The Rational Faculty of Desire

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Abstract.

This essay is about the relationship between the notions of practical reason, the will, and choice in Kant's practical philosophy. Although Kant explicitly identifies practical reason and the will, many interpreters argue that he cannot really mean it on the grounds that unless they are distinct, irrational and, especially, immoral action is impossible. Other readers affirm his identification but distinguish the will from choice on the same basis. We argue that proper attention to Kant's conception of practical reason as a capacity reveals that these distinctions are neither textually grounded nor philosophically necessary. His moral psychology concerns a single capacity, practical reason, which is the will, and whose actualities in this or that individual fall under the title of choice. Practical reason is the will and choice because it is the rational faculty of desire: a rational being's capacity to be, by means of her representations, the cause of the actuality of their objects. This, we argue, is entailed by his conception of rational action: action not just in accordance with, but in and through the representation of, principles. The possibility of irrational action is explained not by a distinction between capacities but by the finitude, and thereby the fallibility, of human reason.

1. Reason's efficacy.

Kant claims that whereas the practical philosophies of his predecessors, ancient and modern,

empiricist and rationalist, are systems of heteronomy, his is one of autonomy (G 4:441f.; KpV 5:39-

41).¹ For, he says, his depicts reason as practical for itself (KpV 5:24, 31, 62, 91).

[T]o every rational being having a will we must necessarily lend the idea of freedom also,

¹ We use the following abbreviations for Kant's works:

NG	Attempt to Introduce the Concept of Negative Magnitudes into Philosophy
LH	Fourth letter to Marcus Herz
G	Groundwork of the Metaphysics of Morals
$M\!A$	Metaphysical Foundations of Natural Science
KpV	Critique of Practical Reason
ŔŪ	Critique of Judgment
KU-EE	First Introduction to the Critique of Judgment
RG	Religion within the Boundaries of Reason Alone
MS	Metaphysics of Morals
JL	Jäsche Logic
мM	Metaphysik Mrongovius
MD	Metaphysik Dohna
R	Notes

For the first Critique, we indicate pagination in the first ('A') and second ('B') editions. Translations used are cited in the bibliography, with alterations indicated. Emphasis in quotations is original unless otherwise noted.

under which alone he acts. For in such a being we think of a reason that is practical, that is, has causality with respect to its objects. Now, one cannot possibly think of a reason that would consciously receive direction from any other quarter with respect to its judgments, since the subject would then attribute the determination of his judgment not to his reason but to an impulse. Reason must regard itself as the author of its principles independently of alien influences ... (G 4:448)

Freedom thus involves reason's authoring its principle and causing its object.

An interpretation of Kant's practical philosophy must, then, include an account of the efficacy of reason. This essay addresses that topic in terms of three notions from Kant's moral psychology: practical reason [*praktische Vernunfi*], the will [*Wille*], and choice [*Willkiir*]. Many readers take them to pick out distinct capacities, construing practical reason as a capacity to judge what ought to be and the will or choice as a capacity whose exercises mediate between such judgments and action. They argue that since Kant claims that the categorical imperative—to "act only in accordance with that maxim which you can at the same time will as a universal law"—is the principle of practical reason, irrational and immoral action would be impossible absent the mediation of another capacity whose principle is indifferent to the categorical imperative (*G* 4:421). On this interpretation, Kant differs from his predecessors in holding that reason does not take instruction but rather instructs other capacities because its exercises can influence those of the will or choice in a way denied by his predecessors. Still, on this interpretation, an exercise of another capacity actualizes reason's object.

We disagree. For Kant, practical reason is immediately efficacious. Reason does not *move* the will or choice. It *is* the will and choice. More specifically, 'practical reason' and 'the will' name the

kind of desiderative capacity [*Begebrungsvermögen*] possessed by a rational animal, and 'choice' names its principal actualities, including its principal exercise. His texts bear out this reading, and it is essential to his account of rational action as action through consciousness of law. To distinguish practical reason from the will or choice is to depict a being incapable of such action and thus incapable of morality.

What of the possibility of error? We argue that the correct understanding of a capacity's relation to its determinations and exercises reveals that no distinction among capacities is needed to account for it. A capacity admits of more or less perfect determinations, more or less suitable circumstances for its exercise, and more or less perfect exercises. A rational capacity admits of distinctively irrational kinds of these imperfections. What accounts for our fallibility is that practical reason is the capacity of a finite being. So we shall argue.

2. Practical reason.

We here consider Kant's distinction of practical from theoretical reason in his discussion of the central problem of his theoretical philosophy and thereby introduce the characterization of practical reason elucidated and defended in the rest of this essay.

