

*Kant's Justification of the "Fact of Reason"  
and the Objective Reality of Freedom  
from a "Practical Point of View"*

In the Preface to the *Critique of Practical Reason*, Kant states that freedom is central to his Critical system as a whole, that is, it "constitutes the keystone [*Schlufstein*] of the whole structure of a system of pure reason" (*KpV*, 5: 3–4). By "freedom" here Kant understands transcendental freedom so that if will is "a kind of causality of living beings insofar as they are rational," then "*freedom* would be that property of such causality that it can be efficient independently of alien causes determining it" (*GMS*, 4: 446). This is also the notion of freedom to which Kant refers as freedom in the "absolute sense," or the "*unconditioned* [*das Unbedingte*] in the series of causal connections" (*KpV*, 5: 4).<sup>1</sup> In the B-edition of the Preface of the *Critique of Pure Reason*,<sup>2</sup> Kant summarizes the significance of the results of the first *Critique* for the question of freedom. The results of the first *Critique* are not merely "negative" (*KrV*, Bxxv), that is, aimed at establishing the limits of the speculative use of reason, but also "positive" (*KrV*, Bxxv) insofar as, given the truth of transcendental idealism, we can think freedom without contradiction. Put differently, although we are causally determined as appearance and, therefore, not free, we can think of ourselves as free as a thing in itself. Following the first *Critique*, the task remained for Kant to establish the real possibility of freedom, or its objective reality: "[T]he only point at issue was whether this *can*

<sup>1</sup> This is the reason why Kant's conception of transcendental freedom should not be confused with a mere independence from sensual impulses. In the first *Critique*, he calls the latter "[f]reedom in the practical sense," which he defines as "the independence of the power of choice from necessitation by impulses of sensibility" (*KrV*, A534/B562). In his metaphysics lectures, Kant calls the latter also "*arbitrium liberum* insofar as it is psychologically or practically defined," that is, freedom consists in one's *awareness* that one's actions are not necessitated by one's inclinations, that one can resist them. The will that is "necessitated or forced by no stimuli but through the motives determined by the understanding is called intellectual or transcendental *liberum arbitrium*" (*V-Met-Lit/Pölitz*, 28: 255) and, hence, is a metaphysical conception of freedom as an uncaused cause and not a psychological conception of freedom.

<sup>2</sup> For the claim that it is plausible for us to think that the arguments of the second *Critique* were on Kant's mind in the process of writing the second edition of the first *Critique*, see Klemme 2010, 13.

be changed to *is*, that is, whether one could show in an actual case, as it were by a fact, that certain actions presuppose such a causality (intellectual, sensibly unconditioned causality), whether such actions are actual or only commanded, that is, objectively practically necessary" (*KpV*, 5: 104).<sup>3</sup>

In the *Groundwork*, Kant attempted an ambitious theoretical proof for the objective reality of the Idea of freedom and from which the possibility (*GMS*, 4: 444) and "validity" (*GMS*, 4: 449) of the moral law, the ground of its obligatory character, was to be deduced.<sup>4</sup> In the second *Critique*, he abandons this strategy.<sup>5</sup> In the *Critique of Practical Reason*, he appeals to the "fact of reason," the givenness of the moral law as apodictically certain and by means of which he is to offer a proof of freedom's objective reality: "now practical reason of itself, without any collusion with speculative reason, furnishes reality to a supersensible object of the category of causality, namely to *freedom* [...], and hence establishes by means of a fact [*durch ein Faktum bestätigt*] what could there only be *thought*" (*KpV*, 5: 6).<sup>6</sup> Kant's

<sup>3</sup> I am keen to emphasize that Kant's aim in the second *Critique* is nothing short of providing an objective reality of freedom. In the third *Critique*, Kant contends that freedom "is the only one among all the ideas of pure reason whose object is a fact and which must be counted among the *scibilia*" (*KU*, §91, 5: 468). My view is to be contrasted with the predominant position in Anglo-American Kant scholarship according to which Kant's objective is to establish a reasonable "belief" in freedom, a "standpoint" in which we take ourselves "as if" we were free (Kleingeld 2010, 71–72; Allison 2012, 120–23), something "we must believe [...]" in order to obey the categorical imperative (Korsgaard 1996, 175–76). Henry Allison, in Allison 1989, holds the view that the "Faktum text" shows that we can have a belief that we are capable of actions necessitated by the moral law and also then that we can have at most the belief that we are free. In Allison 1990, he acknowledges that Kant's aim is to prove the objective reality of freedom (and not a mere belief) but it is not clear that this can be achieved on Allison's interpretation of us "taking interest" in the moral law (see Allison 1990, 248) rather than a recognition that our actions are necessitated by it.

<sup>4</sup> Kant refers to the question of how the moral law can be binding as the question of its "validity" (*GMS*, 4: 449) and at other places in the text as a question of its "reality and objective necessity" (*GMS*, 4: 449).

<sup>5</sup> Given the limited scope of this chapter, I will not discuss Kant's argument in Section III of the *Groundwork*. Instead, I note that, while there is a general consensus that Kant's attempt in the *Groundwork* to provide a theoretical proof of freedom (and from freedom the possibility and necessity [*GMS*, 4: 444] of morality) was not successful, there is a disagreement among commentators regarding how to interpret Kant's aims in the second *Critique*. On one hand, there are those who argue that the argument of the second *Critique* is consistent with the argument of the *Groundwork*. They either argue that the argument in the *Groundwork* anticipates the argument in the second *Critique* by not attempting to offer a deduction in the strict sense (Henrich 1994a) or that the argument in the second *Critique* continues the strict theoretical deduction started in the *Groundwork* (Beck 1960), or that Kant's "position in the second *Critique* is essentially the same [as the one in the *Groundwork*], except that it is significantly weaker argumentatively" (Wood 2008, 135). On the other, there are those who argue that in the second *Critique* Kant entirely abandons his attempts in the *Groundwork* (Prauss 1983; Rawls 1989; Allison 1990; Ameriks 2003; Timmermann 2010). I side with the latter group.

<sup>6</sup> It is somewhat ambiguous whether Kant is consistent in his claims that transcendental as opposed to mere practical freedom is required for morality. At places, he seems to suggest the latter (see for

doctrine of the "fact of reason" and his abandonment of the aim to provide a theoretical proof of the validity of the moral law has been criticized by both his immediate successors and contemporary Kant commentators as a disappointing regress into dogmatism.<sup>7</sup>

My aim in this chapter is to give a more charitable interpretation of Kant's doctrine of the "fact of reason" and his proof of freedom's real possibility. My efforts are in concert with some recent interpretations according to which Kant's "fact" is a "fact of reason." I would divide those existing interpretations into two principal groups: (1) the interpretation according to which Kant's doctrine of the "fact of reason" is his attempt to present the moral law as a "deed" or a *product* of reason itself,<sup>8</sup> that is, the normative force of the moral law can after all be deduced from some general features of what it means to be a rational agent (hereafter "Rational Agent Interpretation" or RAI) and (2) the interpretation according to which the "fact of reason" should be understood as an activity of reason, similar to Fichte's notion of *Tathandlung* in the *Wissenschaftslehre*, an "active taking up of the pertinent standpoint;"<sup>9</sup> (hereafter "Activity of Reason Interpretation" or ARI). The former interpretation overemphasizes the role of theoretical reason in grounding our moral commitments and in trying to prove that the moral law is the product of our finite human agency it does not do justice to Kant's claim that "the morally good as an object is something supersensible" (*KpV*, 5: 68), namely, that the morally

example *KrV*, A803/B831). But, on the other hand, Kant is adamant that compatibilism is unacceptable, a position that amounts to nothing more than a freedom of a "turnspit" (*KrV*, Bxxvii, *KpV*, 5: 97). However, as Ameriks has already argued, for a long period of time, prior to 1787, Kant believed that the proof of absolute freedom was readily available to him. This will change with Kant's increased consistency on the claims of noumenal ignorance. Thus, Kant's occasional remarks that practical, that is, "psychological and comparative freedom" (*KpV*, 5: 97) is sufficient for morality should be understood in this context. See Ameriks 2003, 164 and Ameriks 2000a, 193–94.

