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**"Themes in Kant's Moral**

**Philosophy"**

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I shall discuss several connected themes in Kant's moral philosophy, in particular what I shall refer to as moral constructivism and the fact of reason, and how that fact connects with the authentication of the moral law and the moral law as a law of freedom. These are each large topics and I can only survey them; but perhaps something can be gained from a brief synoptic view. I would like to have concluded with some comments about what Kant means by the practical point of view but that proved impossible for lack of space.

To set the background for these topics, I begin with a schematic outline of how Kant understands the moral law, the categorical imperative and the procedure by which that imperative is applied. Some account of that procedure is an essential preliminary to understanding his constructivism. Plainly a full account is out of the question but I believe many intriguing details of interpretation are not crucial so long as the account meets certain conditions (cf. §I.5). My hope is that the reading suggested is accurate enough to bring out the more central elements of Kant's constructivism and to connect this doctrine with the other topics.

My discussion has five parts: the first covers the procedure for applying the categorical imperative, or the CI -procedure, as I shall call it; the second surveys six conceptions of the good, and how these conceptions are constructed in an ordered sequence; whereas the third, based on the preceding two parts, examines the aspects of Kant's doctrine that make it constructivist and specify a conception of objectivity. The fourth and fifth parts take up, respectively, the kind of justification, or authentication, that can be given for the moral law, and how the moral law as an idea of reason is seen as a law of freedom and how this connects with Kant's idea of philosophy as defense.

**§I. The Four-Step CI - Procedure**

I begin with a highly schematic rendering of Kant's conception of the categorical imperative.1 I assume that this imperative is applied to the normal conditions of human life by what I shall call the "categorical imperative procedure," or the "CI-procedure" for short. This procedure helps to determine the content of the moral law as it applies to us as reasonable and rational persons endowed with con­ science and moral sensibility, and affected by, but not determined by, our natural desires and inclinations. These desires and inclinations reflect our needs as finite beings having a particular place in the order of nature.

Recall that the moral law, the categorical imperative, and the CI­ procedure are three different things. The first is an idea of reason and specifies a principle that applies to all reasonable and rational beings whether or not they are like us finite beings with needs. The second is an imperative and as such it is directed only to those reasonable and rational beings who, because they are finite beings with needs, experience the moral law as a constraint. Since we are such beings, we experience the law in this way, and so the categorical imperative applies to us. The CI -procedure adapts the categorical imperative to our circumstances by taking into account the normal conditions of human life and our situation as finite beings with needs in the order of nature.

Keep in mind throughout that Kant is concerned solely with the reasoning of fully reasonable and rational and sincere agents. The CI -procedure is a schema to characterize the framework of deliberation that such agents use implicitly in their moral thought. He takes for granted that the application of this procedure presupposes a certain moral sensibility that is part of our common humanity.2 It is a misconception to think of it either as an algorithm that yields more or less mechanically a correct judgment, or on the other hand, as a set of debating rules that will trap liars and cheats, cynics and other scoundrels, into exposing their hand.

2. The CI -procedure has four steps as follows.3 At the first step we have the agent's maxim, which is, by assumption, rational from the agent's point of view: that is, the maxim is rational given the agent's situation and the alternatives available together with the agent's desires, abilities, and beliefs (which are assumed to be ra­tional in the circumstances). The maxim is also assumed to be sincere: that is, it reflects the agent's actual reasons (as the agent would truthfully describe them) for the intended action. Thus the CI­ procedure applies to maxims that rational agents have arrived at in view of what they regard as the relevant features of their circumstances. And, we should add, this procedure applies equally well to maxims that rational and sincere agents might arrive at given the normal circumstances of human life. To sum up: the agent's maxim at the first step is both rational and sincere. It is a particular hypothetical imperative (to be distinguished later from the hypothetical imperative) and it has the form:

(I) I am to do X in circumstances C in order to bring about Y. (Here X is an action and Y a state of affairs.)

The second step generalizes the maxim at the first to get:

(2) Everyone is to do X in circumstances C in order to bring about Y.

At the third step we are to transform the general precept at (2) into a law of nature to obtain: (

3) Everyone always does X in circumstances C in order to bring about Y (as if by a law of nature).

The fourth step is the most complicated and raises questions that I cannot consider here. The idea is this:

 (4) We are to adjoin the law of nature at step (3) to the existing laws of nature (as these are understood by us) and then calculate as best we can what the order of nature would be once the effects of the newly adjoined law of nature have had a chance to work themselves out.

It is assumed that a new order of nature results from the addition of the law at step (3) to the other laws of nature, and that this new order of nature has a settled equilibrium state the relevant features of which we are able to figure out. Let us call this new order of nature a "perturbed social world," and let's think of this social world as associated with the maxim at step (I).

Kant's categorical imperative can now be stated as follows: We are permitted to act from our rational and sincere maxim at step (I) if two conditions are satisfied: First, we must be able to intend, as a sincere reasonable and rational agent, to act from this maxim when we regard ourselves as a member of the perturbed social world associated with it (and thus as acting within that world and subject to its conditions); and second, we must be able to will this perturbed social world itself and affirm it should we belong to it.

Thus, if we cannot at the same time both will this perturbed social world and intend to act from this maxim as a member of it, we cannot now act from the maxim even though it is, by assumption, rational and sincere in our present circumstances. The principle represented by the CI -procedure applies to us no matter what the consequences may be for our rational interests as we now understand them. It is at this point that the force of the priority of pure practical reason over empirical practical reason comes into play. But let's leave this aside for the moment.

3· To illustrate the use of the four-step procedure, consider the fourth example in the *Grundlegung*  (Gr 4:423). The maxim to be tested is one that expresses indifference to the well-being of others who need our help and assistance. We are to decide whether we can will the perturbed social world associated with this maxim formu­ lated as follows.

I am not to do anything to help others, or to support them in distress, unless at the time it is rational to do so, given my own interests.

The perturbed social world associated with this maxim is a so­cial world in which no one ever does anything to help others for the sake of their well-being. And this is true of everyone, past, present, and future. This is the relevant equilibrium state; and we are to imagine that this state obtains, like any other order of nature, in perpetuity, backwards and forwards in time. Kant takes for granted that everyone in the perturbed social world knows the laws of human conduct that arise from generalized maxims and that everyone is able to work out the relevant equilibrium state. Moreover, that everyone is able to do this is itself public knowledge. Thus, the operation at step (3) converts a general precept at step (2) into a publicly recognized law of (human) nature. That Kant takes these matters for granted is clearest from his second example, that of the deceitful promise.

Now Kant says that we cannot will the perturbed social world associated with the maxim of indifference because many situations may arise in that world in which we need the love and sympathy of others. In those situations, by a law originating from our own will, we would have robbed ourselves of what we require. It would be irrational for us to will a social world in which every one, as if by a law of nature, is deaf to appeals based on this need. Kant does not say much about how the idea of a rational will works in this example. In addition, the test as he applies it to the maxim of indifference is ( too strong: that is, the same test rejects those maxims that lead to any form of the precept (or duty) of mutual aid. The reason is this: any such precept enjoins us to help others when they are in need. But here also, in the perturbed social world associated with a precept to help others in need, situations may arise in which we very much want not to help them. The circumstances may be such that helping them seriously interferes with our plans. Thus, in these cases too, by a law originating from our own will, we would have prevented our­ selves from achieving what we very much want. The difficulty is clear I enough: in any perturbed social world all moral precepts will oppose our natural desires and settled intentions on at least some occasions. Hence the test of the CI -procedure, as Kant apparently understands it, is too strong: it appears to reject all maxims that lead to 'moral precepts (or duties).

4. One way out, I think, but I don't say the only one, is to try to develop an appropriate conception of what we may call "true human needs," a phrase Kant uses several times in the *Metaphysics of Morals* (MM 6: 393,4-32; see also 4-52-58).4 Once this is done, the contradic­tion in the will test as illustrated by the fourth example might be formulated as follows:

Can I will the perturbed social world associated with the precept of indifference rather than the perturbed social world associated with a precept of mutual aid, that a maxim enjoining me to help others in need? In answering this question I am to take account only of my true human needs (which by assumption, as part of the CI -procedure, I take myself to have and to be the same for everyone).

