涉及外部对象也涉及内部对象，这里也是一样，道德性不仅涉及自由的外在的应用而且涉及自由的内在的应用，“即使它们不应该[在不需要的意义上]总是在这个方面被考虑”(RL, 6:214.)。  7.第四（三）节：论道德形而上学的划分  鉴于对章节顺序的争议，由于其对心灵能力问题的涉及，有人可能会建议把第四节连在第二节之后。一方面，第四节提供了第二节中未形成的法律的和伦理的概念的更加精确的探讨。这些概念同样作为更进一步的概念而被准备，例如“合法性—道德性”和“外在的—内在的立法”。换句话说，根据康德的《逻辑学讲义》 (cf. Note 1 to §113)，它们是构成原理的唯一的先验划分的二分特性的一部分。另一方面，在维持章节的传统顺序的支持下，康德在这里应用了诸如义务和责任的概念，这些概念第三节的预备概念的处理还没有被引入。同样，第四节标题的脚注为将第三节（论预备概念）放在第四节（涉及道德形而上学的组织结构）前提供了根据。对于“一个系统的划分”的反思在导言的结尾出会更加合适。根据排序的不同意见，我支持传统的排序，尤其因为，正如已经说过的，顺序不会影响主题的客观的探讨。最多可以说康德在导言的创作中没有达到最终的明确性：“法学的—伦理的”和“合法性—道德性”的概念的配对被处理过两次，但是它们在预备概念的列表中缺席了；准则的概念早已在第二节中(RL, 6:214) 发挥作用但实际上直到第三节都未被探讨(RL, 6:225)。尤其是，在脚注中给出的“允许的或不允许的”作为“aut fas aut nefas”的“最高划分概念”(RL, 6:218)并未出现在第三节的预备概念中。在这里，有人发现“允许的或不允许的”伴随着另外一个拉丁概念，“正当或不正当（rectum aut minus rectum）”(RL, 6:223), 对比公正的（“justum”）和不公正的（“injustum”）(cf. RL, 6:224)。在这里最终的明确性很难确定。  第四节从立法的概念开始，此概念通过属于“全部all” (RL, 6:218) 限定，似乎明显地是一般的。事实上，我们关注的不是全部，而是实践的立法行为。因为康德提出了两个观点：不仅“理性独自”，所以道德是规定性的，而且“另一个抉择”，一个人够清楚的谈论立法，而没有运用道德的实践理性。实践立法的“两个元素”——法则具有客观的、标准的元素以及动机具有主观的、动机的元素——支持这样一种解读。这两个元素也被运用于次道德、假定的实践法则(cf. GMS,4:418)，更准确的说，仅仅是经验建议等级上的审慎命令。然而，更加仔细的阅读会发现，“两个元素”是真正地道德的：  关于法则，相应的行动都被表现为一种义务 (RL, 6:218)。此外，涉及诱因的东西通过责任概念而被说明，根据作为“理性的绝对命令之下的自由行动的必然性”(RL, 6:222)的预备概念，义务概念无疑具有道德的本性。在这一方面，在“任何立法”之后的括号中写道：“内在的或者外在的行为”的两种可能性及“仅凭理性自身或者凭借选择另一个”(RL, 6:218) ，为在下一段中的伦理的或法学间的交替选择做了准备。这个交替选择关注两个不同的动机：一个形成“义务的动机”（也就是伦理学的立法）；或者“除了义务的理念的动机”被允许（也就是法学的立法，RL, 6:219）。在康德提到法权的和伦理的立法甚至在法权论和德性论之后还有一些论述。伦理学的—法学的立法、法权的—德性的合法性和法权论和德性论说这三对概念具有相同的意义。    随后来到了这个讨论，我们得到了合法性的清晰定义，合法性作为一个行动与法则的一致性：“不关乎它面前的动机”(RL, 6:219)。相反，当提到道德性时，义务的理念“同样是行动的动机”。    因此，康德说明了伦理学的立法（因此一般的伦理）将义务的概念运用于内在的和外在的行为，因为它运用于“一般的是义务的一切东西”(ibid.)。尽管在康德的精确的规划中，人们还是会遇到一些不一致：一方面，不仅德性而且伦理学的立法包含了所有义务；另一方面，一部分立法不被包含在德性中，而是在法权中。