<sup>7</sup> Hegel refers to Kant's doctrine of the "fact of reason" as "cold duty, the final undigested lump left within the stomach, the revelation given to reason" (Hegel 1955, 461; cited also in Henrich 1994a). Schopenhauer refers to it as a "hyperphysical fact" and a "Delphic temple in the human soul. From its dark sanctuary oracular sentences infallibly proclaim, alas! not what *will*, but what *ought* to happen" (Schopenhauer 1965, 79, cited also in Henrich 1994a). Among the more recent commentators, Prauss, quoting Kant, claims that Kant let himself be content with the "conception of the practical philosophy that must set the moral law as an a priori fact in a 'strange' and 'paradoxical' manner" (Prauss 1983, 70; my translation). Ameriks concludes that "Only some technical peculiarities of his system prevent the labeling of his [Kant's – LO] position as fundamentally intuitionistic" (Ameriks 2003, 184). Paul Guyer calls Kant's doctrine of the "fact of reason" "footstamping" (Guyer 2007, 462, cited also in Kleingeld 2010, 61) while Allen Wood refers to it as "moralistic bluster" (Wood 2008, 135, cited also in Kleingeld 2010, 61).

<sup>8</sup> For the most recent versions of this position see Kleingeld 2010 and Sussman 2008. Earlier examples are Rawls 1989 and O'Neill 2002.

<sup>9</sup> See Fichte 1971 and Franks 2005, 263. For a similar view see also Willaschek 1991, 1992, and Ware 2014.

good as the object of our will must be unconditioned. The latter interpretation, while it may be able to acknowledge the supersensible aspect of the moral good, completely severs the normative claims of the moral law from theoretical reason and, therefore, proves too little.

The view I will defend in this chapter treads, in a good Kantian fashion, a middle path. I argue that Kant does not offer a theoretical proof (*Beweis*) of the normative primacy of the moral law and, hence, sees no place for a deduction of its validity. Instead, his efforts are aimed at "showing" (*dar-tun*) (*KpV*, 5: 3, 42) that the moral law is binding for us. In other words, Kant aims to point to a concrete example in our experience that the moral law is binding for us in lieu of offering a theoretical explanation of how it is possible for it to be binding for us. However, this "showing" cannot stand on its own insofar as it presupposes an interpretive framework, which consists in drawing an analogy between theoretical and practical reason and which relies on the truth of transcendental idealism. I refer to this special strategy of Kant's justification as his justification from a "practical point of view" (*in praktischer Absicht*) (*FM*, 20: 305).

I shall argue that the starting point of this unique form of justification is not a morally neutral perspective but it is not a dogmatic assumption of the categorical imperative's normative primacy either. The latter would make any form of justification redundant. In his theoretical philosophy, Kant's starting point is a commonsense experience of the world that is followed by a regressive demonstration of the conditions necessary for this experience to amount to a cognition of the world, that is, judgments that can be universally and necessarily true or false of the world. Similarly, in his practical philosophy, his starting point is a common experience of some moral constraints, that is, the experience that it is wrong for one's actions to be always exclusively motivated by concerns for one's own happiness.<sup>10</sup> The fact that Kant's starting point is a common sense experience, however, need not entail that his aim in the second *Critique* is merely to provide a philosophical articulation of a common sense moral consciousness that appears to be widespread, that is, to identify a principle that underlies commonly acknowledged moral constraints.<sup>11</sup> His philosophical project in the second *Critique* should not be understood merely as a

<sup>10</sup> We do not hesitate to repudiate such a person as "self-serving" regardless whether such repudiation is grounded in a Humean sentiment or a Kantian notion of the universal and necessary moral law, or moral sense of Hutcheson and Shaftesbury.

<sup>11</sup> This is the view suggested to me by Stephen Engstrom and James Conant. I thank them, Andrea Kern, and the audience at the University of Leipzig's 2018 Philosophy Colloquium for their helpful comments and questions on the earlier version of this chapter.

project of *identification* but, rather, the one of *validation* or *justification* of an ethical theory grounded in the metaphysical doctrine of transcendental idealism. According to Kant, common understanding is open to a "natural dialectic" (*GMS*, 4: 405), a propensity to rationalize against what it experiences is good in order to favor its concern for self-interest, and "can easily confuse its judgment by a mass of considerations foreign and irrelevant to the matter and deflect it from the straight course" (*GMS*, 4: 404). Common understanding needs philosophy and science to show that its common sense experience of some moral constraints (i.e., "the moral cognition of common human reason" [*GMS*, 4: 403]) is in fact grounded on a rational principle and is a universal and necessary practical cognition.<sup>12</sup> Just as in his theoretical philosophy Kant's aim was to demonstrate that, given certain a priori conditions, our common experience of the world is an empirical cognition, so also in his practical philosophy his aim is to "show" that, given certain a priori conditions, our common experience of moral constraints is a cognition, namely, practical cognition.

Practical cognition is analogous to theoretical and while the latter stands for the cognition of the laws of phenomenal nature, the former stands for the cognition of the laws of supersensible nature.<sup>13</sup> Kant identifies three aspects of practical cognition: (1) cognition of the principle of moral actions, (2) cognition of the object of practical reason, that is, the cognition of the good, and (3) the agent's self-cognition insofar as doing what is morally good is true of who we are essentially, of our noumenal nature. The fact that practical cognition culminates in the agent's self-cognition indicates that Kant's project of justification from a "practical point of view" (*FM*, 20: 305) presupposes an act of reconstitution, that is, this unique process of justification facilitates a mode of self-understanding that the common-sense perspective could not offer. In light of this, I will argue that Kant's justification from a "practical point of view" is indeed accomplished by proving the validity of the moral law "by what it [pure reason] does [*durch die Tat*]" (*KpV*, 5: 3), or by "showing" the objective reality of morality in one's actual experience. However, this mode of self-understanding neither merely presupposes the normative primacy of the moral law, nor it relies

<sup>12</sup> I concur here with Timmermann that in the *Groundwork* the role of common understanding "was used to *support* the deduction," or to "*confirm*" it (Timmermann 2010, 82). I disagree with him, however, that in the second *Critique* the role of common understanding is "meant to stand on its own to justify – as far as is possible – the principle of morality just by itself" (Timmermann 2010, 82). As I will proceed to show, common understanding is the starting point of Kant's justification but his argument is more complex and does not simply consist in pointing to common experience.

<sup>13</sup> See *KpV*, 5: 43.

too much (RAI), nor too little (ARI), on the role of theoretical reason in justifying morality. On the view I wish to defend, Kant's justification from a "practical point of view" as a form of self-understanding presupposes an interpretative framework that draws an analogy between theoretical and practical reason and relies on the previously defended truths of transcendental idealism. Kant relies for the possibility of drawing the analogy between theoretical and practical cognitions on his notion of the unity of theoretical and practical reason and his claim in the Introduction of the second *Critique* that "it is still pure reason whose cognition here lies at the basis of its practical use" (*KpV*, 5: 16).

The chapter is structured as follows: In Section 1.1, I summarize Kant's reasons for why a standard deduction of the moral law is not possible and why, according to Kant, an asymmetry between theoretical and practical cognitions should be used to establish the threefold aspect of practical cognition and, following that, the structure of Kant's justification from a "practical point of view." Section 1.2 outlines the first aspect of practical cognition that pertains to the *content* of the categorical imperative and which Kant develops in analogy with the metaphysical exposition of pure forms of intuition. Section 1.3 discusses the second aspect of practical cognition, namely, the one that pertains to the object of practical reason, the good, and which Kant develops in analogy to the role of pure concepts of the understanding in theoretical cognition. In Section 1.4, I discuss the feeling of respect as the final stage of practical cognition that pertains to the *normative* aspect of the categorical imperative, the "ought," or its binding force on our will. This is, therefore, the aspect of practical cognition that addresses the categorical imperative's objective reality and which is also instrumental in the practical agent's self-cognition. Section 1.5 discusses Kant's deduction of the objective reality of freedom from the certainty of the moral law. Finally, Section 1.6 concludes the chapter with a brief evaluation of my position.