Thus, in applying the procedure as now revised we understand that any general precept will constrain our actions prompted by our desires and inclinations on some and perhaps many occasions. What we must do is to compare alternative social worlds and evaluate the overall consequences of willing one of these worlds rather than an­ other. In order to do this, we are to take into account the balance of likely effects over time for our true human needs. Of course for this idea to work, we require an account of these needs. And here certain moral conceptions, rooted in our shared moral sensibility, may be involved.

I believe that Kant also assumes that the evaluation of perturbed social worlds at step (4) is subject to at least two limits on information. The first limit is that we are to ignore the more particular features of persons, including ourselves, as well as the specific content of their and our final ends and desires (Gr 4 : 433). The second limit is that when we ask ourselves whether we can will the perturbed social I world associated with our maxim, we are to reason as if we do not know which place we may have in that world (see the discussion of the Typic at CP 5: 69-70). The CI -procedure is misapplied when we project into the perturbed social world either the specific content of our final ends, or the particular features of our present or likely future circumstances. We must reason at step (4-) not only on the basis of true human needs but also from a suitably general point of view that satisfies these two limits on particular (as opposed to general) information. We must see ourselves as proposing the public moral law for an ongoing social world enduring over time.

5. This brief schematic account of the CI-procedure is intended only to set the background for explaining the sequence of conceptions of the good in §2 and Kant's moral constructivism in §3. To serve this purpose, the procedure must meet two conditions: (I) it must not represent the requirements of the moral law as merely for­ mal; otherwise, the moral law lacks sufficient content for a constructivist view; and (2) it must have features that enable us to see what Kant means when he says that the moral law discloses our freedom to us (considered in §5); for this, too, is an essential part of Kant's constructivism, since freedom of moral thought and action is required if the constructivist procedure is to be authenticated as objective, as the work of reason (considered in §4).

It turns out that for the second condition to be met, the CI­ procedure must display in how it works, on its face as it were, the way in which pure practical reason is prior to empirical practical reason. This enables us to understand the distinctive structure of Kant's moral conception and how it is possible for our freedom to be made manifest to us by the moral law.

What this priority means will become clearer as we proceed. For the present let's say that pure practical reason restricts empirical practical reason and subordinates it absolutely. This is an aspect of the unity of reason. The way in which pure practical reason restricts and subordinates empirical practical reason is expressed in imperative form by the CI -procedure: this procedure represents the requirements of pure practical reason in the manner appropriate for the conditions of human life. Empirical practical reason is the principle of rational deliberation that determines when particular hypothetical imperatives are rational. The CI -procedure restricts empirical practical reason by requiring the agent's rational and sincere deliberations to be conducted in accordance with the stipulations we have just surveyed. Unless a maxim passes the test of that procedure, acting from the maxim is forbidden. This outcome is final from the standpoint of practical reason as a whole, both pure and empirical. The survey of six conceptions of the good in Kant's doctrine in the next part (§3) will supplement these remarks about how the two forms of practical reason are combined in the unity of practical reason.

6. Before turning to this survey, a few comments on the sketch of the CI -procedure. In characterizing human persons I have used the phrase "reasonable and rational." The intention here is to mark the fact that Kant's uses *vernünftig* to express a full-bodied conception that covers the terms "reasonable" and "rational" as we often use them. In English we know what is meant when someone says: "Their proposal is rational, given their circumstances, but it is unreasonable all the same." The meaning is roughly that the people referred to are pushing a hard and unfair bargain, which they know to be in their own interests but which they wouldn't expect us to accept unless . they knew their position is strong. "Reasonable" can also mean "judicious," "ready to listen to reason," where this has the sense of being willing to listen to and consider the reasons offered by others. *Vernünftig* can have the same meanings in German: it can have the broad sense of "reasonable" as well as the narrower sense of "rational" to mean roughly furthering our interests in the most effective way. Kant's usage varies but when applied to persons it usually covers being both reasonable and rational. His use of "reason" often has the even fuller sense of the philosophical tradition. Think of what *Vernünft* means in the title the *Critique of Pure Reason!* We are worlds away from "rational" in the narrow sense. It's a deep question (which I leave aside) whether Kant's conception of reason includes far more than reason.

It is useful, then, to use "reasonable" and "rational" as handy terms to mark the distinction that Kant makes between the two forms of practical reason, pure and empirical. The first is expressed as an imperative in *the* categorical imperative, the second in *the* hypothetical imperative. These forms of practical reason must also be disinguished from particular categorical and hypothetical imperatives (the particular maxims at step (I)) that satisfy the corresponding requirements of practical reason in particular circumstances. The terms "reasonable" and "rational" remind us of the fullness of Kant's conception of practical reason and of the two forms of reason it comprehends.

7. I conclude with some remarks about the relation between Kant's three different formulations of the categorical imperative. Some may think that to rely, as I shall, on the first formulation alone gives an incomplete idea of the content of the categorical imperative. It may be incomplete, but nevertheless I believe it is adequate for our purposes. Kant says (Gr 4: 436 - 37) that the three formulations are "so many formulations of precisely the same law." He also says that r there is a difference between the formulations, which is only subjectively rather than objectively practical. The purpose of having several formulations is to bring the idea of reason (the moral law ) nearer to intuition in accordance with a certain analogy and so nearer to feeling. At the end of the passage (pars. 72-75 of ch. II), Kant says that if we wish to gain access (or entry) for the moral law5 it is useful to bring one and the same action under all three formulations, and in this way, so far as we can, to bring "it [the action] nearer to intuition." We are also instructed that it is better when making a moral judgment to "proceed always in accordance with the strict method and take as our basis the universal formula of the categorical imperative." This imperative we have interpreted in accordance with the law of nature formula (Gr 4: 421); we noted also the *Critique of Practical Reason* with its account of the Typic at CP 5: 67-71.

There are certain obscurities in Kant's view here. I shall not discuss them but simply state what I regard as his two main points. First, we are to use the four-step CI-procedure whenever we are testing whether our maxim is permitted by the categorical imperative. The other formulations cannot add to the content of the moral law as it applies to us. What is important here is that, however we interpret them, the second and third formulations must not yield any requirement that is not already accounted for by the CI-procedure. In particular, this holds for the second formulation concerning treating persons always as ends and never as means only (see Gr 4 : 429). With its use of the term "humanity" (*Menschheit*), this formulation seems strikingly different from the first and third. This appearance is misleading, since it is clear from the Introduction to the *Metaphysics of Morals* that "humanity" means the powers that characterize us as reasonable and rational beings who belong to the natural order. Our humanity is our pure practical reason together with our moral sensibility (our capacity for moral feeling). These two powers constitute moral personality, and include the power to set ends (MM 6: 39 2 ); they make a good will and moral character possible. We have a duty) to cultivate our natural capacities in order to make ourselves worthy of our humanity (MM 6: 387). Thus, the duty to treat humanity, whether in our own person or in the person of others, always as an end, and never simply as a means, is the duty to respect the moral powers both in ourselves and in other persons, and to cultivate our natural capacities so that we can be worthy of those powers. Modulo shifts of points of view as described in the next paragraph, what particular duties are covered by this duty are ascertained by the first formulation of the categorical imperative. The first principle of the doctrine of virtue (MM 6: 395) is a special case of this formulation. I think we cannot discern what Kant means by the second formulation apart from his account in the *Metaphysics of Morals*.

8. A second point about the relation of the three formulations: I believe that the purpose of the second and third formulations is to look at the application of the CI -procedure from two further points of view. The idea is this: each formulation looks at this procedure from a different point of view. In the first formulation, which is the strict method, we look at our maxim from our point of view. This is clear from how the procedure is described. We are to regard our­ selves as subject to the moral law and we want to know what it re­ quires of us. In the second formulation, however, we are to consider our maxim from the point of view of our humanity as the fundamental element in our person demanding our respect, or from the point of view of other persons who will be affected by our action. Humanity both in us and in other persons is regarded as *passive*: as that which will be affected by what we do. As Kant says (CP 5: 87), in an apparent reference to the second formulation of the *Grundlegung*, the autonomy of a reasonable and rational being is to be "subjected to no purpose which is not possible by a law which could arise from the will of the passive subject itself." But when this passive subject considers which laws can arise from its will, it must apply the CI­ procedure. The point is simply that all persons affected must apply that procedure in the same way both to accept and to reject the same maxims. This ensures a universal agreement which prepares the way for the third formulation.