2.1 Kant tells us that since "practical reason has at its basis the same cognitive faculty as does [theoretical] reason", "the difference in the systematic form of the one from that of the other must be determined by a comparison of the two, and the ground of this difference must be assigned" (KpV 5:89).² Such a comparison is involved in the generation of the central problem of Kant's

 $^{^{2}}$ Kant distinguishes practical and theoretical reason in different ways. According to one, while the object of theoretical reason is what is, the object of practical reason is what ought to be (A633/B661). According to another, the distinction concerns the manner of their exercises. We agree with Stephen Engstrom that the latter is more fundamental (Engstrom,

theoretical philosophy. He articulates this "real problem of pure reason" (B19) in a 1772 letter to Marcus Herz, in which he writes that the "key to the whole secret of hitherto still obscure metaphysics" is to recognize that metaphysical representation differs from two familiar kinds, each of which constitutes a different answer to the question "[w]hat is the ground of the relation of that in us which we call 'representation' to an object?" (*LH* 10:130)

The first familiar kind of representation is empirical:

[i]f a representation is only a way in which a subject is affected by the object, then it is easy to see how this representation is in conformity with this object, namely, as an effect in accord with its cause, and it is easy to see how this modification of our mind can *represent* something, that is, have an object. (ibid.)

Although this passage concerns affection in particular, which accounts for the matter of empirical intuitions, the idea extends to all empirical representation. In an empirical judgment, concepts are applied to an object given in an empirical intuition (A68/B93). An empirical concept "includes a synthesis in it" which "belong[s] to experience" (A220/B267). Its marks—the concepts which constitute its content—are informed by observations (A728/B756). What differentiates the concepts CAT and COW is what differentiates such cats and cows as have been sensibly available to us: size, speed, shape of tail, meow versus moo, and all that jazz. It is thus 'easy to see' how empirical concepts and judgments could 'represent something'.

The second familiar kind of representation is desiderative:

^{2009,} p. 135). That is not to reject the former. In our view, Kant thinks that to know what ought to be is to be desideratively oriented in a certain way.

[i]f that in us which we call 'representation' were active with regard to the object, that is, if the object itself were created by the representation \dots , the conformity of these representations to their objects could be understood. (*LH* 10:130)

Such a representation is 'desiderative' because the desiderative capacity is the capacity to be, by means of one's representations, the cause of the actuality of their objects (KpV 5:8; KU-EE 20:206, KU 5:177). We may again extend Kant's remarks about representations to judgments. In a desiderative judgment, a subject applies a concept so as to actualize it.³ To predicate WALK of myself desideratively is to walk. While empirical judgments, acts of the cognitive capacity, whose representations "are related merely to the object and the unity of consciousness of it", depend on sensibly given particulars, with desiderative judgments, acts of the desiderative capacity, the dependence runs the other way (KU-EE 20:206). Kant, disagreeing with such predecessors as Christian Wolff, holds that neither can be reduced to the other because their acts are structurally distinct (KU-EE 20:206).

2.2 The real problem of pure reason is about the possibility of metaphysical representations, which are neither empirical nor desiderative. The first *Critique* is meant to characterize their (unfamiliar) relation to their object.⁴ Our interest is not in that solution but in Kant's characterization, in his statements of the problem and the framework of the solution, of practical reason as our desiderative capacity.

Consider this passage from the first *Critique*'s Preface:

³ Although Kant may seem to have in mind only the archetypal intellect "whose intuition is itself the ground of things", his description in the letter matches his description elsewhere of a desiderative capacity, as he notes: "our understanding, through its representations, is [not] the cause of the object (save in the case of moral ends)" (*LH* 10:130). For discussion of desiderative predication, see Engstrom (2009, p. 33f.).

 $^{^{4.}}$ For discussion, see Pendlebury (2022_A).

Insofar as there is to be reason in these sciences, something in them must be cognized *a priori*, and this cognition can relate to its object in either of two ways, either merely **determining** the object and its concept (which must be given from elsewhere), or else also **making** the object **actual**. The former is **theoretical**, the latter **practical** cognition of reason. (Bix-x)

Kant here distinguishes 'determining' an object *a priori* from making it actual. To determine an object is to predicate a concept of it. To make it actual is to bring it into existence. In both theoretical and practical cognition *a priori*, a concept is predicated without dependence on empirically given content, but only practical predication actualizes the concept. The practical cognition of reason is, therefore, desiderative. This is not to say that every desiderative capacity is practical reason. Animals in general are desideratively capable. Practical reason is the kind peculiar to rational beings. As Kant puts it, in its practical employment, "reason is a true *higher* desiderative capacity" (*KpV* 5:24-5).⁵

Kant repeats this contrast in the Transition to the Transcendental Deduction, where he sketches his account of metaphysical representation:

There are only two possible cases in which synthetic representation and its objects can come together, necessarily relate to each other, and, as it were, meet each other: Either if the object alone makes the representation possible, or if the representation