### 1.1 Why There Cannot Be a Deduction of the Categorical Imperative

In the section *On the Deduction of the Principles of Pure Practical Reason* in the second *Critique*, Kant states clearly that a deduction of the moral law is not possible:

With the deduction, that is, the justification of its objective and universal validity and the discernment of the possibility of such a synthetic proposition a priori, one cannot hope to get on so well as was the case with

the principles of the pure theoretical understanding. For, these referred to objects of possible experience, namely appearances, and it could be proved [*beweisen*] that these appearances could be *cognized* [*erkannt*] as objects of experience [*Gegenstände der Erfahrung*] only by being brought under the categories in accordance with these laws and consequently that all possible experience must conform to these laws. But I cannot take such a course in the deduction of the moral law. For, the moral law is not concerned with cognition of the constitution of objects that may be given to reason from elsewhere but rather with a cognition insofar as it can itself become the ground of the existence of objects and insofar as reason, by this cognition, has causality in a rational being, that is, pure reason, which can be regarded as a faculty immediately determining the will [...] Hence the objective reality of the moral law cannot be proved by any deduction, by any efforts of theoretical reason [...]. (*KpV*, 5: 46–47)

In the domain of theoretical cognition, Kant's use of the concept "deduction" can be traced back to legal practices in the eighteenth century of proving the legitimacy of someone's claim on a piece of property or land. The "deduction" of the pure categories of the understanding was a demonstration of their legitimate claim on our objects of experience, that is, the representation of mere appearances once brought under the categories and the corresponding laws of the understanding constitute *cognition* of objects of experience. The deduction of the categories (and other a priori conditions of the possibility of experience) entails "the *explanation* of the possibility of such a cognition a priori" (*KpV*, 5: 93, my emphasis – LO), a regressive demonstration of the necessary conditions for the body of knowledge in question.<sup>14</sup> Practical cognition, on the other hand, is not a cognition of objects *given* to reason but, instead, of the rational principle that determines the will to action and of the ground of objects *produced* by reason. It is not possible for us to ask for an "explanation" of its possibility, or *how* a law can be of itself and immediately a determining ground of the will, because that would amount to having knowledge of our transcendental freedom that we cannot have. For Kant, the process of a "deduction" in the theoretical domain cannot be applied to the practical domain. If it were to be applied to the practical domain, then a deduction of the moral

<sup>14</sup> The view that the transcendental deduction is a regressive argument is not univocally accepted. There are also those who argue for a "progressive interpretation" of Kant's deduction according to which Kant's argument is a deductive demonstration from mere having of conscious representations to experience – synthetic a priori knowledge of things – as its conclusion. I here follow Ameriks' "regressive" method of the form A (synthetic a priori) only if B (a priori intuitions and concepts), B. See Ameriks 2003, 51–67. For the reason why what Kant calls the regressive approach of the *Prolegomena* should not be confused with Ameriks' characterization of Kant's transcendental argumentation as "regressive" see Ameriks 2003, 8–9.

law would presuppose a proof of the following kind: the moral law of itself is the determining ground of the will (it is objectively real and binding for us) only if we are free in the absolute sense. We are free in the absolute sense and, therefore, the moral law is objectively real and binding for us.

The impossibility of a deduction notwithstanding, Kant does not hold the view that no justification of the moral law is possible. Instead, the objective of this justification will not be to answer *how* the moral law is possible, which would presuppose the knowledge of absolute freedom, but rather to "show" (*KpV*, 5: 42) that it is possible. Put differently, this justification will take the form of pointing to the reality of our moral experience as universally and apodictically certain. The challenge of the "Faktum text," therefore, is to "show" that moral experience is universal and apodictically certain so that this "showing" does not amount to a mere dogmatic assertion or "just many layers of illuminating description,"<sup>15</sup> but, rather, a form of justification even if from a "practical point of view" (*FM*, 20: 305).

Kant's emphasis on *showing that* pure reason is practical and that the moral law of itself determines the will instead of *explaining how* it and of itself determines the will has recently inspired proto-Fichtean interpretations of the moral law as the "fact of reason" (ARI). Kant's claim that "pure reason can be practical – that is, can of itself, independently of anything empirical, determine the will – and it does so by a fact [*durch ein Faktum*] in which pure reason in us proves itself actually practical [*worin sich reine Vernunft in der Tat praktisch beweiset*]" (*KpV*, 5: 42) was understood as a claim that reason proves itself in a deed *practically* (*sich praktisch in der Tat beweiset*) as opposed to proves itself in a deed *as practical*.<sup>16</sup> Put differently, Kant's *Faktum der Vernunft* is not *Tatsache* but rather what Fichte calls *Tathandlung*, not a fact but an activity of reason. On this interpretation, the moral law proves itself either in the feeling of respect for the moral law, our actions, or judgments of common sense because each expresses the activity of reason's unconditional will determination.<sup>17</sup> The examples Kant uses in the Analytic (the gallows example [*KpV*, 5: 30]) "play a *crucial* role"<sup>18</sup> because they "confirm the reality of moral consciousness."<sup>19</sup> But it is very unlikely that examples Kant consistently uses as "illustrations and

<sup>15</sup> See Ameriks 2012, 181.

<sup>16</sup> See Willaschek 1991, 458.

<sup>17</sup> Franks emphasizes the importance of the feeling of respect (Franks 2005, 286–89), Willaschek the importance of moral actions (Willaschek 1991, 464), and Ware the significance of the judgments of common reason (Ware 2014, 10).

<sup>18</sup> See Franks 2005, 281, my emphasis – LO.

<sup>19</sup> See Ware 2014, 10.



confirmation” (*Prolog*, 4: 284), or occasions for the practice and cultivation of judgment, are intended to carry the weight of a proof, that is, as the *sole* ground for showing that pure reason is practical, namely, that it can determine the will. Putting too strong an emphasis on the role of moral feeling, moral actions, or examples of commonsense judgments, at the expense of clarifying Kant’s more complex argument for the possibility of practical cognition, is a “short argument”<sup>20</sup> to Kant’s justification of the moral law and the objective reality of freedom.

While maintaining that Kant’s emphasis on “showing that” the moral law determines the will – that is, pointing to its reality as opposed to explaining its possibility – directs us to a first person or agent perspective, that is, our consciousness of this law as deliberating and practical agents, I contend that for Kant the process of justification of the moral law from a “practical point of view” presupposes establishing an interpretive framework for this first person moral experience that presupposes an analogy between practical and theoretical cognitions. In other words, unlike in a typical deduction in the theoretical domain, Kant will not be identifying the necessary conditions for the body of knowledge (synthetic a priori propositions) from a third person perspective, that is, for theoretical cognition that must be true *of the world*. Instead, he will be identifying the conditions for achieving practical cognition *in oneself* as a practical and deliberating agent, or from a first person perspective. The process of identifying these conditions will not be random, but will be a method that relies on an analogy between theoretical and practical reason.

In the Analytic, Kant contends that there is an asymmetry between theoretical and practical cognitions. “[N]ature,” argues Kant, “in the most general sense is the existence of things under laws” (*KpV*, 5: 43). He distinguishes our sensible nature which pertains to our “existence under empirically conditioned laws” and is, with respect to reason’s will determination, heteronomy (*KpV*, 5: 43). Our supersensible nature, on the other hand, is our “existence in accordance with laws that are independent of any empirical condition and thus belong to the autonomy of pure reason” (*KpV*, 5: 43). In heteronomous will determination, “objects must be the causes of representations that determine the will” while in the autonomous will determination “the will is to be the cause of the objects” insofar as it produces the moral good because it is determined by pure reason alone (*KpV*, 5: 44). From here, there follows an asymmetry between the roles of

<sup>20</sup> I am borrowing the expression from Karl Ameriks and the way he characterizes German Idealists’ and some contemporary interpretations of Kant’s transcendental idealism. See Ameriks 2000b, 163.

theoretical and practical reason with respect to the issue of will determination. For the will to be determined by objects, they have to be objects of theoretical cognition for us. And for reason to be an "immediate determining ground of the will" so that the will can be the cause of the objects in the world, these objects must be possible in virtue of practical cognition. Given this asymmetry, the Analytic of the *Critique of Practical Reason* should proceed in a reverse order to that of theoretical reason. While that of the latter "had to begin with the senses and end with principles" (*KpV*, 5: 16), the former begins with "*principles* and proceeds to *concepts*, and only then, where possible, from them to the senses" (*KpV*, 5: 16).<sup>21</sup> The demonstration that our common experience of the world is a universal and necessary cognition of it began with the manifold as that which is given to our sensibility and the Transcendental Aesthetic with its argument that space and time are our a priori intuitions that give this matter of reality its form. It continued to the concepts or the pure categories, and it ended with the principles of the understanding. On the other hand, Kant's demonstration that our common experience of moral constraints is a cognition, albeit not theoretical but practical, that is equally universal and necessary, must start from the principle or the moral law, continue to the concepts of good and evil, and finally end with sensibility, the feeling of respect for the moral law, as the objective realization of the formal principle.

And this gives us a clue to the structure of, what I argue, is Kant's special justification "from a practical point of view" that our common experience of moral constraints is a practical cognition.