In this formulation we come back again to the agent's point of view, but this time we no longer regard ourselves as someone who is subject to the moral law but as someone who makes that law. The CI-procedure is seen as the procedure adherence to which with a full grasp of its meaning enables us to regard ourselves as legislators ­- as those who make universal public law for a possible moral community. This community Kant calls a realm of ends -- a commonwealth and not a kingdom -- the conception of which is also an idea of reason.

Finally, using all three formulations of the moral law is subjectively practical in two ways: first, having these formulations deepens our understanding of the moral law by showing how it regards actions from different points of view, and second, our deeper under­ standing of that law strengthens our desire to act from it. This is what Kant means, I think, by gaining entry or access for the moral law.6

 **§2. The Sequence of Six Conceptions of the Good**

1. In order to understand Kant's constructivism and how he thinks that the moral law discloses our freedom to us, we need to look at the priority of pure practical reason over empirical practical reason, and to distinguish six conceptions of the good in Kant's doctrine. These conceptions are built up in a sequence one by one from the preceding ones. This sequence can be presented by referring to the four steps of the CI-procedure, since each conception can be connected with a particular step in this procedure. This provides a useful way of arranging these conceptions and clarifies the relations be­ tween them. It also enables us to explain what is meant by calling the realm of ends the necessary object of a will determined by the moral law, as well as what is meant by saying of this realm that it is an ob­ ject given a priori to such a pure will (CP 5 : 4).

 The first of the six conceptions of the good is given by unrestricted empirical practical reason. It is the conception of happiness as organized by the (as opposed to a particular) hypothetical imperative. This conception may be connected with step (1) of the CI­ procedure, since the maxim at this step is assumed to be rational and sincere given that conception. Thus the maxim satisfies the principles of rational deliberation that characterize the hypothetical imperative, or what we may call "the rational." There are no restrictions on the information available to sincere and rational agents either in framing their conceptions of happiness or in forming their particular maxims: all the relevant particulars about their desires, abilities, and situation, as well as the available alternatives, are .assumed to be known.

The second conception of the good is of the fulfillment of true human needs. I have suggested that at the fourth step of the CI­ procedure we require some such idea. Otherwise the agent going through the procedure cannot compare the perturbed social worlds associated with different maxims. At first we might think this comparison can be made on the basis of the agent's conception of happiness. But even if the agent knows what this conception is, there is still a serious difficulty, since Kant supposes different agents to have different conceptions of their happiness. On his view, happiness is an ideal, not of reason but of the imagination, and so our conception of our happiness depends on the contingencies of our life, and on particular modes of thought and feeling we have developed as we come of age. Thus, if conceptions of happiness are used in judging social worlds at step (4), then whether a maxim passes the CI-procedure would depend on who applies it. This dependence would defeat Kant's view. For if our following the CI -procedure doesn't lead to approximate agreement when we apply it intelligently and con­ scientiously against the background of the same information, then that law lacks objective content. Here objective content means a con­ tent that is publicly recognized as correct, as based on sufficient reasons and as (roughly) the same for all reasonable and sincere human agents.

Observe that this second conception of the good based on true human needs is a special conception designed expressly to be used at step (4) of the CI-procedure. It is formulated to meet a need of reason: namely, that the moral law have sufficient objective content. Moreover, when this procedure is thought of as applied consistently by everyone over time in accordance with the requirement of complete determination (Gr 4: 43 6 ), it specifies the Content of a conception of right and justice that would be realized in a realm of ends. This conception, as opposed to the first, is restricted: that is, it is framed in view of the restrictions on information to which agents are subject at step (4).

The third conception of the good is the good as the fulfillment in everyday life of what Kant calls "permissible ends" (MM 6 : 3 88 ), that is, ends that respect the limits of the moral law. This means in practice that we are to revise, abandon, or repress desires and inclinations that prompt us to rational and sincere maxims at step (I) that are rejected by the CI-procedure. Here it is not a question of balancing the strength and importance to us of our natural desires against the strength and importance to us of the pure practical interest we take in acting from the moral law. Such balancing is excluded entirely. Rather, whenever our maxim is rejected, we must reconsider our in­ tended course of action, for in this case the claim to satisfy the desires in question is rejected. At this point the contrast with utilitarianism is clear, since for Kant this third conception of the good presupposes the moral law and the principles of pure practical reason. Whereas utilitarianism starts with a conception of the good given prior to, and independent of, the right (the moral law), and it then works out from that independent conception its conceptions of the right and of moral worth, in that order. In Kant's view, however, unrestricted rationality, or the rational, is framed by, and subordinated absolutely to, a procedure that incorporates the constraints of the reasonable. It is by this procedure that admissible conceptions of the good and their permissible ends are specified.

2. The first of the three remaining conceptions of the good is the familiar conception of the good will. This is Kant's conception of moral worth: a completely good will is the Supreme (although not the complete) good of persons and of their character as reasonable and rational beings. This good is constituted by a firm and settled highest-order desire that leads us to take an interest in acting from the moral law for its own sake, or, what comes in practice to the same thing, to further the realm of ends as the moral law requires. When we have a completely good will, this highest-order desire, however strongly it may be opposed by our natural desires and inclinations, is always strong enough by itself to insure that we act from (and not merely in accordance with) the moral law.

The next conception of the good is the good as the object of the moral law, which is, as indicated above, the realm of ends. This object is simply the social world that would come about (at least under reasonably favorable conditions) if everyone were to follow the totality of precepts that result from the correct application of the CI-procedure. Kant sometimes refers to the realm of ends as the necessary object of a will, which is determined by the moral law, or alternatively, as an object that is given a priori to a will determined by that law (CP 5 : 4). By this I think he means that the realm of ends is an object -- a social world -- the moral constitution and regulation of which is specified by the totality of precepts that meet the test of the CI-procedure (when these precepts are adjusted and coordinated by the requirement of complete determination). Put another way, the realm of ends is not a social world that can be described prior to and independent of the concepts and principles of practical reason and the procedure by which they are applied. That realm is not an already , given describable object the nature of which determines the content of the moral law. This would be the case, for example, if this law were understood as stating what must be done in order to bring about a good society the nature and institutions of which are already specified apart from the moral law. That such a teleological conception is foreign to Kant's doctrine is plain from ch. II of the Analytic of the *The Critique of Practical Reason.* The burden of that chapter is to explain what has been called Kant's "Copernican Revolution" in moral philosophy (CP 5: 62-65).7 Rather than starting from a conception of the good given independently of the right, we start from a conception of the right-of the moral law-given by pure (as opposed to empirical) practical reason. We then specify in the light of this conception what ends are permissible and what social arrangements are right and just. We might say: a moral conception is not to revolve around the good as an independent object, but around a conception of the right as constructed by our pure practical reason into which any permissible good must fit. Kant believes that once we start from the good as an independent given object, the moral conception must be heteronomous, and this is as true of Leibniz's perfectionism as it is of the psychological naturalism that underlies Hume's utilitarianism. In these cases what determines our will is an object given ( to it and not principles originating in our pure reason as reasonable and rational beings.

Finally, there is Kant's conception of the complete good. This is the good that is attained when a realm of ends exists and each member of it not only has a completely good will but is also fully happy so far as the normal conditions of human life allow. Here, of course, happiness is specified by the satisfaction of ends that respect the requirements of the moral law, and so are permissible ends. Often Kant refers to this complete good as the highest good. This is his preferred term after the *Grundlegung*, especially when he is presenting his doctrine of reasonable faith in the second *Critique*. I shall use the secular term "realized realm of ends," and I assume that this complete good can be approximated to in the natural world, at least under reasonably favorable conditions. In this sense it is a natural good, one that can be approached (although never fully realized) within the order of nature.

Kant holds that in the complete good, the good will is the supreme good, that is, we must have a good will if the other goods we enjoy are to be truly good and our enjoyment of them fully appropriate. This applies in particular to the good of happiness, since he thinks that only our having a good will can make us worthy of happiness. Kant also believes that two goods so different in their nature, and in their foundations in our person, as a good will and happiness are incommensurable; and, therefore, that they can be combined into one unified and complete good only by the relation of the strict priority of one over the other.

3. The preceding sketch of conceptions of the good in Kant's view indicates how they are built up, or constructed, in an ordered sequence one after the other, each conception (except the first) depending on the preceding ones. If we count the second (that of true human needs) as part of the CI-procedure itself, we can say that be­ ginning with the third (that of permissible ends), these conceptions presuppose an independent conception of right (the reasonable). This conception of right is represented by the CI -procedure as the application of pure practical reason to the conditions of human life. Only the first conception of the good is entirely independent of the moral law, since it is the rational without restriction. Thus the sequence of conceptions beginning with the second exemplifies the priority of pure practical reason over empirical practical reason and displays the distinctive deontological and constructivist structure of Kant's view. We start with two forms of practical reason, the reasonable and the rational. The unity of practical reason is grounded in how the reasonable frames the rational and restricts it absolutely.