⁵ In us, the 'higher' desiderative capacity comes with the 'lower', the seat of inclinations, the "matter of the desiderative capacity" (KpV 5:21). Kant inherits this distinction from the scholastic tradition by way of the German *Schulphilosophie* (see, e.g., Baumgarten (2013, §§676f., 689f); Aquinas, *Summa Theologica* 1a 80.2 (2014, pp. 247-8). The higher desiderative capacity also contrasts with the 'brute' desiderative capacity of non-rational animals (*G* 4:459). The lower desiderative capacity in us is not identical to this brute capacity. While the latter is a desiderative capacity in its own right, the former is not because it cannot itself actualize any representation. Even in acting from inclination in infringement of the will's principle, I am not pushed about by inclination; I instead show it "indulgence" (*G* 4:457-8). See also A534/B562.

alone makes the object possible. If it is the first, then this relation is only empirical, and the representation is never possible *a priori*. ... [I]f it is the second, then since representation in itself (for we are not here talking about its causality by means of the will) does not produce its object as far as its **existence** is concerned, the representation is still determinant of the object *a priori* if it is possible through it alone to **cognize something as an object**. (A92/B124-125)

A priori cognition of reason, theoretical and practical, makes its object possible. That distinguishes the theoretical *a priori* from the theoretical *a posteriori* but not from the practical *a priori*. The latter is distinguished in that it 'produces its object as far as its existence is concerned'. The theoretical *a priori* makes its object possible, and the practical *a priori* makes its object possible and actual.⁶ Since a capacity to make actual an object is a desiderative capacity, practical reason is the kind of desiderative capacity characteristic of rational animals. It is the rational faculty of desire.

3. The will.

Although Kant says that the practical cognition of reason makes its object actual, elsewhere he may seem to suggest that the will instead does so. We here argue that this contrast is illusory because for Kant, practical reason is the will.

3.1 Although we claim that Kant thinks that practical reason is efficacious with respect to its object, the contrast between metaphysical and practical representations in the Transition passage might seem to imply otherwise. He says that a metaphysical representation 'in itself does not produce its

⁶ Since our topic is the efficacy of reason, we shall not say what it is for practical reason to make possible its object. We hope to do this elsewhere.

object' because it lacks 'causality by means of the will'. This might seem to imply that the difference between metaphysical and practical judgments is not the efficacy of the latter but their relationship to a distinct capacity, the will, which is efficacious with respect to its objects. The difference would then be a matter of which judgments the will takes up.

Lewis White Beck expresses this thought:

'Will' suggests more directly the dynamic impulse involved in action; 'practical reason' suggests something cold and deliberate without any 'push'. Such difference in connotation must have been present also in Kant's mind, for we have seen how he often speaks of reason as determining the will, as if there were two factors here in opposition to each other. (Beck, 1960, pp. 76-7)

If practical reason has no 'push', it represents what ought to be. Its exercise is then done and dusted. The will picks up the representation according to its principle. Those representations are thereby practical. The will is then our desiderative capacity. 'Practical reason' is the name for the cognitive capacity when exercised in such a way that the will takes notice of it. Practical reason is theoretical reason with a delimited subject matter, called 'practical' because the will is disposed to take it up.⁷

This distinction may seem necessary to account for the fact thatwhat ought to happen

⁷ There is another way of distinguishing practical reason from the will which attributes a 'push' to both: practical reason is efficacious with respect to the disposition of the will, the will with respect to the state of the world. We agree with Patricia Kitcher when she insists that practical reason, for Kant, belongs to desire and not to cognition, because its representations must be capable of producing their object (Kitcher, 2000, pp. 170-174). We nonetheless depart from her description of the relation of practical reason to the will within the desiderative domain: "an agent can produce a morally good action only if she has a representation of the moral law lying *a priori* in her reason, and her reason causes the representation of the action to be done in her will by deriving that action representation from her representation of the moral law, and that action representation produces the action" (Kitcher, 2020, p. 175). The argument of $\S3.2$ applies not only to the position that practical reason belongs to cognition but also to the position that although it is desiderative, it is nonetheless distinct from the will.

"perhaps ... never does", as Kant is acutely aware (A802/B830). Indeed, he thinks that we cannot completely satisfy the demands of morality and so what ought to happen cannot completely happen (KpV 5:122). He often emphasizes the gap between our apprehension of the good and our realization of it:

reason is concerned with the determining grounds of the will, which is a faculty either of producing objects corresponding to representations or of determining itself to effect such objects (whether the physical power is sufficient or not), that is, of determining its causality. For, in that, reason can at least suffice to determine the will and always has objective reality insofar as volition alone is at issue. (KpV 5:15)

Since all prescriptions of pure practical reason have to do only with the determination of the will, not with the natural conditions (of the practical capacity) of the execution of its intention, the practical concepts *a priori* at once become cognitions in relation to the highest principle of freedom, and need not await intuitions in order to receive significance, and this for the noteworthy reason, that they themselves bring forth the actuality of that to which they relate themselves (the disposition of the will), which is not at all the business of theoretical concepts. (*KpV* 5:66)

There are two problems for our interpretation here, one philosophical and one rhetorical. First, if practical reason were the will, how could there be a distinction between its determination of the will and the will's execution of that determination? Second, if practical reason were the will, what would it be for reason to determine the will?