Kant distinguishes three aspects of practical cognition: "Practical cognition is a cognition 1. With respect to the means, 2. With respect to the ends, and [3. With respect to – LO] the motivating force [*Triebfeder*]" (*Refl* 2796, 16: 517).<sup>22</sup> In the second *Critique*, these three aspects of practical cognition remain recognizable: (1) we are conscious of the "principle of morality" by *means* of which "reason determines the will to deeds" (*KpV*, 5: 42); (2) we have practical cognition of the objects of practical reason, good and evil, which is practical cognition of the ends of the will; and finally, (3) the moral feeling or feeling of respect which is practical cognition with respect to the motivating force. If we look back to Theorem III

<sup>21</sup> See also *KpV*, 5: 46, 90.

<sup>22</sup> Dated according to Adickes approximately 1769–1776. My translation. In his notes, Kant offers his own version of Georg Friedrich Meier's classification of practical cognition. Kant used Meier's *An Excerpt from the Doctrine of Reason (Auszug aus der Vernunftlehre)* (1752) as a textbook for his logic lectures. For a very helpful summary of Kant's notion of practical cognition and his various mentions of it, see Bacin 2016, 560f.

of the Analytic of the *Critique of Practical Reason* where Kant distinguishes between the “matter” and the “form” of the moral law (*KpV*, 5: 27), then the first aspect of practical cognition would respond merely to the form, that is, the categorical imperative, or one’s own maxims for determining one’s action so that “*they are fit for a giving of a universal law*” (*KpV*, 5: 27). The second aspect of practical cognition corresponds to the “matter” of the moral law, or the objects of the will so that the latter are not considered the determining ground of the will because in that case the will would be empirically, and not a priori, determined. Finally, in the feeling of respect for the moral law we have a unity of both its form and matter, that is, a culminating aspect of practical cognition that entails the actual determination of the will in accordance with the moral law.

## 1.2 Practical Cognition of the Form of the Moral Law

Because the structure of Kant’s justification of the moral law, as I already noted, must proceed in reverse to his regressive move in theoretical philosophy, when he writes “[t]he *exposition* of the supreme principle of practical reason is now finished” (*KpV*, 5: 46), we have good reasons to consider that by “exposition” of the categorical imperative Kant has in mind a procedure that is analogous to the metaphysical exposition of space and time in the Transcendental Aesthetic. Just as the metaphysical exposition of space in the Transcendental Aesthetic presents the *content* of the concept of space, Kant’s exposition of the categorical imperative is aimed at presenting the *content* of the concept of the categorical imperative.<sup>23</sup> One can identify three different aspects of the content that pertain to the analogy between the “exposition” of the categorical imperative on the one hand and the “metaphysical exposition” of space and time, on the other: (1) the categorical imperative as the *form* of a pure will, (2) the categorical imperative as a priori *given*, and (3) the categorical imperative as distinctively *human* (and not divine) principle. (I will keep the analogy restricted to the metaphysical exposition of space and will leave out the exposition of time.)

With respect to the first feature of the analogy, just as space and time are the forms of our intuition (i.e., that with respect to which all our empirical intuitions are ordered), the categorical imperative is the “form of a pure will” (*KpV*, 5: 65–66) and also the “*mere form of a law*” (*KpV*, 5: 31), that is,

<sup>23</sup> In the first *Critique*, Kant defines “exposition” as a mode of providing a “philosophical definition[s]” (*KrV*, A730/B758) of a concept. It is a form of an “explanation” (*Erklärung*) (*KrV*, A730/B758) of what is contained or thought in the concept.

a law that does not prescribe a certain set of ends that are to be willed but instead it prescribes the principle according to which *all* ends of our will must be ordered. Just as the metaphysical exposition of space shows that our representations of space have a content that requires an a priori origin, so also Kant shows that there is a content to our intentions that cannot be grounded on "matter" (i.e., any perception of the value of some ends of the will that would be sufficient to determine it) but instead requires a *principle of reason*. For Kant, we should not will the ends but the form of the pure will itself.

It is, however, the second aspect, Kant's consideration of the categorical imperative's a priori givenness, that brings us to his first formulation of the well-known doctrine of the "fact of reason." Although our a priori intuitions are not given as objects of intuition, they are still given insofar as determinations of space presuppose a "pure manifold," a preconceptual order that constrains this very conceptualization of space. Thus every determination of space (e.g., drawing of a line or a triangle), or determination of any objects of experience, presupposes a region of an unbounded space that is given as the horizon of this determination.<sup>24</sup> Just as space and time, as our a priori forms of intuition, hence, as the elements of our receptivity, are "given" insofar as they present us with data that are independent of the conceptual activity of the understanding, the categorical imperative presents us with data that cannot be inferred from some higher principles, and in that sense it is also independent of the basic activity of reasoning, that is, the activity of making inference:

Consciousness of this fundamental law may be called a fact of reason [*Faktum der Vernunft*] because one cannot reason it out from antecedent data of reason, for example, from consciousness of freedom (since this is not antecedently given to us) and because it instead forces itself upon us of itself as a synthetic a priori proposition that is not based on any intuition, either pure or empirical [...] However, in order to avoid misinterpretation in regarding this law as *given*, it must be noted carefully that it is not an empirical fact but the sole fact of pure reason, which, by it, announces itself as originally lawgiving (*sic volo, sic jubeo*). (*KpV*, 5: 31)

From the passage above, it follows that the "fact" (*Faktum*) in Kant's notion of the "fact of reason" refers to the fact that the content of the categorical imperative, that which the categorical imperative demands of me to do, cannot be "reasoned out" (*herausvernünfteln*) from other apodictically

<sup>24</sup> See *KrV*, A26/B42. For a more detailed discussion of the "givenness" of our a priori intuitions, see for example Allison 2004, 112–16.

certain propositions, some other true premises, whether the one that establishes the reality of freedom (as this was the line of argument Kant pursued in the *Groundwork*), or some other true premises about the nature of our rationality. This also explains why Kant refers to the moral law as pure practical reason's "data" (*Data*) (*KrV*, Bxxi, Bxxviii) and, moreover, as its "first data" (*KpV*, 5: 91).<sup>25</sup>

The categorical imperative's "givenness" is also the reason why the earlier mentioned Rational Agent Interpretation (RAI) is not an adequate way to capture Kant's notion of "*Faktum*." On RAI, Kant's claim that the moral law is not given as an "empirical fact" (*KpV*, 5: 31), that is, as some social norm, but as a fact *of reason* is interpreted as his contention that there is a route to morality from a nonmoral premise, namely, the capacity to reason as such. On this view, the categorical imperative is primarily a "fundamental law of pure practical reason" (*KpV*, 5: 31), that is, a principle to which Kant refers in nonmoral terms. Put differently, the categorical imperative is the most fundamental rational principle of action the agent reaches as she deliberates on the maxims, possible rules for action. When she deliberates on her actions, she does not merely ask herself whether certain course of action would be instrumental in achieving a certain end but she raises the question of why certain ends are worth pursuing, showing that her actions are under a normative constraint inherent to our capacity to reason as such. This procedure that determines or constructs the content of the moral law also makes it binding on us.<sup>26</sup>

Finally, regarding the third aspect of the analogy between the metaphysical exposition of space and the "exposition" of the categorical imperative, Kant emphasizes that, just as space and time are specific to our human sensibility, it is also a characteristic of specifically human beings as finite that

<sup>25</sup> Kant's analogy between the "givenness" of the moral law and the "givenness" of our a priori forms of intuition should also help to steer us away from understanding of the moral law either as a form of substantive naturalist or as a form of substantive nonnaturalist realism. An example of the former would be explaining the normative claim of the moral law on us by an appeal to the facts about the sort of creatures we are, namely, rational. An example of the latter would be explaining the normative claims of the moral law on us by an appeal to an intellectual intuition of some preexisting supersensible object. I am in agreement here with Deligiorgi who having claimed that consciousness of the moral law is a cognition but not a cognition of a preexisting object raises the following question: "But how can we have cognition without an object? To understand this we need to consider seriously the idea of pure reason in its practical employment [...] in its practical employment, pure reason is productive, it makes real its own objects [...]" (Deligiorgi 2012, 58).