Then we proceed step by step to generate different conceptions of the good and obtain at the last two steps the conceptions of the good will and of a complete good as a fully realized realm of ends. The contrast between the deontological and constructivist structure of Kant's doctrine and the linear structure of a teleological view starting from an independent conception of the good is so obvious as not to need comment.

**§3. Kant's Moral Constructivism**

1. We are now in a position to see what is meant in saying that Kant's moral doctrine is constructivist, and why the term "con­ structivist" is appropriate.

One way to bring out the features of Kant's moral constructivism is to contrast it with rational intuitionism. The latter doctrine has, of course, been expressed in many ways; but in some form it dominated moral philosophy from Plato and Aristotle onwards until it was challenged by Hobbes and Hume, and, I believe, in a very different way, by Kant. To simplify things, I take rational intuitionism to be the view exemplified in the English tradition by Samuel Clarke and Richard Price, Henry Sidgwick and G. E. Moore, and formulated in its minimum essentials by W. D. Ross. With qualifications, it was accepted by Leibniz and Christian Wolff in the guise of perfectionism, and Kant knows of it in this form.

For our purposes here, rational intuitionism may be summed up in three theses, the first two of which it has in common with a num­ ber of other views, including Kant's. These three theses are: *First*, the basic moral concepts of the right and the good, and the moral worth of persons, are not analyzable in terms of nonmoral concepts (although possibly they are analyzable in terms of one another). *Second*, first principles of morals (whether one or many), when correctly stated, are true statements about what kinds of considerations are good reasons for applying one of the three basic moral concepts: that is, for asserting that something is (intrinsically) good, or that a certain institution is just or a certain action right, or that a certain trait of character or motive has moral worth. *Third* (and this is the distinctive thesis for our purposes), first principles, as statements about I) good reasons, are regarded as true or false in virtue of a moral order of values that is prior to and independent of our conceptions of person and society, and of the public social role of moral doctrines.

This prior moral order is already given, as it were, by the nature of things and is known by rational intuition (or in some views by moral sense, but I leave this possibility aside). Thus, our agreement m judgment when properly founded is said to be based on the shared recognition of truths about a prior order of values accessible to rea­son. Observe that no reference is made to self-evidence; for although intuitionists have Often held first principles to be self-evident, this feature is not essential.

It should be observed that rational intuitionism is compatible with a variety of contents for the first principles of a moral concep­tion. Even classical utilitarianism, which Sidgwick in his *Methods of Ethics* was strongly inclined to favor, was sometimes viewed by him as following from three more fundamental principles, each grasped by rational intuition in its own right. Of the recent versions of rational intuitionism, the appeal to rational intuition is perhaps most striking in Moore's so-called ideal utilitarianism in *Principia Ethica*. A consequence of Moore's principle of organic unity is that his view is extremely pluralistic: there are few if any useful first principles, and distinct kinds of cases are to be decided by intuition as they arise. Moore held a kind of Platonic atomism:8 moral concepts (along with other concepts) are subsisting and independent entities grasped by the mind. That pleasure and beauty are good, and that different combinations of them alone, or together with other good things, are also good, and to What degree, are truths known by intuition: by seeing with the mind's eye how these distinct objects (universals) are ( timelessly) related.

Now my aim in recalling these familiar matters is to indicate how rational intuitionism, as illustrated by Sidgwick, Moore, and Ross, is distinct from a constructivist moral conception. That Kant would I have rejected Hume's psychological naturalism, as heteronomous, clear. But I believe that the contrast with rational intuitionism, regardless of the specific content of the view (whether utilitarian, perfectionist, or pluralist) is even more instructive. It has seemed less obvious that for Kant rational intuitionism is also heteronomous. Perhaps the reason is that in rational intuitionism basic moral concepts are conceptually independent of natural concepts, and first principles as grasped by rational intuition are viewed as synthetic a priori, and so independent of any particular order of nature. They give the If content of an ethics of creation, so to speak: the principles God would use to ascertain which is the best of all possible worlds. Thus, it may seem that for Kant such principles are not heteronomous.

Yet in Kant's moral constructivism it suffices for heteronomy that first principles obtain in virtue of relations among objects the nature of which is not affected or determined by our conception of our­ selves as reasonable and rational persons (as possessing the powers of practical reason), and of the public role of moral principles in a society of such persons. Of particular importance is the conception of persons as reasonable and rational, and, therefore, as free and equal, and the basic units of agency and responsibility. Kant's idea of autonomy requires that there exists no moral order prior to and independent of those conceptions that is to determine the form ,of the procedure that specifies the content of first principles of right and justice among free and equal persons. Heteronomy obtains not only when these first principles are fixed by the special psychological constitution of human nature, as in Hume, but also when they are fixed by an order of universals, or of moral values grasped by rational intuition, as in Plato's realm of forms or in Leibniz's hierarchy of perfections.

Thus an essential feature of Kant's moral constructivism is that the first principles of right and justice are seen as specified by a procedure of construction (the CI-procedure) the form and structure of which mirrors our free moral personality as both reasonable and rational. This conception of the person he regards as implicit in our everyday moral consciousness. A Kantian doctrine may hold (as Kant did) that the procedure by which first principles are specified, or constructed, is synthetic a priori. This thesis, however, must be properly understood. It simply means that the form and structure of this procedure express the requirements of practical reason. These requirements are embedded in our conception of persons as reasonable and rational, and as the basic units of agency and responsibility. This conception is found in how we represent to ourselves our free and equal moral personality in everyday life, or in what Kant in the second *Critique* calls "the fact of reason."

It is characteristic of Kant's doctrine that a relatively complex conception of the person plays a central role in specifying the content of his moral view. By contrast, rational intuitionism requires but a sparse conception of the person, based on the idea of the person as knower. This is because the content of first principles is already given, and the only requirement is that we be able to know what these principles are and to be moved by this knowledge. A basic psychological assumption is that the recognition of first principles as true of a prior and antecedent order of moral values gives rise, in a being capable of rationally intuiting those principles, to a desire to act from them for their own sake. Moral motivation is defined by reference to desires that have a special kind of causal origin, namely, the intuitive grasp of first principles. This sparse conception of the person together with this psychological assumption characterizes the moral psychology of Sidgwick, Moore, and Ross. Of course, intuitionism is not forced to so sparse a conception. The point is rather that, since the content of first principles is already given, it is simply unnecessary to have a more elaborate moral psychology or a fuller conception of the person of a kind required to specify the form, structure, and content of a constructivist moral view.

2. So much for explaining Kant's moral constructivism by the contrast with rational intuitionism. Let's turn to a more specific ac­count of the constructivist features of his view. But I should mention first that the idea of constructivism arises within moral and political philosophy. The term "constructivist" is not used because of analogies with constructivism in the philosophy of mathematics, even though Kant's account of the synthetic a priori nature of arithmetic and geometry is one of the historical sources of constructivist ac­ counts of mathematical truth. There are also important constructivist elements in Kant's account of the basis of Newtonian mechanics.9 The roots of constructivism lie deep in Kant's transcendental idealism; but these parallels I cannot discuss here.

My aim is to see the way in which Kant's moral doctrine has features that quite naturally lead us to think of it as constructivist, and then how this connects with the themes of the unity of reason and the moral law as an idea of freedom. To this end, let's consider three questions.

*First*, in moral constructivism, what is it that is constructed? The answer is: the *content* of the doctrine.10 In Kant's view this means that the totality of particular categorical imperatives (general precepts at step (2)) that pass the test of the CI-procedure are seen as constructed by a procedure of construction worked through by rational agents subject to various *reasonable*  constraints. These agents are rational in that, subject to the reasonable constraints of the procedure, they are guided by empirical practical reason, or the principles of *rational* deliberation that fall under *the* hypothetical imperative.

