alone, so as to establish the basis for any possible giving of positive laws (although positive laws can serve as excellent guides to this). Like the wooden head in Phaedrus’s fable, a merely empirical doctrine of right is a head that may be beautiful but unfortunately it has no brain.

The concept of right, insofar as it is related to an obligation corresponding to it (i.e., the moral concept of right), has to do, first, only with the external and indeed practical relation of one person to another, insofar as their actions, as deeds, can have (direct or indirect) influence on each other. But, second, it does not signify the relation of one’s choice to the mere wish (hence also to the mere need) of the other, as in actions of beneficence of callousness, but only a relation to the other’s choice. Third, in this reciprocal relation of choice no account at all is taken of the matter of choice, that is, of the end each has in mind with the object he wants; it is not asked, for example, whether someone who buys goods from me for his own commercial use will gain by the transaction or not. All that is in question is the form in the relation of choice on the part of both, insofar as choice is regarded merely as free, and whether the action of one can be united with the freedom of the other in accordance with a universal law.

Right is therefore the sum of the conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom.

C. THE UNIVERSAL PRINCIPLE OF RIGHT.

“Any action is right if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law.”

If then my action or my condition generally can coexist with the freedom of everyone in accordance with a universal law, whoever hinders me in it does me wrong;” for this hindrance (resistance) cannot coexist with freedom in accordance with a universal law.

4 als Facta, perhaps “as facts.” In 6:227 factum was given as the parenthetical equivalent of Tat or “deed.” In some passages it is unclear whether Tat is to be taken as “fact” or as “deed” or as both.

1 Allgemeines Prinzip des Rechts
2 Zustand. Throughout the Doctrine of Right, Zustand is translated as “condition” except (1) where the familiar term “state of nature” is called for and (2) where it seems to require the translation “status,” in Kant’s discussion of rights to persons akin to rights to things. In the Doctrine of Virtue, where there is no occasion for mistaking “state” for Staat, “state” and “condition” are used interchangeably. In the few texts in which “condition” in the sense of Zustand and in the sense of Bedingung might be confused, the German word is provided in a note.
3 tut der mir Unrecht
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It also follows from this that it cannot be required that this principle of all maxims be itself in turn my maxim, that is, it cannot be required that I make it the maxim of my action; for anyone can be free so long as I do not impair his freedom by my external action, even though I am quite indifferent to his freedom or would like in my heart to infringe upon it. That I make it my maxim to act rightly is a demand that ethics makes on me.

Thus the universal law of right, so act externally that the free use of your choice can coexist with the freedom of everyone in accordance with a universal law, is indeed a law that lays an obligation on me, but it does not at all expect, far less demand, that I myself should limit my freedom to those conditions just for the sake of this obligation; instead, reason says only that freedom is limited to those conditions in conformity with the idea of it and that it may also be actively limited by others; and it says this as a postulate that is incapable of further proof. – When one's aim is not to teach virtue but only to set forth what is right, one need not and should not represent that law of right as itself the incentive to action.

D.

RIGHT IS CONNECTED WITH AN AUTHORIZATION TO USE COERCION.

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

E.

A STRICT RIGHT CAN ALSO BE REPRESENTED AS THE POSSIBILITY OF A FULLY RECIPROCAL USE OF COERCION THAT IS CONSISTENT WITH EVERYONE’S FREEDOM IN ACCORDANCE WITH UNIVERSAL LAWS.

This proposition says, in effect, that right need not be conceived as made up of two elements, namely an obligation in accordance with a law and an

\* das allgemeine Rechtsgesetz
\* Bedingungen
\* tätig, perhaps “in fact”
authorization of him who by his choice puts another under obligation to coerce him to fulfill it. Instead, one can locate the concept of right directly in the possibility of connecting universal reciprocal coercion with the freedom of everyone. That is to say, just as right generally has as its object only what is external in actions, so strict right, namely that which is not mingled with anything ethical, requires only external grounds for determining choice; for only then is it pure and not mixed with any precepts of virtue. Only a completely external right can therefore be called strict (right in the narrow sense). This is indeed based on everyone's consciousness of obligation in accordance with a law; but if it is to remain pure, this consciousness may not and cannot be appealed to as an incentive to determine his choice in accordance with this law. Strict right rests instead on the principle of its being possible to use external constraint that can coexist with the freedom of everyone in accordance with universal laws. - Thus when it is said that a creditor has a right to require his debtor to pay his debt, this does not mean that he can remind the debtor that his reason itself puts him under obligation to perform this; it means, instead, that coercion which constrains everyone to pay his debts can coexist with the freedom of everyone, including that of debtors, in accordance with a universal external law. Right and authorization to use coercion therefore mean one and the same thing.

The law of a reciprocal coercion necessarily in accord with the freedom of everyone under the principle of universal freedom is, as it were, the construction of that concept, that is, the presentation of it in pure intuition a priori, by analogy with presenting the possibility of bodies moving freely under the law of the equality of action and reaction. In pure mathematics we cannot derive the properties of its objects immediately from concepts but can discover them only by constructing concepts. Similarly, it is not so much the concept of right as rather a fully reciprocal and equal coercion brought under a universal law and consistent with it, that makes the presentation of that concept possible. Moreover, just as a purely formal concept of pure mathematics (e.g., of geometry) underlies this dynamical concept, reason has taken care to furnish the understanding as far as possible with a priori intuitions for constructing the concept of right. - A right line (rectum), one that is straight, is opposed to one that is curved on the one hand and to one that is oblique on the other hand. As opposed to one that is curved, straightness is that inner property of a line such that there is only one line between two given points. As opposed to one that is oblique, straightness is that position of a line toward another intersecting or touching it such that there can be only one line (the perpendicular) which does not incline more to one side than to the other and which divides the space on both sides equally. Analogously to this, the doctrine of right wants to
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be sure that what belongs to each has been determined (with mathematical exactitude). Such exactitude cannot be expected in the doctrine of virtue, which cannot refuse some room for exceptions (latitudinem). – But without making incursions into the province of ethics, one finds two cases that lay claim to a decision about rights although no one can be found to decide them, and that belong as it were within the in­termundia of Epicurus. – We must first separate these two cases from the doctrine of right proper, to which we are about to proceed, so that their wavering principles will not affect the firm basic principles of the doctrine of right.

APPENDIX TO THE INTRODUCTION TO THE DOCTRINE OF RIGHT.

On ambiguous right. (Ius aequivocum.)

An authorization to use coercion is connected with any right in the narrow sense (ius strictum). But people also think of a right in a wider sense (ius latum), in which there is no law by which an authorization to use coercion can be determined. – There are two such true or alleged rights, equity and the right of necessity. The first admits a right without coercion, the second, coercion without a right. It can easily be seen that this ambiguity really arises from the fact that there are cases in which a right is in question but for which no judge can be appointed to render a decision.

I.

Equity.

(Aequitas.)

Equity (considered objectively) is in no way a basis for merely calling upon another to fulfill an ethical duty (to be benevolent and kind). One who demands something on this basis stands instead upon his right, except that he does not have the conditions that a judge needs in order to determine by how much or in what way his claim could be satisfied. Suppose that the terms on which a trading company was formed were that the partners should share equally in the profits, but that one partner nevertheless did more than the others and so lost more when the company met with reverses. By equity he can demand more from the company than merely an equal share with the others. In accordance with proper (strict) right, however, his demand would be refused; for if one thinks of a judge

'das Seine. This term, which subsequently comes to the foreground, is often translated as "what is his," "an object that is his," "one's belongings," "what belongs to him." Similar expressions are used for das Meine and das Deine.
' or "equivocal," zweideutigen

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