<sup>26</sup> See Kleingeld 2010, 66. This more recent version of RAI is preceded by Rawls' interpretation of, what he claims is, Kant's "constructivist" authentication of the moral law, a procedure by which we come to endorse our reasons for acting (Rawls 1989, 109). A version of this can also be found in Korsgaard who argues that "there are answers to moral questions because there are correct procedures for arriving at them" (Korsgaard 1996, 36).

the moral law for them takes the form of an imperative. Although the will of other rational beings is also determined by the moral law, the moral law to them is not an imperative as it is to us. The moral law is the law for God, the being with a perfect will. But we and any other finite rational beings will experience the law as *duty* because unlike the being with a perfect will, we can form nonmoral maxims and hence the choice remains for us to act according to the principles of self-love and one's personal happiness.<sup>27</sup>

### 1.3 Practical Cognition of the Matter of the Moral Law

In the section above, I have discussed the aspect of Kant's notion of practical cognition that pertains to the *means*, that is, the principle by means of which reason determines the will to deeds. In the section on good and evil, Kant addresses the aspect of practical cognition that pertains to the "ends" or *objects* of the will. His method in this regard is the same as the method he employed in his discussion of the categorical imperative, namely, just as we must ask ourselves what must be the principle that determines the will so that this principle can be a condition of a possibility of universally valid and necessary practical cognition of what is the right thing to do, so also we must ask ourselves what must be our conception of good and evil, the conception of the ends of our will, so that these concepts can be conditions of universal and necessary practical cognition that puts our common sense experience within a rational framework, that is, grounds it in a law of reason.

To determine good and evil prior to the form of the pure will itself would be to determine these concepts with respect to our faculty of desire and the feeling of pleasure and displeasure. The role of reason in that case would be reduced to either evaluating the place of this object that causes us pleasure or displeasure in our overall conception of happiness and well-being or to its pragmatic role of determining the means to obtaining the objects that are the cause of pleasure or avoiding those that are the cause of displeasure.<sup>28</sup> In both cases, however, the principles or rules of action would be based in experience and "the possibility of a priori practical laws would be at once excluded" (*KpV*, 5: 64) and we would "assume as already decided the foremost question to be decided" (*KpV*, 5: 64), namely, the question of whether pure reason is practical and can determine the will a priori. This would be the case regardless of whether the object of pleasure

<sup>27</sup> See *KpV*, 5: 32.

<sup>28</sup> See *KpV*, 5: 63.

was conceived in hedonistic terms (happiness as a physical feeling of well-being and pleasure) or moral feeling of moral sense theorists, or in rationalist categories of perfection and the will of God.<sup>29</sup> Kant's "paradox of method" (*KpV*, 5: 62) is not to assume that the will is determined empirically but to "analytically investigate," or, to analyze what is *thought* in the concept of good and evil that are determined "in reference to the *will* insofar as it is determined by the *law of reason* to make something its object" (*KpV*, 5: 60). Thus, his aim is to analyze the content of the concepts of good and evil that refer to "the way of acting, the maxim of the will" (*KpV*, 5: 60).

And this brings us to Kant's further analogy between practical and theoretical cognition. If the categorical imperative is analogous to the pure forms of intuition, the concepts of good and evil are analogous to the pure categories of the understanding. However, unlike the categories that a priori determine the manifold of intuition in one's consciousness that make possible the object of experience in general, the concepts of good and evil presuppose the object of theoretical cognition as given and instead are "modi of a single category" (*KpV*, 5: 65), namely, the causality of pure practical reason, or the categorical imperative. These, what Kant calls "categories of freedom" (*KpV*, 5: 65), are different modes of pure determinations of practical reason that can only take place "conformably" (*KpV*, 5: 65) to the categories of the understanding. Although our actions, argues Kant, belong to the "law of freedom" and not the "law of nature" (*KpV*, 5: 65), the realizations of those actions belong to the realm of appearances. This is why the determinations of practical reason can take place "only with reference to" (*KpV*, 5: 65) the realm of appearances and the laws of nature.

Kant draws an analogy between a theoretical use of the understanding in bringing a priori the manifold of sensible intuition under one consciousness and the pure determinations of practical reason in bringing "the manifold of *desires* to the unity of consciousness of a practical reason commanding in the moral law, or of a pure will" (*KpV*, 5: 65). Given the analogy between the unity of apperception, or the "I think," and, what we can call the unity of conscience, or the "I will," the table of the "categories of freedom" must follow the table of the pure categories of the

<sup>29</sup> See *KpV*, 5: 65. It is less obvious how for Kant the rationalists' conception of perfection or the will of God could ultimately amount to an empirical will determination. Kant contends, however, that these rationalists' concepts "can become motives of the will only by means of the happiness we expect from them" (*KpV*, 5: 41).

understanding.<sup>30</sup> While the "I will" does not presuppose the manifold of empirical intuition, it does presuppose the faculty of desire, our empirical will, that is guided by our individual conception of happiness. What follows is a division of possible a priori practical principles that make normative claims on our empirical will. They are divided in a familiar way according to "Quality," "Quantity," "Relation," and "Modality."<sup>31</sup> And just as in theoretical cognition nothing could count as a thought that at the same time does not have a reference to the "I think," or the unity of apperception, so also in practical cognition we cannot undertake an action irrespective of its reference to the "I will" which presupposes the universal conception of the good, that is, the one that is the result of the normative claims practical reason makes on our will.

#### 1.4 Practical Cognition of the Objective Reality of the Moral Law

To summarize what I have argued thus far: Kant's method has been transcendental regressive, that is, starting from the commonsense experience of some moral constraints and then proceeding to show the necessary a priori conditions for this experience to count as a universally valid and necessary practical cognition. It has also included an analysis of these necessary conditions: "supposing that a will is free" (*KpV*, 5: 29), what is understood by the concept of the principle that determines the will independently of any empirical considerations, and also, what is understood by the concepts of good and evil that are not conceived prior to and independent of the categorical imperative, or the pure form of the will itself. In analogy to theoretical cognition, he discussed the categorical imperative as analogous to the pure forms of intuition and the concepts of good and evil as analogous to the categories of the understanding. Each of these represent distinct aspects of practical cognition, the "form" (subject-directed because, even though it presupposes universal validity and necessity, it is a principle for determination of *one's* actions) and "matter" (object-directed because, even though the concepts of good and evil are different modifications of the categorical imperative, they represent the end of the will, that which is brought about by action), respectively.

<sup>30</sup> Thus, Kant's aim here is not, as some have argued (Pieper 2002, 115), to differentiate the methods of theoretical from those of practical reason, but, on the contrary, to draw a strong analogy between them.

<sup>31</sup> Annemarie Pieper offers illuminating examples for each instance of the determination of the will in accordance with the table of the "categories of freedom," which is, contrary to Kant's claim, far from "intelligible enough in itself" (*KpV*, 5: 67). See Pieper 2002, 121–23.



What remains to be addressed is the culminating aspect of practical cognition that presupposes the unity of form and matter. Kant argues that all these particular conceptions of the good, or all the “categories of freedom,” which trace back their origin to each of the practical precepts “at once become cognitions and do not have to wait for intuitions to receive meaning; and this happens for the noteworthy reason that they themselves produce the reality of that to which they refer (the disposition of the will)” (*KpV*, 5: 66). In other words, the objective validity of these categories is not in question as this was the case for the categories of the understanding. This is because the object to which they refer is not outside of reason, that is, the good as that which ought to be willed is generated by reason itself in the disposition of the will. However, their objective reality still needs to be shown. Because the “categories of freedom” are particular instances of the categorical imperative we can say that objective validity of the categorical imperative (whether it applies to its object) is not in question but, instead, its objective reality is.