A *second* question is this: Is the CI-procedure itself constructed? No, it is not. Rather, it is simply *laid out*. Kant believes that our everyday human understanding is implicitly aware of the requirements of practical reason, both pure and empirical; as we shall see, this is part of his doctrine of the fact of reason. So we look at how Kant seems to reason when he presents his various examples and we try to *lay out* in procedural form all the conditions he seems to rely on. Our aim in doing this is to incorporate into that procedure  *all* the relevant criteria of practical reasonableness and rationality, so that the judgments that result from a *correct* use of the procedure are *themselves* correct (given the requisite true beliefs about the social world). These judgments are correct because they meet all the requirements of practical reason.

 *Third*, what, more exactly, does it mean to say, as I said a while back, that the form and structure of the CI- procedure *mirrors* our free moral personality as both reasonable and rational? The idea here, is that not everything can be constructed and every construction has a basis, certain materials, as it were, from which it begins. While the CI-procedure is not, as noted above, constructed but laid out, it does have a *basis*; and this basis is the conception of free and equal persons as reasonable and rational, a conception that is mirrored in the procedure. We discern how persons are *mirrored* in the procedure by noting what powers and abilities, kinds of beliefs and wants, and the like, they must have as agents who are viewed as implicitly guided by the procedure and as being moved to conform to the particular categorical imperatives it authenticates. We look at the procedure as laid out, and we consider the use Kant makes of it, and from that we elaborate what his conception of persons must be. This conception, along with the conception of a society of such persons, each of whom can be a legislative member of a realm of ends, constitutes the basis of Kant's constructivism. Thus, we don't say that the conceptions of person and society are constructed. It is unclear what that could mean. Nor do we say they are laid out. Rather, these conceptions are *elicited* from our moral experience and from what is in­ volved in our being able to work through the CI-procedure and to act from the moral law as it applies to us.

To illustrate: that we are both reasonable and rational is mirrored in the fact that the CI-procedure involves both forms of reasoning. We are said to be rational at step (I), and indeed at all steps, since the deliberations of agents within the constraints of the procedure always fall under the rational. We are also said to be reasonable, since if we weren't moved by the reasonable, we would not take what Kant calls a pure practical interest in checking our maxims against the procedure's requirements; nor when a maxim is rejected would we have such an interest in revising our intentions and checking whether our revised maxim is acceptable. The deliberations of agents *within* the steps of the procedure and subject to its reasonable constraints mirror our rationality; our motivation as persons in caring about those constraints and taking an interest in acting in ways that meet the procedure's requirements mirrors our being reasonable.

The conception of free and equal persons as reasonable and rational is the basis of the construction: unless this conception and the powers of moral personality it includes-our humanity-are animated, as it were, in human beings, the moral law would have no basis in the world. Recall here Kant's thought that to commit suicide is to root out the existence of morality from the world (MM 6:4 22 - 2 3).

3. It is important to see that the contrast between rational intuitionism and Kant's moral constructivism is not a contrast between objectivism and subjectivism. For both views have a conception of objectivity; but each understands objectivity in a different way.

In rational intuitionism a correct moral judgment, or principle, is one that is true of a prior and independent order of moral values. This order is also prior to the criteria of reasonableness and rationality as well as prior to the appropriate conception of persons as autonomous and responsible, and free and equal members of a moral community. Indeed, it is that order that settles what those reasonable and rational criteria are, and how autonomy and responsibility are to be conceived.

In Kant's doctrine, on the other hand, a correct moral judgment is one that conforms to all the relevant criteria of reasonableness and rationality the total force of which is expressed by the way they are combined into the CI-procedure. He thinks of this procedure as suitably joining together all the requirements of our (human) practical reason, both pure and empirical, into one unified scheme of practical reasoning. As we saw, this is an aspect of the unity of reason. Thus, the general principles and precepts generated by the correct use of that procedure of deliberation satisfy the conditions for valid judgments imposed by the form and structure of our common (human) practical reason. This form and structure is a priori, rooted in our pure practical reason, and thus for us practically necessary. A judgment supported by those principles and precepts will, then, be acknowledged as correct by any fully reasonable and rational (and informed) person.

A conception of objectivity must include an account of our agreement in judgments, how it comes about. Kant accounts for this agreement by our sharing in a common practical reason. For this idea to succeed, we must suppose, as Kant does, that whoever applies the CI-procedure, roughly the same judgments are reached, provided the procedure is applied intelligently and conscientiously, and against the background of roughly the same beliefs and information. Reasonable and rational persons must recognize more or less the same reasons and give them more or less the same weight. In­ deed, for the idea of judgment even to apply, as opposed to the idea of our simply giving voice to our psychological state, we must be, able to reach agreement in judgment, not of course always, but much of the time. And when we can't do so, we must be able to explain our failure by the difficulties of the question, that is, by the difficulties of surveying and assessing the available evidence, or else the delicate balance of the competing reasons on opposite sides of the issue, either or both of which leads us to expect that reasonable persons may differ. Or, alternatively, the disagreement arises from a lack of reasonableness or rationality or conscientiousness on the part of one or more persons involved, where of course the test of this lack cannot simply be the fact of disagreement itself, or the fact that other per­ sons disagree with us. We must have independent grounds for thinking these causes of disagreement are at work.

Finally, to prevent misunderstanding, I should add that Kant's constructivism does not say that moral facts, much less all facts, are constructed. Rather, a constructivist procedure provides principles and precepts that specify *which* facts about persons, institutions, and actions, and the world generally, are relevant in moral deliberation. Those norms specify which facts are to *count* as reasons. We should not say that the moral facts are constructed, since the idea of constructing the facts seems odd and may be incoherent; by contrast, the idea of a constructivist procedure generating principles and precepts singling out the facts to count as reasons seems quite clear. We have only to recall how the CI-procedure accepts some maxims and rejects others. The facts are there already, so to speak, available in our every­ day experience or identified by theoretical reason, but apart from a constructivist moral conception they are simply facts. What is needed is a way to single out which facts are relevant from a moral point of view and to determine their weight as reasons. Viewed this way, a constructivist conception is not at odds with our ordinary idea of truth and matters of fact.

**§4. What Kind of Authentication Has the Moral Law?**

I. In the first appendix to chapter 1 of the Analytic of the *Critique of Practical Reason*, Kant says that the moral law can be given no deduction, that is, no justification of its objective and universal validity, but rests on the fact of reason. This fact (as I understand it) is the fact that in our common moral consciousness we recognize and acknowledge the moral law as supremely authoritative and immediately directive for us. Kant says further that the moral law needs no justifying grounds; to the contrary, that law proves not only the possibility but also the actuality of freedom in those who recognize and ac­ knowledge that law as supremely authoritative. The moral law thus gives objective, although only practical, reality to the idea of freedom, and thereby answers to a need of pure speculative reason, which had to assume the possibility of freedom to be consistent with itself That the moral law does this is sufficient authentication, or credential, as Kant says, for that law. And this credential takes the place of all those vain attempts to justify it by theoretical reason, whether speculative or empirical (CP 5: 46-50).

This is a fundamental change from the *Groundwork*, where in the last part Kant tries to derive the moral law from the idea of freedom. Now what is the significance of this change?11 It signals, I believe, Kant's recognition that each of the four forms of reason in his critical philosophy has a different place and role in what he calls the unity of reason. He thinks of reason as a self-subsistent unity of principles in which every member exists for every other, and all for the sake of each (see Bxxiii, and CP 5: 119-21). In the most general sense, the authentication of a form of reason consists in explaining its place and role within what I shall call the constitution of reason as a whole. For Kant there can be no question of justifying reason as such; for rea­ son must answer all questions about itself from its own resources (A476-84/BS04-I2), and it must contain the standard for any critical examination of every use of reason (CP 5 : 16): the constitution of reason must be self-authenticating.

Now once we regard the authentication of a form of reason as an explanation of its role within the constitution of reason, then, since the forms of reason have different roles, we should expect their authentications to be different. The moral law will not have the same kind of authentication that the categories do, namely, the special kind of argument Kant gives for them in the transcendental deduction of the first *Critique*, an argument designed to show the concepts and principles in question are presupposed in some kind of experience, or consciousness, in contrast, for example, to their being regulative of the use of a faculty.