3.2 Kant does not and cannot, however, distinguish practical reason from the will. Three points on this. First, if practical reason and the will are distinct, he cannot claim that whereas metaphysical representations make possible their objects, practical representations make possible and actual their objects. Since the will is the locus of efficacy, practical representations only make possible their objects. He thus loses the contrast between practical and metaphysical representations central to his framework of the real problem of pure reason and its solution.⁸

Second, Kant repeatedly identifies practical reason and the will explicitly and implicitly. For example, he says that

[t]he faculty of desire whose inner determining ground, hence even what pleases it, lies within the subject's reason is called the will. The will is therefore the faculty of desire considered not so much in relation to action (as choice is) but rather in relation to the ground determining choice to action. The will itself, strictly speaking, has no determining ground; insofar as practical reason can determine choice, the will is practical reason itself. (*MS* 6:213)⁹

The first sentence alludes to the desiderative capacities of other animals whose inner determining grounds do not lie in reason. The will is the kind whose inner determining ground does. Such a

⁸ As Mary Gregor notes, Kant (e.g., at *MS* 6:218) allows that we may have theoretical knowledge of what ought to be, but the possibility of this theoretical "treatment" of moral laws as "statements of what is right and wrong" does not mean they are not "in fact practical propositions" (Gregor, 1963, pp. 23-4).

⁹ We have changed the last clause from 'insofar as it can determine choice, it is instead practical reason itself'. That translation can read as equivalent to 'the will, insofar as it can determine choice, is practical reason'. The pronoun in 'it can determine choice' is, however, '*sie*', whose antecedent must be '*Vernunft*', not '*Wille*'.

ground is inner only if it lies *within* the will. Thus the will, with its determining ground, lies in reason. That is to say that the will is practical reason, as Kant says explicitly after the semicolon.

Kant also implicitly identifies these capacities. For example, he says that "a question of objective practical laws" concerns "the relation of a will to itself insofar as it determines itself only by reason" and then restates this question as concerning the possibility that "reason entirely by itself determines conduct" (G 4:427). If the will's determining *itself* by reason is identical to reason's entirely by *itself* determining conduct, practical reason is the will. Similarly, he writes that we can

analyze the judgment that people pass on the lawfulness of their actions in order to find that, whatever inclination may say to the contrary, their reason, incorruptible and self-constrained, always holds the maxim of the will in an action up to the pure will, that is, to itself inasmuch as it regards itself as *a priori* practical. (KpV 5:32)

For reason to hold the maxim of the will up to the pure will is for it to hold that maxim up to itself. The pure will is practical reason. Yet the pure will is not something other than the will, as though a subject has both. The pure will is the will as capacity which, as we explain below, sets the standard for its determination and exercise.¹⁰

Finally, in his most famous identification of practical reason with the will, Kant explains why the identity holds. He says that

[e]very thing in nature works according to laws. Only a rational being has the capacity to act

¹⁰ This relationship between a capacity and its determination in a particular bearer is, our view, the correct way to understand why, as Owen Ware puts it, the "pure will is nothing other than the Idea of our own, empirical will conceived of in its complete perfection" (Ware, 2021, p. 39).

according to the representation of laws, i.e., according to principles, or a will. Since reason is required for deriving actions from laws, the will is nothing other than practical reason. (G 4:412)

Each thing in nature (in the material sense: the sum of appearances) works according to laws belonging to its nature (in the formal, or adjectival sense: what it is) (MA 4:467). "Water falls according to the laws of gravity, and with animals locomotion also takes place according to rules. The fish in water, the bird in the air, move according to rules" (JL 9:11). Among capacities are desiderative capacities, belonging only to animals, and belonging to these too are laws or rules. The cat, other things equal, gobbles up wet food upon its appearance in the bowl. In gobbling up the food, a cat acts according to this law of feline desire.

Rational animals also possess desiderative capacities with laws of desire. We, suppose, other things equal, tuck into dinner shortly after arrival at table. Yet we can act in accordance with those laws in a particular way. We can act through understanding them. It is not just that we can act according to them and, as another matter, know that we do, as I might digest in accordance with the laws of human digestion and also know it. Our consciousness of acting according to the laws of practical reason is internal to the very exercise of our desiderative capacity, at least when we act well.

We cannot capture this self-consciousness if we distinguish practical reason and the will. Were practical reason not the will, a subject would derive an action from a law in an act of practical reason and would then perform the action in an act of the will. In the first act, she would infer correctly (or not). In the second, she would act in accordance with the conclusion of the inference (or not). She would differ from the cat in that it would be practical reason, and not merely inclination, which would inform the exercise of her will. Would that be enough for action to be not merely in accordance with law but according to a representation of law? No. Were it, Kant would be wrong to conclude that 'since *reason* is required for deriving actions from laws, the will is nothing other than practical reason'.