Because the culminating and final aspect of practical cognition presupposes the objective reality of the moral law, Kant must direct us to the first person or agent perspective of practical cognition and the problem of the incentive (*Triebfeder*) of the will that recognizes the moral law as binding. This final stage of practical cognition refers to the incentive of practical reason, which I take is the realization of practical cognition in our sensibility. The English translation of Kant’s *Triebfeder* is here misleading because by this term Kant does not understand some external object that incites one to moral action. This is the reason why Kant emphasizes that “by *incentive* (*elater animi*) is understood the subjective determining ground of the will of a being whose reason does not by its nature necessarily conform with the objective law” (*KpV*, 5: 72). But the moral law, which is the “objective determining ground of action,” must always be also “the subjectively sufficient determining ground of action” (*KpV*, 5: 72). Thus, the incentive of the will is the moral law considered from the perspective of the subject. This means that the moral law considered objectively is a representation of how one ought to act, while the moral law considered subjectively is the realization of this objective principle in the disposition of one’s will.<sup>32</sup> I take the

<sup>32</sup> I concur here with Engstrom who criticizes conative interpretations according to which Kant’s notion of *Triebfeder* is a special force of the moral law and, hence, not the moral law itself. See Engstrom 2010, 92–93. A criticism of Kant’s notion of *Triebfeder* as a conative attitude can be found in Deligiorgi who rightly argues that in an autonomous agent the representation of something as the right thing to do (i.e., representational content of normative reasons) coincides with what the agent takes as her reasons for doing it (i.e., representational content of motivational reasons). In other words, for an autonomous agent “what persuades us and what animates us is the right thing to do” (Deligiorgi 2012, 103) or the moral law.

incentive of the will to take the moral law as binding to be the moral law's realization because the moral law is nothing for us unless we become aware of it as determining our will or as being normative for us and we do so in the feeling of respect: "The *consciousness* [*das Bewußtsein*] of a free submission of the will to the law, yet as combined with an unavoidable constraint put on all inclinations though only by one's own reason, is respect for the law" (*KpV*, 5: 80, my emphasis – LO).<sup>33</sup> Thus, as Kant already emphasized at the beginning of the *Analytic*, unlike theoretical cognition that begins with sensibility and culminates in principles of the understanding, practical cognition proceeds in reverse order: it begins with principles and culminates in sensibility. In other words, while the previous two instances of practical cognition, the formal, of the categorical imperative and the material, of the concepts of good and evil, represent the structure and the content of the good, they still do not represent its reality. And the latter is achieved in the feeling of respect, the good is *actualized* in our approval.

Kant's analogy between a priori intuitions and the moral law is here again helpful:

The distinction between empirically-conditioned and pure, yet still practical, reason is foundational for the critique of practical reason, which asks if there is such a thing as the latter. Its possibility cannot be comprehended *a priori*, because it concerns the relation of a real ground to its consequent. Something must therefore be given, which can stem only from it; and its possibility can be inferred from this reality. Moral laws are of this nature, and these must be proven in the manner in which we prove that the representations of space and time are *a priori*, with the difference being that the latter are intuitions and the former mere concepts of reason. (*Refl* 7201, 19: 275–76)<sup>34</sup>

In the *Transcendental Aesthetic*, Kant distinguishes the metaphysical from the transcendental exposition of space and time. While the former explains what is thought in the concept of space and time as a priori intuition, the latter shows that the concepts of space and time as presented in the

<sup>33</sup> Some commentators argue that the moral law would not be able to have this particular effect were it not for the fact that we already recognize it as binding for the will. (See Ameriks 2012, 173 and Allison 1990, 237.) I wish to suggest instead that it would be helpful here to draw an analogy between, on the one hand, the will's determination by the moral law and the corresponding feeling of respect and, on the other, pure aesthetic judgment and its corresponding aesthetic pleasure. Both aesthetic pleasure and the feeling of respect for the moral law have a priori origins and are not pathological feelings. As in pure aesthetic judgments the free harmony of the faculties manifests itself to the judging subject as a feeling of pleasure (is not the cause but the logical ground of the feeling of pleasure), so also a subsumption of my particular will under the universal, the moral law, manifests itself to the practical agent as a feeling of respect for the law.

<sup>34</sup> The passage is cited in full in Allison 1990, 233–35.

Metaphysical Exposition refer to something real, that is, something that actually exists, and thereby it establishes the legitimacy of these concepts. Transcendental Exposition of Space shows that the concept of space as an a priori intuition really exists because only under the condition that space is a priori and an intuition is the science of geometry as a body of synthetic a priori knowledge possible. Similarly, what is given in the practical context is the feeling of respect for the moral law as the practical cognition of its normative force. Only under the condition that the moral law is an a priori principle, a form of a pure will that cannot be reasoned out of other apodictically certain propositions, and that the notion of the good is understood in relation to this a priori principle is practical cognition in the feeling of respect possible.

#### 1.4.1 The Feeling of Respect

Because we are beings not only of rational or noumenal nature but also of sensible and phenomenal nature, we are beings of inclinations. All inclinations considered together constitute “regard for oneself [*Selbstsucht*] (*solipsismus*)” (*KpV*, 5: 73), or selfishness. Their satisfaction, as a realization of the pathologically affected and sensible self, constitutes happiness. Therefore, the latter Kant understands in purely hedonistic terms. He distinguishes two forms of self-regard: “self-love” (*Eigenliebe*, *Selbstliebe*, *Philautia*) and “self-conceit” (*Eigendünkel*, *Arrogantia*). Both forms of self-regard are “striving[s]” on the part of “our pathologically determinable self [...] to make its claims primary and originally valid, just as if it constituted our entire self” (*KpV*, 5: 74). Put differently, these forms of self-regard are not equivalent to sensible desires of irrational animals and instead they constitute the pathological or sensible affection of our will, that is, of practical reason. Thus, it is practical reason affected by self-regard that explains why these forms of self-regard presuppose claims to their own validity.

In *Religion*, Kant refers to self-love as “benevolent[ia]” or “love of good will” and to “incorporate [this self-love] into one’s maxims is natural (for who would not want that things always go well for him)” (*RGV*, 6: 45n). But this wanting that things always go well for oneself presupposes claims that happiness constitutes one’s own good. The claims, on the part of practical reason, of the goodness of keeping our inclinations satisfied account for Kant describing self-love as “propensity [*Hang*] to make oneself as having subjective determining grounds of choice into the objective determining ground of the will in general” (*KpV*, 5: 74). In other words, self-love is a potentiality of our sensible nature to affect practical reason in such a

way that desire for one's own happiness is validated as if happiness should constitute our complete good, irrespective of the claims of the rational, or noumenal, self, that is, morality.

Self-conceit, on the other hand, is not related to benevolence toward oneself but "esteem for oneself" from which arises "satisfaction with oneself (*Arrogantia*)" (*KpV*, 5: 73). This is to say that self-conceit is concerned with making claims with respect to the worth of one's own person. This it does by claiming that the pathologically affected self is *essential* to who we are. This explains why self-conceit directly challenges the demands of the moral law on the will by making itself "law-giving and the unconditional practical principle" (*KpV*, 5: 74). Self-conceit is a form of self-love that aims to set itself in the place of the demands of the moral law, that is, it is a propensity to legislate the ends of one's own self-love as that which ought to count as ends for every rational being. Therefore, the claims of self-conceit, unlike those of self-love, do not merely ignore the demands of morality but instead they presuppose that the sensible aspect of our nature is true of who we are and is, therefore, concerned, just like morality, with understanding one's own ultimate worth as a person, an appreciation of oneself that presupposes an affirmation in the eyes of others.<sup>35</sup>

With this interpretation of the two forms of self-regard in place, we can understand better Kant's account of the subsumption of our particular will under the universal, the moral law:

Pure practical reason merely *infringes upon* self-love, inasmuch as it only restricts it, as natural and active in us even prior to the moral law, to the condition of agreement with this law, and then it is called *rational self-love*. But it *strikes down* self-conceit altogether, since all claims to esteem for oneself that precede accord with the moral law are null and quite unwarranted because certainty of a disposition in accord with this law is the first condition of any worth of a person [...] and any presumption prior to this is false and opposed to the law. (*KpV*, 5: 73)

Recognizing the moral law as binding merely "restricts" self-love insofar as the pursuit of the ends of self-love must be made consistent with those of morality. This is done if we give to a "maxim of self-love objective validity of a law" so that there arises "a concept of *obligation* to extend the maxim of my self-love to happiness of others as well" (*KpV*, 5: 34–35). Thus, the claim of self-love, which is "natural and active in us even prior to the moral

<sup>35</sup> Kant takes over this division of self-love into one that is concerned with the satisfaction of our basic needs and the one that presupposes understanding of our self-worth and comparison with others from Rousseau's *Emile*.

law” (*KpV*, 5: 73), is not denied with our awareness of the moral law but is “deprived of its influence” (*KpV*, 5: 75) insofar as the claim of the noumenal and moral self is no longer ignored but acknowledged as preponderant in the form of an *obligation* to further the happiness of others. It, however, “strikes down” self-conceit insofar as the claims of self-conceit become “unwarranted” when faced with the claims of the moral law which shows the pretenses of self-conceit to be “illusory” (*KpV*, 5: 75).

Put differently, the consciousness of the moral law shows that the claims of our sensible nature, pathologically affected self, are not true of who we are, or that our worth as a person does not consist in the pretenses of our sensible nature. Because the moral law demonstrates superiority over self-conceit, it “humiliates it” (*KpV*, 5: 73) and it becomes an object of “the greatest *respect*” (*KpV*, 5: 73), a feeling that has an entirely a priori origin because it is produced by an activity of reason. Thus, unlike the rationalist tradition, Kant recognizes the importance of the will’s incentive in our moral actions but also unlike the moral sense theorists this feeling is free from any sensible conditions insofar as it is not antecedent to our conceptions of good and evil.