康德使用了“有约必守”这条格言作为例子，他——并非完全一贯的——有时用“契约contract”翻译；其他地方又会翻译为“同意的承诺必须被遵守”(RL, 6:220)；甚至是“遵守一个契约中签订的承诺”(ibid.)。  先将这些细微的语言上的差异放在一边，康德的概念图画被证明是非常复杂的，尽管如此，适合我们的基本的道德目的。在这一方面，它似乎优越于被今天的道德和法哲学家使用的简化的概念；它非常适合法律和道德的问题域(see Höffe 2001, Part II, espec. Chap. 5)。义务是否运用于外在的或内在的行动是一个问题：法学的或者伦理学的立法，法权的或者德性的各自的义务。某人是否简单地履行义务是一个完全不同的问题，因为这些义务无关它们被应用的行动：道德性与合法性相反？因为行动只从义务出发，也就是道德性包含所有的义务，德性需要从两个方面来考察：一方面，明确属于伦理学的义务超出法律道德性的要求；另一方面，所有的义务属于伦理学，不只是明确属于它的那些义务。    康德没有详细描述内在的行动的概念，即伦理立法的独特的概念。如果某人援引德性论的导论，我们会想起“自我强制”(TL, 6:379)的概念。在这一方面，康德提到“内在的立法”就会有意义。  在最后两段，致力于进一步考察法权和德性，人们一路上遇到了不同立法形式的例子。某人履行自己的承诺是法学立法——一个人可以被强制的法权义务(RL, 6: 220)和“狭义的责任”的义务——的一部分(TL, 6:390)而不需外部强制地履行承诺是一种美德(ibid.)。相比之下伦理学的立法仅仅是内在的，带有“广义的责任”(TL, 6:390)的“直接地伦理学的义务”(RL, 6:221)，并要求“有德性的行为”(RL, 6:220)。最后，对于内在的立法，属于所有的义务——直接地伦理学的，也就是真正地伦理义务和间接地伦理义务，即法权的义务。  8.第三（四）节：预备概念  导言最长的一节，长达8页，几乎与其他三节加起来一样长，在其副标题的括号中间接提到经院哲学传统，“一般实践哲学”——尤其是基督徒沃尔夫1738-39年的带有相同标题的文本。奠基的序言中，康德极力地与“著名的沃尔夫” 保持距离(GMS, 4:390)。尽管康德在副标题中调用了沃尔夫的文本，这并不意味着康德收回了他对于沃尔夫的批判（即一个纯粹的先验原则的缺席）。相反，康德从一个纯粹的先验概念开始——自由被定义为一个纯粹理性的概念(RL, 6:221)。  康德既没有说明选择和组织下面的概念的标准，从他的文本中也很难发现这样一种标准。大部分概念及其排序可以被解释为对康德来说道德形而上学至关重要的任务。该任务是形成不仅是法律的而且是德性的相关行动理论，结合最初的和引导的自由概念，该概念的特性不是纯粹的（即“神圣的”：RL, 6:222），而是受到感性刺激的自由生物的。在他的副标题的暗示之下，康德意指在他的道德形而上学中他希望处理相同的广泛而全面的法权和德性学说的话题域，正如沃尔夫所做的。事实上（与沃尔夫形成对比），康德形成了真正的和严格的自由理论。  因此，第三（四）节形成了道德形而上学两个部分共同的概念(RL, 6:222)。更确切的说，它们是预备概念，同样对于两者中任意一部分来说也是不明确的概念。尤其是，这些概念是由于其普遍性而在任一部分中未被探讨的。这一程序产生了令人惊讶的后果——对于法则是如此重要的概念的配对，比如 “人格”和“物品”(RL, 6:223) 仅仅出现在预备概念的段落中而不是在法权学说中。  就康德在道德形而上学中的人格的概念而论，在德性论中有重要的表述。它的内容在预备概念中早已出现，因为它的含意和有效性适用于道德形而上学的两个部分。在德性论第11节“阿谀奉承”的表述中，人们会读到“人惟有作为人格来看，亦即作为一种道德实践理性的主体，才超越于一切价值之上”(TL, 6:434)。因为他拥有尊严，被描述为“绝对的内在价值”，因此他可以“向世界上所有的其他有理性的存在者”要求敬重，并且“他也必须不使自己失去敬重”(TL, 6:435)。  