To understand why, let us work through the passage slowly. It begins with a characterization of the will as 'a capacity to act according to the representation of laws'. Such is distinctive of 'a rational being'. The will is not a capacity to act according to *representations derived from* laws but according to *the representation of laws*. That is, the basis of the exercise of the will must be *the law* from which the action is derived. Kant introduces reason as required for deriving actions from laws only after so characterizing the will. Inference is an exercise of reason, and since there is inference in the exercise of the will, to exercise the will is to exercise reason. Hence, 'since reason is required for deriving actions from laws, the will is nothing other than practical reason'. The exercise of the will is, therefore, a desiderative judgment which comprehends its own derivation from the law.¹¹

Were practical reason not the will, then although the will might pick up the conclusion of practical reason—not a desiderative but a cognitive judgment—it would itself be insensitive to the law from which that conclusion would be derived. Human action, the exercise of the will, would then no more embody consciousness of the law according to which it is performed that does feline action. Were the will sensitive to that law, though, it would be practical reason. After all, it could do everything practical reason is meant to do, and we do not have redundant capacities as capacities are defined by their functions or, what is the same thing, what they are potentialities to do. So if our action is to embody consciousness of the law according to which it is performed and thereby differ from the action of the other animals, the will is practical reason.¹²

¹¹ For Kant, an inference is not distinct from the judgment which concludes it, since "the syllogism is nothing but a judgment mediated by the subsumption of its condition under a universal law" [A307/B364].

¹² See Fix (2018) for a version of this argument in a contemporary key and Fix (2022_A) for further development.

3.3 What about Kant's idiom of determination? In addition to the earlier quoted passages (KpV 5:15; 5:66), consider his claim that "[t]o satisfy the categorical command of morality is within everyone's power at all times" because "it is a question only of the maxim" and not "of one's powers and one's physical ability to make a desired object actual" (KpV 5:36-7; translation modified; compare (KpV 5:20-21). These passages seem to suggest that since reason can represent objects as good when they are not actualizable by the subject, its exercise is complete even when the will is impotent to execute reason's command. As we might put it, the possibility of a thought about an *ought* without reference to a *can* seems to show that practical reason is not the will.

But this is wrong. For one thing, the categorical command of morality is to "act only in accordance with that maxim", not to 'have only that maxim' (G 4:421). You satisfy it not by merely thinking but only by acting from the thought. Were thinking enough, an agent could satisfy it without acting even in cases in which action is known to be possible. For another, the hypothetical imperative is a law of reason concerning means, not ends, which would be impossible if the province of reason were only cognition and not action. As Kant says in explanation of its possibility, "in the willing of an object, as my effect, my causality is already thought, as an acting cause, i.e. the use of means, and the imperative already extracts the concept of actions necessary to this end from the concept of a willing of this end" (G 4:417).¹³ The exercise of practical reason concerns doing as much as thinking.

How, then, can we understand the idiom of determination without distinguishing practical reason from the will? To answer this question, we must consider what a capacity is. A capacity is a potentiality to do something. One differs from another according to what they are potentialities to

¹³ See Fix (2020_B) for an account of the instrumental rule inspired by Kant's account of the hypothetical imperative.

do. Our capacity to speak, say, differs from our capacity to walk according to the differences between speaking and walking. Within a particular bearer of a capacity, there is a distinction between the capacity and its actualities, including its determinations and exercises.

Not every exercise of a capacity is successful. Bearers possess a capacity as more or less perfectly determined and exercise it more or less successfully. For example, the understanding, the higher part of the cognitive capacity, is a capacity to judge (A69/B94). As such, "the principal perfection among" the "logical perfections" of the understanding is truth, "because it is the ground of unity through the relation of our cognition to the object", and that relation is the constitutive norm of judgment (*JL* 9:39). Nonetheless, we often judge falsely.

Similarly, the will, the higher part of the desiderative capacity, is a capacity to actualize the object of a representation in accordance with our representation of a law (G 4:412). Kant argues in the *Groundwork* and second *Critique* that the principle of such a capacity is the moral law which, therefore, tells us what that capacity is a potentiality to do. Roughly speaking, the will is a capacity not just to satisfy the desires of the individual or secure her flourishing in indifference to that of others but to live in cooperation with other rational beings, each a law to each. This does not mean that we actually live like that. Capacities, like everything else pertaining to living beings *qua* living, may be more or less perfectly developed and exercised since "no individual creature, under the individual conditions of its existence, is congruent with the idea of what is most perfect of its species" (A318/B374). In describing the nature of the capacity, we describe it insofar as it pertains not to any individual but to a universal, understanding that its actualization in any individual need not be congruent with it.