#### 1.4.2 *The Feeling of Respect and Self-Cognition*

It is remarkable that for Kant, as someone who is often criticized for being a rationalist and a paradigmatic formalist, practical cognition culminates in a feeling. For anyone interested in defending Kant from these common objections, the observation that for him practical cognition culminates in a feeling is much more significant than trying to show that feelings for Kant play a role in our moral life. There is a dual structure of the feeling of respect for the moral law Kant identifies in his metaphysics lectures: “What is a feeling? That is hard to determine. We feel ourselves” (*V-Met-L1/Pölitiz*, 28: 168).<sup>36</sup> It is a feeling of respect *for* the moral law. But also insofar as this is the feeling *for* the moral law, it is also a feeling through which we become aware of the nature of our being as being capable of empirical and rational determination. Moreover, we become aware of self-conceit’s false pretenses to legislation and insofar as

<sup>36</sup> Martin Heidegger was already aware of this aspect of Kant’s practical philosophy: “It pertains in general to the essential nature of feeling not only that it is feeling *for* something but also that this feeling for something at the same time makes feelable the feeler himself and his state, his being in the broadest sense. Conceived in formally universal terms, feeling expresses for Kant a peculiar mode of revelation of the ego. In having a feeling *for* something there is always present at the same time a *self-feeling*, and in this *self-feeling* a mode of becoming revealed to oneself” (Heidegger 1982, 132–33).

this aspect of self-conception is shown to be illusory, we feel humiliation. At the same time we recognize rational determination as true of who we are, and through a feeling of respect become conscious of who we *are essentially*. Therefore, in the feeling of respect, practical cognition is not just a cognition of the moral law as binding for us, but it is also ultimately a cognition of the self and what is true of the self. Here, we have to recall again the reverse direction of theoretical and practical cognition: while theoretical cognition tells us what is true of the world, practical cognition tells us what is true of the self.

Some of the most sympathetic Kant interpreters<sup>37</sup> object that while his doctrine of the fact of reason may succeed in showing that our moral requirements have a rational nature and, hence, that we have a reason to obey them, it does not succeed in showing why our moral requirements have a *special rational appeal* that makes them override other interests and values. In light of what I have argued in this chapter, Kant's answer is that the moral law is not a reason for action, nor even a very high standard for action, because on that account choosing maxims that satisfy our other interests and values are just as rational, but that choosing maxims that accord with the moral law are not only rational but they are also true of who we are essentially. As Dieter Henrich rightly argues, the feeling of respect for the moral law "is a form of self-understanding [...] without which the good is nothing, is the expression of the good's obligatory character for the existence of the self. When I know in moral insight what is good, I also know that I understand myself in relation to it, or that I must understand myself in relation to it in order to become a self."<sup>38</sup> Put differently, Kant's justification of the moral law from a "practical point of view" (*in praktischer Absicht*) presupposes an act of reconstitution.<sup>39</sup> What we previously, from a common-sense perspective, merely felt was the right thing to do we now know, in practical cognition, is that which ought to be done in all its purity and absolute necessity. And not doing what we know ought to be done is revealed to us as a failure of not living up to who we are essentially.<sup>40</sup>

<sup>37</sup> See Allison 1990, 238–39.

<sup>38</sup> See Henrich 1994a, 63.

<sup>39</sup> A similar claim can be found in Deligiorgi who contends that taking up the perspective of the moral law that moves us beyond the "I" to a "we" (the ethical community of all rational deliberators) affords discoveries that are not merely "a piece of information about ourselves which we were previously missing. Rather they describe a process of self-discovery that is also one of transformation" (Deligiorgi 2012, 141).

<sup>40</sup> Thus, the culminating stage of Kant's justification "from a practical point of view" of the moral law's validity corresponds to some extent to the final step of his deduction in *Groundwork* III. In

### 1.5 Kant's Proof of the Objective Reality of Freedom

With our understanding of practical cognition and the objective reality of the moral law, we can turn now to our initial question of Kant's proof of the reality of transcendental freedom. In the first chapter of the *Analytic*, Kant introduced the Reciprocity Thesis,<sup>41</sup> namely, the thesis that freedom and the moral law "reciprocally imply each other" (*KpV*, 5: 29). In the *Groundwork*, Kant argues that "[w]ill is a kind of causality" (*GMS*, 4: 446), namely, the one specific to rational beings. Because causality must be governed by a law, "so freedom, although it is not a property of the will in accordance with natural laws, is not for that reason lawless but must instead be a causality in accordance with immutable laws but of a special kind; for otherwise a free will would be an absurdity" (*GMS*, 4: 446). In the *Critique of Practical Reason*, Kant repeats the same claim and writes that "a free will must find a determining ground in the law" (*KpV*, 5: 29). Here again, Kant draws the analogy between theoretical and practical reason. Just as for theoretical reason, the category of causality presupposes the universal and necessary lawfulness of the understanding, so also the causality of practical reason presupposes a form of lawfulness. Indeed, because we are rational agents, we do not merely act on our inclinations but we "determine [our] causality by the representation of rules" (*KpV*, 5: 32). In other words, we formulate principles or maxims. Given that the will is free (transcendentally), it cannot be determined by the "matter of the law" (*KpV*, 5: 29), to wit, the matter of a practical principle which is the object of the will because in that case the will would be determined by the empirical conditions. Thus, merely subjective principles of actions will not do. Instead, it must be determined by its own principle, the "lawgiving form" (*KpV*, 5: 29), a universally valid unconditioned practical principle. In Corollary to §7, Kant identifies this universal law of practical reason with the moral law because this is the law that the will recognizes and is

*Groundwork* III, Kant claims that a human being is conscious of himself as "intelligence" and as a member of the world of understanding and, thus, as a thing in itself. His will qua "intelligence" is the "authentic self" (*eigentliches selbst*) while "as a human being he is only the appearance of himself" (*GMS*, 4: 457). Sussman also gestures toward "a kind of ontological argument for the final authority of the moral law" (Sussman 2008, 77). Presumably, on his "naturalistic metaphysics" (Sussman 2008, 67), ontological primacy is ascribed to the self's capacity to reason. However, acting on prudential maxims and not taking the moral law to have a strict normative priority can be just as rational as acting on moral maxims. That there is an ontological argument for the normative primacy of the moral law in the feeling of respect is also acknowledged by Engstrom who argues that in the feeling of respect we recognize that our rational self is "more fundamental to our self-conception than is self-conceit" (Engstrom 2010, 117).

<sup>41</sup> I take over this expression from Allison. See Allison 1990, 201.

normative or binding for it. The moral law, argues Kant, is "not limited to human beings only but applies to all finite beings that have reason and will and even includes the infinite being as the supreme intelligence" (*KpV*, 5: 32). Only for us as beings who have the will affected by sensible nature does this moral law take the form of an imperative or an obligation which means that the will is necessitated by the moral law. Therefore, when Kant writes that freedom and the moral law (for us, the categorical imperative) imply each other, he means that if we are transcendently free, then we are bound by the moral law (i.e., free in a positive sense or autonomous) and also vice versa, that is, if we are bound by the moral law (autonomous), then we are transcendently free.

But in a well-known footnote in the Preface of the second *Critique*, Kant claims that this circle is not vicious:

Lest anyone suppose that he finds an inconsistency when I now call freedom the condition of the moral law and afterwards, in the treaties, maintain that the moral law is the condition under which we can first *become aware* of freedom, I want only to remark that whereas freedom is indeed the *ratio essendi* of the moral law, the moral law is the *ratio cognoscendi* of freedom. (*KpV*, 5: 4n)

Thus, freedom is the cause or ground for the existence of the moral law, and the moral law is the ground for cognizing that we are free. As demonstrated earlier, the solution to the Reciprocity Thesis cannot start from proving metaphysically that we are free and from there concluding that the moral law is real and we are bound by it. We must start from showing that the moral law is real. As argued above, Kant demonstrates the reality of the moral law by starting from a commonsense perspective, our commonsense experience of some moral constraints, and moving regressively to show, in analogy to theoretical reason, the a priori conditions necessary for this experience to count as practical cognition that is universal and necessary. To be sure, the reality of practical cognition, unlike the one of theoretical, cannot be demonstrated in the truths of mathematical and natural science. Instead, the culminating aspect of practical cognition, presupposes taking the first person perspective, and pointing to the actualization of the pure will in one's own experience of the feeling of respect for the moral law. The feeling of respect for the moral law is reconstitutive insofar as in feeling the respect for the moral law we also become aware that the moral law is true of who we are.