在法权论导论B节中，康德提到“自由的普遍法则” (RL, 6:230)，为了充分理解可以诉诸于预备概念。当提到差别，它们同样是二分的：理论的—实践的哲学，消极的—积极的自由，技术的—绝对的命令，允许的—不允许的，人格—物品，正当—不正当，等等。    正如已经说过的，康德从自由的概念开始，宣布它是一个纯粹的理性概念，出于这个理由使它对于理论哲学来说是范导性的而不是建构性的。然而，在它的实践应用中，自由通过实践的原理证明它的实在性——这里康德暗指他的“理性的事实”理论。  “无条件的实践法则”，康德也称其为“道德的”，这是基于自由的概念。提到法则的限制时，“道德的”用在这里不是在涉及偏好的道德的意义上，而是在道德作为带有明确的责任形式的纯粹的理性自律(see GMS, 4:388) 的意义上。  当这些实践的法则应用在感性但是自由的存在者，即理性的自然的存在者上时，具有命令的特性。它们的无条件性，使它们具有绝对命令的特性。在这里有两件事引人注目：第一件是明显的复数，因为这里不只是一个，单一的，无条件的实践法则(on the plural, see RL, 6:227)。单称的绝对命令对于康德的读者更为熟悉，只是在文本中出现的晚一些(RL, 6:225)。第二，与他在奠基里所做的一样，康德认为与绝对命令相反的不是假言命令。假言命令在导言中没有出现，即便“只是有条件地下命令”(RL, 6:221)的准则与假言命令相一致。康德在奠基中仅仅介绍了假言命令的一个子集——技术的命令。然而，在导言中将它们作为一个整体来处理（“一切别的命令式都是技术的”；RL, 6:222）。实用命令没有被探讨，这可以被奠基中的一个评论所解释。我们阅读关于审慎的实用命令，这些命令将“完全同意这些技巧”，即技术命令的技巧，“一个被决定的幸福概念”(GMS, 4:417)。根据康德，这种要求不能得到实现，在预备概念的探讨中他似乎默认了。    可能因为康德首要关注有感性的理性存在，他不总是一贯的保持命令式地中性的实践法则与绝对命令间的区别。一方面，在《实践理性批判》第七节，根据其标题“纯粹实践理性的基本法则”，他没有引入这种命令式地中性法则而是绝对命令。同样地，在道德形而上学稍后的部分中，他将提到单称的绝对命令作为“道德论的最高原理”(RL, 6:226)，再后面，道德的实践法则以一种不是适用于所有有理性的存在者（即不适用于纯粹的神圣存在者）而仅仅是有感性的理性存在者的方式被两次限定。另一方面，康德将法则称为“一个包含绝对命令的命题”(RL, 6:227)。  当康德转向道德上可能的或不可能的行为的概念时，他的兴趣只在道德上必要的行为。坚持道德上必要的行为与“一种独特的愉快”相关联，一种道德感——这里康德批判英国道德感哲学家——出于两个理由我们没有考虑在“理性的实践法则”中(RL, 6:221)。第一，这种情感与“实践法则的根据”毫无关系，“而只能涉及心灵中的主观作用”(ibid.)。第二，这种情感没有“客观地即在理性的判断中”添加任何东西(ibid.)。德性论前言强调：道德感是主观地而不是客观地实践的。这里人们会想——理性地作用——对道德律的敬重情感(cf. KpV, 5:75, see also KU, §12)。因此，一种情感总是属于“自然的序列”(TL, 6:376)。    从那些已经引入的附加的预备概念那里，我们作出以下进一步的观察：根据康德已经引入的暗自批评沃尔夫的概念，责任是“一条绝对命令之下的自由行动的必然性”，不是受限制的而是通过“理性”的加入而加强了。责任与绝对命令的结合是如此紧密以至于康德无法颠覆它。换句话说，他在后面写的少数段落：“绝对命令...断言责任为何”(RL, 6:225)。这跟在在绝对命令的常见的基本公式之后，在整个道德形而上学中仅仅出现在这里，在导言中：“按照一个同时可以被视为普遍法则的准则行动”(ibid., see also 226)。为绝对命令为什么能够充当普遍的立法和紧随其后的准则概念的重要性辩护。  让我们回到康德的责任概念：它是一个严格地规范性的和纯粹地道德的概念。