Because the will's essence is articulated by its principle, the moral law, perfection is a matter of congruence with that principle, imperfection a matter of incongruence. The perfectly determined will is one so oriented that the moral law always functions as the fundamental condition of its exercise. The imperfectly determined will is one not so oriented. The perfect exercise of the will is one in which the moral law's representation is the fundamental condition of that exercise. The imperfect exercise is one in which something in the previous account goes missing. The possibility of incongruence is, therefore, not recorded in a statement of the nature of the capacity itself. In describing the will's nature, we make no mention of incompetence, inopportunity, or evil. For incongruence is not of the essence but is deviation from the essence.¹⁴ Nonetheless, incongruence is possible, because the will is a capacity of a finite being: "[h]uman beings can err: the ground of this fallibility is to be found in the finitude of human nature" (NG 2:202).¹⁵

Return now to the passage from KpV 5:15. Kant there says that *the will* 'is a capacity either to produce objects corresponding to representations or to determine itself to effect such objects (whether the physical power is sufficient or not), that is, to determine its causality'. Given what we have just said about the nature of the will, we can say that it is a capacity to actualize an object as determined here and now to be in accordance with a law, through recognition of this accordance, so long as the subject is in conditions—including internal conditions of physical power—conducive to such actualization. Human beings must act in a world in which much is beyond our ken and control. In situations in which the will cannot bring off its object, it can be in a state of readiness for its full exercise should the occasion arise. In that case, it is 'determined' to 'effect' its object.

The *ought* without the *can* is a matter of the will's being determined to do something to which

¹⁴ See (Fix, 2020_A) for more on error as a deviation from essence.

¹⁵ We thus disagree with Paul Guyer's claim that "a careful reader could not conclude" that Kant at *G* 4:412 "identif[ies] practical reason and the will" because Kant "explicitly *denies*" the application of this identity to the human being when he distinguishes our will from the holy will (Guyer, 2017, pp. 126-7). That distinction is between a will determined by reason inevitably [*unausbleiblich*] for which there is no possibility of incongruence with its essence and a finite will whose "determination … in conformity with objective practical laws" is "necessitation" [*Nötigung*] (*G* 4:412-13). Nowhere does Kant say or imply that the identity—which introduces the passage—applies only to a will of the first kind. Guyer draws this conclusion because he assumes that every exercise of a capacity conforms with its principle. This is false.

there is some hindrance, internal or external. This is confirmed in Kant's notion of wish [*Wunsch*], which he defines as that act of "the desiderative capacity in accordance with concepts" which "is not joined with" the "consciousness of the ability to bring about its object by one's action" (*MS* 6:213). Kant says that wishes are "determinations of the desiderative capacity in which it is in contradiction with itself" (*KU-EE* 20:230n.). They are *per se* frustrated actualities of that capacity. Kant notes "the effect which such empty desires and yearnings, overexciting and enfeebling the heart, have on the mind, weakening it by exhausting its powers", which show "that these powers are in fact repeatedly strained by representations in order to make their object actual" (*KU-EE* 20:231n.).

Similar points apply to the passage from (KpV 5:36-7). In having the maxim without occasion to act on it, the subject is properly disposed to act. If she cannot act on it through no fault of her own, she is blameless and, if she strives to find occasion, perhaps even admirable. To the extent that this blamelesness or admirability constitutes satisfaction of the categorical command of morality, that is only because action is impossible, not because practical reason is only a capacity to judge rather than a capacity to act from judgment.

In general, then, practical reason is the will, which is a capacity to actualize its object. When and where action is impossible, the will may nonetheless be so determined as to actualize itself should action become possible: it may be specified as to its capacity.¹⁶ Impotence and inopportunity are imperfections of the capacity to actualize the object of a representation derived from a law. Neither demands a distinction between a capacity to actualize such an object and a capacity to derive such a representation from a law, and rational action demands their identity. Practical reason is the will.

¹⁶ Analogously, the understanding is a capacity to judge; judgment is its act. Possessed of the concept *cat*, it is, *inter alia*, a capacity to make judgments about cats. For discussion, see Pendlebury (2022_B).

4. Choice.

We here discuss Kant's distinction between the will [*Wille*] and choice [*Willkür*], which many take to introduce a division between capacities. We argue that it does not. Rather, 'choice' names the will's principal actualities in this or that individual.

4.1 Kant distinguishes between the will and choice in the Religion with the Boundaries of Reason Alone and the Metaphysics of Morals. Here is what he says in the latter:

Insofar as [the faculty of desire in accordance with concepts] is joined with one's consciousness of the ability to bring about its object by one's action it is called choice; if it is not joined with this consciousness its act is called a *wish*. The faculty of desire whose inner determining ground, hence even what pleases it, lies within the subject's reason is called the *will*. The will is therefore the faculty of desire considered not so much in relation to action (as choice is) but rather in relation to the ground determining choice to action. The will itself, strictly speaking, has no determining ground; practical reason itself, insofar as it can determine choice, is the will. (*MS* 6:213)

Here 'choice' labels 'the faculty of desire considered in relation to action', and 'the will' labels *that same capacity* 'considered in relation to the ground determining choice to action'. We have seen that the will's act is the actualization of a determination grounded in consciousness of a law. Here Kant describes choice as pertaining to the actualization, rather than merely to the determination. Thus, the will's act is choice. We said earlier that where no actualization is possible, such mere determination is

wish. Wish is the will's act as *per se* frustrated.¹⁷

Kant in fact uses 'choice' in two distinct but related ways in this connection. First, choice can be the readiness of the subject to exercise her will in some way given her circumstances. This use corresponds, roughly, to *having a choice* about whether to do something. Second, choice, often rendered in the texts as 'determination of choice', can be the act of the will. This use—in which 'determination' does not mean specification—corresponds, roughly, to *making a choice* to do something. To *have a choice* is to be in circumstances compatible with successfully exercising the will in some way. *To make a choice* is to exercise the will. Neither is a capacity distinct from the will. Each is a kind of actuality of the will. Let us explain.