How should we then understand Kant's claim that through practical cognition of the objective reality of the moral law as universal and



necessary we cognize that we are free? In Kant's example of the man confronted with the choice between giving a false testimony against an honest man and facing the threat of the gallows he "judges [*urteilt*], therefore, that he can do something because he is aware that he ought to do it and cognizes freedom within him [*erkennt in sich die Freiheit*], which without the moral law, would have remained unknown to him" (*KpV*, 5: 30). How should we understand "cognition" of freedom that results from practical cognition of the moral law and its objective reality? In light of what I have argued above, Kant's "ought implies can" should not be understood as a theoretical inference from one piece of theoretical knowledge to another of some existent empirical thing. Instead, by gaining cognition of the moral demand on myself and recognizing this moral demand as essential to who I am (I would not be the self without it) I also cognize myself as adequate to the demand, that is, as Dieter Henrich rightly puts it, my cognition of myself as transcendently free is "the self-explication of moral insight,"<sup>42</sup> a part of the practical cognition of the noumenal self that is essential to who I am. Thus, freedom for Kant is a postulate, an assent to the truth of the proposition "I am free." But instead of providing a theoretical warrant for this assent, one can only give a practical one, namely, the truth of the moral law as binding. This does not mean that this type of assent is epistemically inferior to either theoretical knowledge or theoretical cognition. It is *Fürwahrhalten*, or holding something to be true, albeit on moral and not theoretical grounds. And this is why Kant refers to freedom's objective reality as a "fact" (*KU*, §91, 5: 468) and why we should resist the view that it is a mere belief, taking ourselves as if free, by means of which the Idea of freedom receives "content that is more determinate than would have been the case had it rested on purely theoretical grounds."<sup>43</sup>

## 1.6 Conclusion and Evaluation

It may be objected to me that my own view is not much different from the proto-Fichteian interpretation (ARI) I mentioned earlier. That is to say that, on the view I presented, the proof of the validity of the moral law, the fact that it is normative for us, consists in the first-person perspective,

<sup>42</sup> Henrich 1994a, 83.

<sup>43</sup> Willaschek 2017, 115. Kant's later reference to freedom as a "fact" could also be explained by the fact that its objective reality is not merely *deducible* from the objective reality of the moral law but that it is also *exhibited* in our choosing to act from duty. This double sense of Kant's proof of the objective reality of freedom is emphasized by Ameriks (see Ameriks 2003, 257).

the perspective of the practical agent and her active taking of her practical standpoint. Moreover, one could object that in the absence of a genuine (metaphysical) deduction, claims of morality are not well founded and amount to a mere "standpoint."<sup>44</sup> But for the proponents of the proto-Fichtean view of the moral law that proves itself in the activity of reason itself, the feeling of respect, and Kant's examples, are supposed to do all the justificatory work.<sup>45</sup> But on the view I am presenting here, the practical agent travels the path prepared for it by theoretical reason. We start from the point of the commonsense experience of some moral constraints on our actions but travelling the path prepared for us by the transcendental philosopher and, therefore, by theoretical reason, we can raise those commonsense convictions to the level of universal and necessary practical cognitions. That is to say that while on Kant's view the deduction he employed in the theoretical domain cannot work for the practical (because it would require the theoretical knowledge of absolute freedom that we cannot have), this does not entail that no justification of the moral law's normative force on us is possible. This special form of justification "from a practical point of view" must proceed in reverse order to the one in the theoretical domain. While in the theoretical domain the deduction starts with intuitions and ends with principles, the justification in the practical domain must start with principles and end with intuitions. It starts with the practical cognition of the form of the moral law that ensues from comparing the content of the categorical imperative as an a priori principle to the metaphysical exposition of pure a priori intuition. It proceeds to the practical cognition of the matter of the moral law that results from comparing the concept of the good to the role of pure concepts of the understanding in theoretical cognition. Finally, it culminates in the feeling of respect for the moral law that should be understood as the practical cognition of its normative force, the actualization of the moral law in our sensibility, and which is possible only if the other two forms of practical cognition are present.

<sup>44</sup> See Ameriks 2003, 262.

<sup>45</sup> Franks here is an exception insofar as he claims that "we should not conclude that immediacy of consciousness of the moral law is supposed to do all the justificatory work" (Franks 2005, 282). The feeling of respect for the moral law is preceded by the process of justification of our actions that stops at the categorical imperative as its ultimate point because any practically free self could choose it as a reason. For Franks, the moral law ought to be our ultimate reason "on pain of irrationality" (Franks 2005, 265). In addition to the fact that this view conflates transcendental and practical freedom or freedom of choice ("to choose for a reason irreducible to any cause just is to enact an uncaused, spontaneous choice" [Franks 2005, 266]), it also grounds the normative force of the moral law on the general features of our rationality (RAI).

One could, however, still argue that the analogy I develop between Kant's transcendental regressive method of justification of morality and his deduction of our a priori concepts of the understanding has an obvious limit. While neither of these justifications has for its goal the ambition to answer the skeptical challenge (i.e., the fact that we can neither be certain of the existence of morality nor of the external world or the truths of mathematics), the starting premises of these justifications do not represent the same level of challenge for a skeptic. The starting premise "there is moral experience" represents an easier challenge for a skeptic than the starting premise "there is experience of the world." But the transcendental regressive process of justification from a practical point of view, having reached the culminating stage in the experience of respect for the moral law, goes the other way around: once raised to the level of practical cognition, theoretical reason, the understanding, prepares the terrain for the application of abstract practical cognition to concrete actions. And this is the role played by The Typic of Pure Practical Judgment. "[A] practical rule of pure reason *first*, as *practical*, concerns the existence of an object" (*KpV*, 5: 68). Thus, practical cognition although cognition of the supersensible (cognition of the moral law and via the moral law of my noumenal self) never loses the sight of the phenomenal world in which our actions are to take place. Although practical cognition actualizes itself in a feeling, its actualization is not complete until it is used as a rule in our moral deliberations, as a criterion in answering the question "What am I to do?". And here our practical cognition is being "appraised" (*beurteilt*) (*KpV*, 5: 70), or put to the test, by means of our practical judgment. In other words, because the "morally good as an object is something supersensible" (*KpV*, 5: 68), an aspect of the morally good that is entirely lost on RAI mentioned earlier, it requires a quasi-schema, a concrete representation of the rule to which I can compare the maxims of my actions. And this is the universal law of nature that captures the universal lawfulness of the moral law and, therefore, serves as its type. Our practical cognition constantly undergoes a series of tests so that it is clear that it has the status of a *rational principle* that does not fall into either empiricism (the notion of the good determined by happiness and self-love) or mysticism.<sup>46</sup>

Finally, given that Kant's justification from a "practical point of view" relies on the unity of theoretical and practical reason, one may argue, like

<sup>46</sup> Thus, the method of universalization for Kant is not a part of a progressive proof of the moral law's normative force (the proof that deduces the validity of the moral law from one's general capacity to reason) as argued by some proponents of RAI. Instead, it is a part of practical judgment.

Gerold Prauss, that Kant did not have a ready proof structure for the unity of theoretical and practical reason in place, and that this unity is something that he is merely assuming.<sup>47</sup> Prauss' objection, however, presupposes that we can step outside of our rational practices and look for a common grounding of both theoretical and practical reason. Put differently, Prauss assumes that Kant should have some previously established conception of human reason that would explain the integration of both of its forms, namely, theoretical and practical. This is the ambitious project German Idealists vigorously pursued as a response to Kant's mature practical philosophy. They looked for a single unifying principle which is either practical and from which the truth of theoretical reason should be deduced (Fichte) or theoretical (cognition of the spirit's dialectical path) from which the truths of practical reason should be deduced (Hegel). Kant's aims, however, are more modest, to wit, the domains of theoretical and practical reason always remain in coherent relation to each other while the principle that may be the unifying ground of both is beyond our knowledge: "It is too bad that it is first possible for us to glimpse the idea in a clearer light and to outline a whole architectonically, in accordance with the ends of reason, only after we have long collected relevant cognitions haphazardly like building materials and worked through them technically with only a hint from an idea lying hidden within us" (*KrV*, A834–35/B862–63).

<sup>47</sup> See Prauss 1983, 70.