在公民法中，法律观念上的责任通常以复数形式（kiabilities）出现，当论及道德形而上学的任务时不起任何作用。被认可的是在这个语境中，根据必要性的标准，责任是单称的。（这正是为什么康德在德性论中提到“只存在一种德性的责任，但有多种德性的义务”，TL, 6:410）。后面，康德也以复数形式谈到责任，但是在不同的意义上更接近义务的概念(cf. RL, 6:224)。  康德说明了“绝对命令的可能性的基础”在于它与自由选择的排他性的关系(RL, 6:222)。附加的概念与自由有关，或者与来自自由的责任有关，同样：义务是“责任的质料”。一个行动叫做行为，是在它被视为“服从义务的法则”的情况下，法则可以归责于作为事主的行动者。一个人格是能够归责的主体，不能归责的就是物品（包括所有高等动物？）。一个合乎义务的行为就是正当的，不合乎义务的就是不正当的。    康德介绍的下一对概念（“公正的和不公正的”）几乎未被使用。在“正当的和不正当的”、“公正的和不公正的”这两对概念的文本中涉及外在的法则的一个子集。它们等同于出现在法权论导论B节的拉丁概念iustum and iniustum，德语是Recht and Unrecht。假设在概念上具有一致性，在导论中“recht-unrecht”[“正当的-不正当的”]涉及整体，但“Recht-Unrecht”[“公正的-不公正的”] 涉及在导论中被处理为与外在的法则相关的子集，可以被翻译为“公正的-不公正的”。  下一段大概是整个导论中最常见的：它包含四句话总计十八行，谈论的话题是“种种义务的冲突”。不带任何例子，第一句话就定义了主题：义务的冲突发生在其中一个“全部地或者部分地”取消另一个(RL, 6:224)。第二句话说明了义务的冲突是“不可想象的”。康德给出了一个有力的，两部分的论证：首先，因为义务和责任都是表述某些行动的客观的实践的必然性的概念；其次，“两条彼此对立的规则”不能“同时是必然的”(ibid.)。第三句话表达了只可能是在两个义务的根据中，其中一个“不是义务”。如果这样的两个责任的根据相互冲突，康德在第四句话中表明，实践哲学所说的就不是较强的责任而是较强的责任的根据应该有优先权。  我想对此话题提供一个实验性的解释，实际上它是主题的一个复杂的领域。我的解释是询问最初在第二句和第三句有什么例证。第二句最流行的例子，涉及义务的冲突，是康德自己在他的论文“On a Supposed Right to Lie from Philanthropy”中给出的：在禁止说谎和提供援助的要求之间的冲突。根据他的批评者，康德在这里证明了他是一个无人性的严格主义者。然而，他的论证不能简单地被取消：首先，作为一项狭义责任的绝对义务(cf. TL, 6:390)，禁止说谎不允许任何例外，而要求提供援助——作为德性的义务和广义责任的不完全义务——没有具体的规定，尤其在行为上。其次，谎言，定义为对他人故意地不真实的陈述...总会伤害他人，即便不是另外的个体，而是普遍地人类，由于它使得正当的来源失去了效力(8:426)。简言之：如果我们在法权的义务和德性的义务间产生了冲突，德性的义务触犯了法权的义务，那确实是违背了义务。此外，康德知道在两个真正的法权的义务之间不会产生冲突——有理由假设这种冲突是很难想像的。  在第四句中提到但是被康德所拒绝的“较强的责任”的标准不能持有，因为包含在责任的定义中的必然性不允许任何“或多或少”，只允许“要么必然的要么不必然的”。康德自己没有给出这个论证。有人可以给出什么例子，在这个例子中两个行动的责任的根据在强度上是不同的？在康德的语境中，责任的根据似乎弱于责任自身；因此，它包含较少的必然性。如果我们想像两个非必然的要求（例如，以康德式的精神，两个旨在某人的个人幸福的谨慎的命令），很清楚，在例子中两个命令相冲突，某人会遵循具有更大的可能性或者更大程度的服务于他自己的幸福的忠告。  因此，尽管对于康德是一个无人性的严格主义者的指控是常见的，康德在这里的两个义务之间不会冲突的论点绝不奇怪，甚至可能是正确的。 |