First, on having a choice. Kant says in the Doctrine of Right that an "object of my choice is something that I have the physical power to use" (MS 6:250). What we can choose is not just anything whose use is permitted by the moral law. That law does not prohibit our lifting mountains or acquiring resources from exoplanets. Yet they are not objects of choice for us, for lack of ability or opportunity. The moral law likewise does not prohibit our occupying space. Yet it is not an object of choice for us, for lack of alternatives. We have no choice with respect to these things.

We have a choice when successfully exercising the will in some way in our circumstances is possible. 'Choice' here is the name for that condition in which the subject knows how to achieve her end given her circumstances and whether to so act is up to her or within her power. Such choice does not require having a capacity distinct from the will. Nor does Kant say that it does. He says that "[i]nsofar as reason can determine the faculty of desire as such, not only choice but also mere wish can be included under the will" (*MS* 6:213).

Consider also this passage from notes on Kant's metaphysics lectures:

¹⁷ See for discussion Engstrom (2009, pp. 66-70).

Desiderative capacity <facultas appetitiva; Begehrungsvermögen>. Worthless, empty, idle desires <appetitio inanis, vacua, otiosa>, empty desires are called wishes (yearnings). The subject can himself be conscious of this emptiness; —effort <conatus>, a dead power consciousness of the causality, but also of the inadequacy. Effective desire <appetitio efficax; wirksam> is not yet efficient <efficiens; wirkend>, one calls it power of choice <arbitrium; Willkür> as long as the opposite of my desire is also in my control. (*MD* 28:676-7)

Here the power of choice is defined as effective rather than efficient desire. Efficient desire is action, the exercise of the will. Effective desire is efficient desire in readiness.¹⁸

Second, on making a choice. To capture this sense of 'choice', Kant often uses the idiom of determination [*Bestimmung*] in, as we have said, a sense other than that of specification:

An *end* is an object of the choice (of a rational being), through the representation of which choice is determined to an action to bring this object about. (*MS* 6:381; see also 6:384-5)

Determination of choice proceeds *from the representation of a possible action to* the deed through the feeling of pleasure and displeasure, taking an interest in the action or its effect. (*MS* 6:399)

Whereas to have a choice is for an option to be open but not yet selected, these passages concern

¹⁸ Compare also: "[a]ll desire is either **practical**, which can contain the ground of the existence of the object, or **idle**; the first is the **power of choice:** the capacity to desire that which is in our power" (R1021 (1773-9); 15:457).

selecting and performing the action. Determination of choice—not to be confused with determination of the will, which is a specification and thereby a state, rather than the beginning of an act—is the movement from practical representation to deed. It is efficient as opposed to effective desire, the actualization of that representation or the making of a choice. Since the will is our capacity to be the cause of its object's actuality, such efficient desire is the principal exercise of our will.¹⁹

4.2 Some commentators resist the identification of choice with a state or act of the will. Many react to comments on Kant's position by Karl Leonhard Reinhold that if practical reason is the will, no actions in contravention of its law can be free unless there is a "capacity of the person to determine herself [*sich selbst*] to the satisfaction or dissatisfaction of a desire either according to the practical law or against it" (Reinhold, 1792, pp. 271-2; our translation). Some commentators characterize this as a criticism, others as a reading, of Kant's position. Paul Guyer, for example, takes Kant's claim that the "ground of evil" must lie "in a rule *Willkür* itself produces for the exercises of its freedom" to express Reinhold's position (RG 6:21) (Guyer, 2017, p. 123). He assumes that choice can 'produce' a rule other than the moral law 'for the exercises of its freedom' only if it is a distinct capacity to act either in agreement or disagreement with the moral law.

In the same passage, however, Kant writes that unless evil is "a deed of freedom," "the use or abuse of the human being's *Willkür* with respect to the moral law could not be imputed to him"

^{19.} Some readers approach this interpretation. Beck denies that the will and choice "are two faculties related to each other in some external, coercive way" (Beck, 1960, p. 180); rather, he says, "they are two aspects of practical reason, differing as the legislative and executive functions." (ibid., p. 199). Yet he also writes of pure practical reason's "control" of *Willkiir* (ibid., p. 203). This image reintroduces the model of the will as controlling a distinct power of choice. Ours is closer to Andrews Reath's. He distinguishes "different functions of the will" and writes that "in its positive specification, *Willkiir* is ... a capacity to act from the laws generated by *Wille*" (Reath, 2006, pp. 161-2 n. 11). We take our distinction between capacity, specification (determination), and act to clarify how the 'legislative' and 'executive' functions pertain to one capacity.