Pure speculative reason also has what Kant calls a deduction (A670/B698), that is, a justification (or authentication) of the objec­tive validity of its ideas and principles as transcendental principles (A651/B679). But what is important here is that the moral law as an idea of pure practical reason has an even different authentication than pure speculative reason. To elaborate: for Kant, pure reason, as opposed both to the understanding and to empirical practical reason, is the faculty of orientation.12 Whereas reason's work in both spheres is similar, it performs its work differently in the theoretical than in the practical sphere. In each sphere, reason provides orientation by being normative: it sets ends and organizes them into a whole so as to guide the use of a faculty, the understanding in the theoretical sphere, the power of choice in the practical. In the theoretical sphere, pure reason is regulative rather than constitutive; the role of its ideas and principles is to specify an idea of the highest possible systematic unity, and to guide us in introducing this necessary unity into our knowledge of objects and our view of the world as a whole. In this way the work of reason yields a sufficient criterion of empirical truth (A6SI/B679).13 Without pure reason, general conceptions of the world of all kinds -- religion and myth, and science and cosmology -- would not be possible. The ideas and principles of reason that articulate them, and that in the case of science provide a criterion of empirical truth, would not exist, for their source is reason. The role of speculative reason in regulating the understanding and organizing into a unity our empirical knowledge authenticates its ideas and principles.

By contrast, in the practical sphere, pure reason is neither constitutive nor regulative but directive: that is, it immediately directs the power of choice, which does not provide independent material of its own to be organized, as the understanding does. In this sphere, it is empirical practical reason that is regulative; for empirical practical reason organizes into a rational idea of happiness, by the principle of the hypothetical imperative, the various desires and inclinations be­ longing to the lower faculty of desire (CP 5: 120). In contrast, the power of choice, as the higher faculty of desire, is directed *immediately* by pure reason's idea of the moral law, a law by which reason constructs for that power its practically necessary object, the realm of ends.

In a way suitable to the theoretical and the practical spheres, pure reason tries to fashion what Kant calls the unity of reason. There are three such unities: the first, in the theoretical sphere, is the greatest possible systematic unity of the knowledge of objects 'required for a sufficient criterion of empirical truth; the second, in the practical sphere, is the greatest possible systematic unity of ends in a realm of ends. The third unity is that of both theoretical and practical reason in one constitution of reason with theoretical reason subordinate to practical reason, so that practical reason has primacy (CP 5 : 119 - 21).

2. I turn from these general remarks to consider why Kant might have given up the attempt to give an argument from theoretical reason for the moral law by examining several forms such an argument might take.

During the 1770'S, Kant made a number of efforts in this direction. Dieter Henrich divides them into two groups.14 In the first, Kant tries to show how the theoretical use of reason, when applied to the totality of our desires and ends of action, necessarily gives rise in a rational agent not only to the characteristic approval of moral judgment but also to incentives to act from that judgment. In the second group, Kant tries to derive the essential elements of moral judgment from what he takes to be a necessary presupposition of moral philosophy, but a presupposition that can be seen to be necessary by the use of theoretical reason alone, namely, the concept of freedom.

For each group, Henrich describes a few examples. I leave aside these details. The relevant point is that Kant tries to ground the moral law solely in theoretical reason and the concept of rationality. He tries to derive the reasonable from the rational. He starts from a conception of a self-conscious rational (versus reasonable) agent with all the powers of theoretical reason and moved only by natural needs and desires. These arguments bear witness to Kant's effort over a number of years to find a derivation of the moral law from theoretical reason.

Another kind of argument for the moral law, one resembling the kind of argument Kant gives for the categories, might be this: we try to show the moral law to be presupposed in our *moral consciousness* in much the same way that the categories are presupposed in our *sensible experience* of objects in space and time.15 Thus, we might argue that no other moral conception can specify the concepts of duty and obligation, or the concepts needed to have the peculiarly moral feelings of guilt and shame, remorse and indignation, and the like. Now that a moral conception include the necessary background for these concepts is certainly a reasonable requirement. But the argument tries for too much: it is implausible to deny that other conceptions also suffice for this background. The conceptions of two societies may differ greatly even though people in both societies are capable of moral consciousness. Many doctrines satisfy this condition besides that specified by the moral law.

A fault in this kind of argument is that it assumes the distinction between concept and pure intuition, whereas in moral consciousness there is no such distinction. Theoretical reason concerns the knowl­edge of objects, and sensory experience provides its material basis. But practical knowledge concerns the reasonable and rational grounds for the production of objects. The complete good is the realization of a constructed object: the realm of ends as the necessary object of a will immediately determined by the moral law. Moral consciousness I is not sensible experience of an object at all and this kind of argument has no foothold. Consider a further argument. One might say: since the deduction of the categories shows that their objective validity and universal applicability is presupposed in our unified public experience of objects, a parallel argument for the moral law might show it to constitute the 1 only possible basis for a unified public order of conduct for a plurality of persons who have conflicting aims and interests. The claim is that without the moral law, we are left with the struggle of all against all as exemplified by the pledge of Francis I (CP 5: 28). This would allow us to say that the moral law is constitutive of any unified public order of a social world.16

This approach, I think, is likewise bound to fail. The requirement that a moral conception specify a unified and shared public order of conduct is again entirely reasonable. The obvious difficulty is that utilitarianism, perfectionism, and intuitionism, as well as other doctrines, can also specify such an order. The moral law is, as we have seen, a priori with respect to empirical practical reason. It is also a priori as an idea of reason, but it is not a priori in the further sense that any unified public order of conduct must rest on it.

Kant does not, I believe, argue that the moral law is a priori in this further sense. What, in effect, he does hold is that the moral law is the only way for us to construct a unified public order of conduct without falling into heteronomy. Kant uses the idea of autonomy implicit in a constructivist conception of moral reason to eliminate alternative moral doctrines. Although Kant never discusses utilitarianism,17 perfectionism, and intuitionism as we view them today, it is clear that he would also regard these contemporary doctrines as forms of heteronomy. His appeal would be to the moral law as a principle of free constructive reason.

3. Finally, let's return briefly to the second *Critique*, where Kant explains why the moral law has no deduction (CP 5 : 46- 50). Here he stresses the differences between theoretical and practical reason. Theoretical reason is concerned with the knowledge of objects given to us in our sensible experience; whereas practical reason is concerned with our capacity as reasonable and rational beings to bring about, or to produce, objects in accordance with a conception of those objects. An object is understood as the end of action, and for Kant all actions have an object in this sense. Acting from pure practical reason involves first, bringing about an object the conception of which is framed in the light of the ideas and principles of pure practical reason, and second, our being moved (in the appropriate way) by a pure practical interest in realizing that conception. Since it is in virtue of our reason that we can be *fully* free, only those actions meeting these two conditions are fully free.

Now from what we have said the authentication of the moral law can seem highly problematic. This sets the stage for Kant's introducing the doctrine of the fact of reason in the second *Critique*. For the moral law cannot be derived from the concepts of theoretical reason together with the concept of a rational agent; nor is it presupposed in our moral experience, or necessary to specify a unified order of public conduct. It cannot be derived from the idea of freedom since no intellectual intuition of freedom is available. Moreover, the moral law is not to be regulative of a faculty with its own material. kind of authentication holds for speculative reason and, within the practical sphere, for empirical practical reason, which regulates the lower faculty of desire. Yet there is still a way, Kant now holds, in which the moral law is authenticated:

The moral law is given, as an apodictically certain fact, as it were, of pure reason, a fact of which we are a priori conscious, even if it be granted that no example could be found in which it has been followed exactly, [while] the objective reality of the moral law can be proved through. . . no exertion of the theoretical reason, whether speculative or empirically supported. . . . Nevertheless, it is firmly established of itself.

He adds:

Instead of this vainly sought deduction of the moral principle, however, something entirely different and unexpected appears: the moral principle it­ self serves as a principle of the deduction of an unscrutable faculty which no experience can prove but which speculative reason had to assume as at least possible (in order not to contradict itself ... ). This is the faculty of freedom, which the moral law, itself needing no justifying grounds, shows to be not only possible but actual in beings that acknowledge the law as binding upon them (CP 5:47)

To conclude: each form of reason in Kant's critical doctrine has its own distinctive authentication. The categories and principles of the understanding are presupposed in our experience of objects in space and time, and pure speculative reason is authenticated by its role in organizing into a systematic unity the empirical knowledge of the understanding, thereby providing a sufficient criterion of empirical truth. Empirical practical reason has a similar role with respect to our lower faculty of desire organizing its inclinations and wants into a rational conception of happiness. It is *pure* practical reason the authentication of which seems the most elusive: we long to derive its law, as Kant did for many years, from some firm foundation, either in theoretical reason or in experience, or in the necessary conditions of a unified public order of conduct; or failing all of these, from the idea of freedom itself, as Kant still hopes to do in the *Grundlegung*.

But none of these authentications are available within Kant's critical philosophy. In the second *Critique*, Kant recognizes this and accepts the view that pure practical reason, with the moral law as its first principle, is authenticated by the fact of reason and in turn by that fact's authenticating, in those who acknowledge the moral law as binding, the objective reality of freedom, although always (and this needs emphasis) only from a practical point of view. In the same way the moral law authenticates the ideas of God and immortality. Thus, along with freedom, the moral law is the keystone of the whole system of pure reason (CP 5: 3). Pure practical reason is authenticated finally by assuming primacy over speculative reason and by cohering into, and what is more, by *completing* the constitution of reason as one unified body of principles: this makes reason self-authenticating as a whole (CP 5: 119-21).

Thus by the time of the second *Critique* Kant has developed, I think, not only a constructivist conception of practical reason but a coherentist account of its authentication. This is the significance of his doctrine of the fact of reason and of his abandoning his hitherto vain search for a so-called deduction of the moral law. This doctrine may look like a step backward into intuitionism, or else into dogmatism. Some have tried to interpret it away so as to make it continuous with Kant's earlier views; others have lamented it. Here I think that Kant may be ahead of his critics. A constructivist and coherentist doctrine of practical reason is not without strengths as a possible view; and as such it is part of the legacy Kant left to the tradition of moral philosophy.

**§5. The Moral Law as a Law of Freedom**

I. The distinctive feature of Kant's view of freedom is the central place of the moral law as an idea of pure reason; and pure reason, both theoretical and practical, is free. For Kant there is no essential difference between the freedom of the will and freedom of thought. If our mathematical and theoretical reasoning is free, as shown in free judgments, then so is our pure practical reasoning as shown in free deliberative judgments. Here in both cases free judgments are to be distinguished from verbal utterances that simply give voice to, that are the (causal) upshot of, our psychological states and of our wants and attitudes. Judgments claim validity and truth, claims that can be supported by reasons. The freedom of pure reason includes the· freedom of practical as well as of theoretical reason, since both are freedoms of one and the same reason (Gr 4: 391; CP 5: 91, 121). Kant's approach requires that the moral law exhibit features that dis­ close our freedom, and these features should be discernible in the CI­ procedure, on its face, so to speak. The moral law serves as the *ratio cognoscendi* of freedom (CP 5: 4n). Our task is simply to recall the features of this procedure (surveyed in §I) which Kant thinks enables us to recognize it as a law of freedom.18

Consider first the features through which the CI-procedure exhibits the moral law as unconditional. These are evident in the ways that the reasonable restricts the rational and subordinates it absolutely. The CI -procedure (the reasonable) restricts empirical practical reason (the rational) by requiring that unless the agent's rational and sincere maxim is accepted by the procedure, acting from that maxim is forbidden absolutely. This outcome is final from the standpoint of practical reason as a whole, both pure and empirical. Thus, the moral law, as represented by the CI -procedure, specifies a scope within which permissible ends must fall, as well as limits on the means that can be adopted in the pursuit of these ends. The scope and limits that result delineate the duties of justice. The moral law also imposes certain ends as ends that we have a duty to pursue and to give some weight to. These duties are duties of virtue. That the moral law as represented is unconditional simply means that the constraints of the CI-procedure are valid for all reasonable and rational persons, no , matter what their natural desires and inclinations.

We might say: pure practical reason is a priori with respect to empirical practical reason. Here the term "a priori" applies, of course, to pure practical knowledge and not to the knowledge of objects given in experience. It expresses the fact that we know in advance, no matter what our natural desires may be, that the moral law imposes certain ends as well as restrictions on means, and that these requirements are always valid for us. This fits the traditional epistemological meaning of a priori once it is applied to practical knowledge, and it accords with Kant's definition of the a priori at CP 5: 12. Kant uses the unconditional and a priori aspects of the moral law to explain the sense in which our acting from that law shows our independence of nature and our freedom from determination by the desires and needs aroused in us by natural and psychological causes (so-called negative freedom).

2. Next, let's ask how the CI-procedure exhibits the moral law as sufficient of itself to determine the will. Here we should be careful not to interpret this feature too strongly. I do not think Kant wants to say, and certainly he does not need to say, that the moral law determines all the relevant aspects of what we are to do. Rather, the moral law specifies a scope within which permissible ends must fall, and also limits the means that may be used in their pursuit, and this goes part way to make the moral law sufficient of itself to determine the will. (Of course, particular desires determine which permissible ends it is rational for us to pursue, and they also determine, within the limits allowed, how it is rational for us to pursue them. This leeway I view as compatible with Kant's intentions.)

But beyond specifying a scope for permissible ends and limiting means in their pursuit, the moral law must further provide sufficient grounds to determine the will by identifying certain ends that are also duties and by requiring us to give at least some weight to those ends. Since the moral law determines both aspects of action, both ends and means, pure practical reason, through the moral law as an idea of reason, is *sufficient* to determine the will.19 The point here is that for Kant action has an end; if the moral law failed to identify certain ends as also duties, it would not suffice to determine an essential feature of actions.

What is crucial for Kant's view is that the moral law must not be merely formal but have enough content to be, in a natural meaning of the word, sufficient of itself to determine ends: pure reason is not merely finding the most effective way to realize given ends but it criticizes and selects among proposed ends. Its doing this is what Kant has in mind when he says that the moral law specifies a positive concept of freedom. We are free not only in the sense that we are able to act independently of our natural desires and needs, but also free in the sense that we have a principle regulative of both ends and means from which to act, a principle of autonomy appropriate to us as reasonable and rational beings.

3. So much for the way in which the CI-procedure exhibits the moral law as unconditional and sufficient of itself to determine the will. In addition to this procedure exhibiting how the moral law imposes ends that are also duties, it exhibits that law as doing reason's work in setting ends and in securing their ordered unity, so that it is not merely a principle of rationality. We can also see how the moral law constructs the realm of ends and thereby specifies the conception of its object. In short, the CI-procedure in its constructions models all the essential features of a principle doing the work of pure reason in the practical sphere.

This procedure also clarifies the more general aspects of pure practical reason to which Kant refers in a passage from the first *Critique*. Kant says:

Reason does not ... follow the order of things as they present themselves in appearance, but frames for itself with perfect spontaneity an order of its own according to ideas [of pure reason], to which it adapts the empirical conditions, and according to which it declares actions to be [practically] necessary (A548/BS7 6 ).

We can grasp what Kant has in mind: namely, that pure practical reason constructs out of itself the conception of the realm of ends as an order of its own according to ideas of reason; and given the historical and material circumstances under which society exists, that conception guides us in fashioning institutions and practices in conformity with it.

The particular characteristics of a realm of ends are, then, to be adapted to empirical, that is, to historical and social conditions. What in particular is the content of citizens' permissible ends, and what specific institutions are best suited to establish a moral community regulated by the moral law, must wait upon circumstances. But what we do know in advance are certain general features of such a moral community: the nature of ends that are also duties, and the arrangement of these ends under the duty to cultivate our moral and natural perfection, and the duty to further the happiness (the permissible ends) of others. We also know that under favorable conditions, a realm of ends is some form of constitutional democracy.

4. Now consider the two examples Kant presents in sec. 6 of ch. I of the Analytic (CP 5 : 30). Kant's first example is that of a man who claims to have a natural desire so overwhelmingly strong that if the object desired were vividly placed before him, this desire would be irresistible. Kant thinks that the man must be exaggerating or else mistaken. If he knew that he would be executed immediately upon satisfying his desire, and the instruments of execution (for example, the gallows) were as vividly placed before him as the attractive object, surely he would realize that there are other desires, if necessary his love of life-the sum total of all natural desires as expressive of life-which would intervene to resist this alleged irresistible desire. In the last resort the love of life, when equally vividly aroused, is able to control all other natural desires. Kant thinks that as purely rational and natural beings we cannot act against the love of life.

The second example is that of a man who is ordered by his sover­ eign to make a false deposition against an honorable subject whom the sovereign wishes to be rid of on some plausible pretext. This order, we are to assume, is backed up by a threat of sudden death as vividly present as in the previous case. This time, however, it is the desire to act from the moral law that opposes the love of life. Here Kant thinks that while perhaps none of us would want to say what we would do in such a situation, we do know, as this man would know of himself, that it would be *possible* for us to disobey the sovereign's order. Of this man Kant says: "He judges ... that he can do something because he knows that he ought, and he recognizes that he is free-a fact which, without the moral law, would have remained unknown to him" (CP 5 : 30).

Kant's aim in these examples is to convince us that although as purely natural beings, endowed with the powers of the rational but not the reasonable, we cannot oppose the love of life, nevertheless we can do so as natural beings endowed with *humanity*, that is, the powers of the reasonable in union with moral sensibility.20 Moreover, our consciousness of the moral law discloses to us that we can stand fast against the totality of our natural desires; and this in turn discloses our capacity to act independently of the natural order. Our consciousness of the moral law could not do this unless that law was not only unconditional and sufficient of itself to determine our will, but also had all the features of a principle of pure practical reason. These features must be exhibited in our moral thought and feeling in some such manner as the CI-procedure represents them. Knowledge that we can act from a law of *that* kind -- a law that is a principle of autonomy -- is what discloses our freedom to us.

5. To conclude, one other passage should be mentioned. It is found at CP 5: 94-: here Kant says that there are writers who think they can explain freedom by empirical principles. They regard it as a psychological property that can be accounted for by an exact investigation of the mind and the incentives of the will as discerned in sense experience. Those writers do not regard freedom as a transcendental predicate of the causality of persons who also have a place in the natural order but who, Kant implies, are not entirely of it. He writes:

They deprive us of the great revelation which we experience through our practical reason by means of the moral law -- the revelation of an intelligible world through realization of the otherwise transcendent concept of freedom; they deprive us of the moral law itself, which assumes absolutely no empirical ground of determination. Therefore, it will be necessary to add something here as a protection against this delusion and to expose empiricism in its naked superficiality.

This severe passage expresses the depth of Kant's conviction that those without a conception of the moral law and lacking in moral sensibility could not know they were free. They would appear to themselves as purely natural creatures endowed with rationality, without the essentials of humanity. If by some philosophical or other doctrine we were to be convinced that the moral law is a delusion, and our moral sensibility simply an artifact of nature to perpetuate the species, or a social contrivance to make institutions stable and secure, we would be in danger of losing our humanity, even though we cannot, Kant thinks, lose it altogether. The empiricist "delusion," as Kant calls it, must not be allowed to take from us the glorious disclosure of our autonomy made known to us through the moral law as an idea of pure reason. Philosophy as defense (apology in the traditional sense) -- the role Kant gives it -- is to prevent this loss.

**NOTES**

RAWLS: Themes in Kant

This essay draws upon three lectures circulated at Johns Hopkins University in the summer of 1983, where discussions of Kant's moral philosophy were held. The presentation here is considerably abbreviated in parts and at much revised. In making these changes, I am especially grateful to Stephen Engstrom, Michael Friedman, Michael Hardimon, Barbara Herman, Wilfried Hinsch, and T. M. Scanlon. Discussion with them has been enormously helpful and their criticisms led to many improvements.

I. Modulo a few minor variations, my account of the CI-procedure in §I follows closely that of Onora (Nell) O'Neill in her *Acting on Principle* (New York, 1975). See also Paul Dietrichson, ''When is a Maxim Universalizable?," *Kant-Studien*, S6 (1964). I have followed Barbara Herman in supposing that when we apply the CI-procedure we are to assume that the agent's maxim is rational. See her "Morality as Rationality: A Study in Kant's Ethics," Ph.D. thesis, Harvard, 1976.

2. On this presupposition, see the instructive discussion by Barbara Herman, "The Practice of Moral Judgment," *Journal of Philosophy*, 82 (198S).

3. In describing these steps many refinements are glossed over. I am in­ debted to Reinhard Brandt for illuminating discussions on this score. But as I have said, the account need only be accurate enough to set the stage for the themes of moral constructivism and the authentication of the moral law, and the rest.

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4. In adopting this way out we are amending, or adding to, Kant's account. It is, I think, Kantian in spirit provided that, as I believe, it doesn't compromise the essential elements of his doctrine.

5. The German is: "Will man aber dem sittlichen Gesetze zugleich Eingang verschaffen." Kant's meaning here is obscure; see below at last par. of §I.

6. I am indebted to Michael Friedman for clarification on this point.

7. John Silber, "The Copernican Revolution in Ethics: The Good Reexamined," *Kant-Studien*, 51 (1959).

8. This description is Peter Hylton's.

9. For this, see Michael Friedman, "The Metaphysical Foundations of Newtonian Science," in *Kant's Philosophy of Science*, ed. R. E. Butts (Dor­drecht, 1986).

10. It should be noted that this content can never be specified completely. The moral law is an idea of reason, and since an idea of reason can never be fully realized, neither can the content of such an idea. It is always a matter of approximating thereto, and always subject to error and correction.

II. For the importance of this change I agree with much of Karl Amerik's valuable discussion in his *Kant's Theory of Mind* (Oxford, 1982), ch. VI. He discusses the views of L. W. Beck and H. J. Paton who have tried to preserve the continuity of Kant's doctrine and have denied the fundamental nature of the change.

12. For this view, and in my account of Kant's conception of the role of reason generally, I have been much indebted for some years to Susan Neiman. Now see her ''The Unity of Reason: Rereading Kant," Ph.D. thesis, Harvard 1986.

13. See A644/B672: "Reason has ... as its sole object the understanding and its effective application. Just as the understanding unifies the manifold in the object by means of concepts, so reason unifies the manifold of concepts by means of ideas, positing a certain collective unity as the goal of the activities of the understanding." Observe here that reason is normative in relation to the understanding and sets a goal for its activities. The understanding itself has no grasp of this goal; indeed, it cannot set goals for itself at all. Moreover, whereas the activities of the understanding are spontaneous in the sense that it operates by applying its own concepts and categories in constituting the experience of objects, and it is not, as Hume thinks, governed by natural psychological laws (for example, the laws of association of ideas), the understanding is, nevertheless, not free. It is pure reason that is free. See also A669-9S/B697-723.

14. Dieter Henrich has made a study of these arguments in the Nachlaß and he suggests that when Kant speaks of "this vainly sought deduction" of the moral law he has his own failure in mind. See "Der Begriff der sittlichen Einsicht und Kants Lehre vom Fakrum der Vernunft," in *Die Gegenwart der Griechen im neuern Denken*, ed. Dieter Henrich et al. (Tübingen, 1960), pp. 239-47. I am much indebted to this essay.

I5. As Lewis White Beck says, we might expect Kant to carry out a critical regression on the presuppositions of moral experience. See *A Commentary on Kant's Critique of Practical Reason* (Chicago, 1960), p. 17I.

16. This way of deducing the moral law seems to be suggested by Ernst Cassirer in *Kant's Life and Thought* (New Haven, 1981), pp. 238-47, esp. pp. 239-43, but it is not very far developed.

17. At CP S:36-38 (in the last remark of §8), there is some critical discus­ sion of utilitarianism but it does not, I think, affect what is said in the text.

18. There are three ideas of freedom in Kant that need to be distinguished and related in an account of the practical point of view: those of acting under the idea of freedom, of practical freedom, and of transcendental freedom. Unhappily, I cannot consider them here.

19. The third and strongest way in which the moral law might suffice to determine the will would seem to be this: we read Kant to say in the *Doctrine of Virtue* that the ends of all our actions must be ends that are also duties. The only leeway that now remains is in the weight we are allowed to give to these ends and in the choice of the most effective means to achieve them. The ordinary pleasures of life are permissible only insofar as they are required to preserve our self-respect and sense of well-being and good health, essential if we are conscientiously and intelligently to fulfill our duties. This is one interpretation of Kant's so-called rigorism, but I shall not pursue it here.

20. Kant is not everywhere consistent in his use of humanity but usually it means what is indicated in the text. Recall that, when Kant's doctor, then rector of the university, came to visit him in his last days, Kant, wasted and enfeebled, struggled from his chair to his feet. When the rector asked him to sit down, he seemed reluctant to do so. E. A. C. Wasianski, who knew Kant's courteous way of thinking and highly proper manners, assured the rector that Kant would sit down as soon as the rector, the visitor, did. The rector seemed dubious about this reason, but was quickly convinced when Kant said with great effort after collecting his strength: "Das Gefühl für Humanität hat mich noch nicht verlassen." By which he implied: "I can still act as I should, so I must stand until my visitor sits." This well-known incident nicely illustrates the meaning of humanity. It is described in Cassirer, p. 412.