(*RG* 6:21). If choice is indifferent to the distinction between agreement and disagreement with the moral law, action against the law is not an 'abuse' of choice, even 'with respect to the moral law'. Choice's activity is not deviant when it deviates from the moral law, according to Guyer's position, since it is as much a capacity to act against that law as it is a capacity to act in accordance with it.

Other commentators cite philosophical grounds for the need, in Onora O'Neill's words, "to pigeonhole immoral yet freely chosen action" (O'Neill, 1989, p. 67). For example, Thomas Hill criticizes a reading on which

[t]he will is practical reason and so cannot will anything contrary to reason; morality is prescribed by reason and so no one wills to be immoral; the will, which is thus always good, is free negatively and wills unequivocally perfect conformity to the law of autonomy. Thus, on this view, one who acts to satisfy desire contrary to morality, and perhaps even one who acts to satisfy a morally neutral desire, does not really will so to act and does not act freely in any sense. His behavior is a product of natural forces, like that of animals or, better, animals with complex built-in computers for calculating the best means to satisfaction. (Hill, 1985, 7)

Hill rightly, in our view, rejects this image of the human being as a "strange hybrid" of the free and the brute and seeks to locate moral and immoral actions alike under the moral law as the law of freedom (ibid.). His alternative does not reject the identity of practical reason and the will but instead relies on Kant's "distinction between *Wille* and *Willkür*" (Hill, 1985, p. 7). As he puts it elsewhere:

In using *Wille* one 'legislates' to oneself moral law and prudence consistent with the law. In another sense (*Willkür*) to have a will is to have a power to choose among particular options, including at times doing one's duty vs. satisfying an inclination. (Hill & Zweig, 2002, p. 271 n. 36)

Thus evil acts "are based on willful choices, temporarily disregarding or rebelling against an inner authority that [the actors] cannot help but acknowledge as their own rational *standard* (though it is not in the particular case their operative principle)" (Hill, 2012, p. 76). Such "choice cannot be the product of Will (*Wille*) because that is always towards the objective good" (ibid.). Since the will, on this interpretation, is a capacity to know the good and since that relation to the good prevents it from explaining the possibility of evil action, the power of choice must not so relate to the good. It must be a capacity to make a choice in indifference to the goodness of the action and in indifference to the exercise of the will.²⁰

This interpretation is, however, incompatible with a straightforward extension of Kant's argument for the identity of practical reason and the will in *Groundwork* II. If the will and choice are distinct capacities, to act is to exercise choice, not the will. An agent's consciousness of her action as falling under the law is an exercise of the will. Since choice is a capacity whose principle is indifferent to the law, its exercise is insensitive to the action's being derived from the law. Since the moral law is no law to choice, the derivation constitutes no basis for its exercise. A real distinction between the will and choice would undermine the possibility of rational action as Kant construes

²⁰ Hill characterizes Engstrom's interpretation of Kant's moral psychology as follows: "the Will [is] a rational capacity exercised *in all particular acts* for which we can be (directly) responsible, and its unfailing (even if only implicit) orientation to what is objectively good must be a salient part of the explanation why we acted as we did. ...if we act immorally or imprudently, our acts must be explained by indicating how this ever-good capacity was misused, misguided, or knocked off its implicitly intended course" (Hill, 2012, p. 75). Hill suggests that, according to this position, immoral choices cannot be 'willful' because their operative principle, like that of every exercise of the will, is the moral law. We are about to argue that this does not follow.

So, in effect, Kant says. In the *Metaphysics of Morals*, he denies the coherence of a capacity of choice indifferent as between good and evil:

[f]reedom of choice cannot be defined—as some have tried to define it—as the ability to make a choice for or against the law (*libertas indifferentiae*), even though choice as a *phenomenon* provides frequent examples of this in experience. [...] Only freedom in relation to the internal lawgiving of reason is really a capacity [*Vermögen*]; the possibility of deviating from it is an incapacity [*Unvermögen*]. How can the former be defined by the latter? It would be a definition that added to the practical concept the *exercise* of it, as this is taught by experience, a *hybrid definition (definitio hybrida)* that puts the concept in a false light. (*MS* 6:226-7)

Kant here defines freedom of choice in terms of the moral law and the internal lawgiving of reason and so defines it as the will. Deviance from this lawgiving is not the exercise of a distinct capacity with its own principle but the deficient exercise of the will or, what is the same thing, an exercise which does not actualize the essence of that capacity.

Similarly, in the Metaphysik Mrongovius, Kant says that

²¹ The same applies to a position on which, though the *Wille-Willkür* is not real, there is a functionally equivalent distinction in Kant's philosophy. Henry Allison, for example, says that "Kant uses the terms *Wille* and *Willkür* to characterize respectively the legislative and executive functions of a unified faculty of volition, which he likewise refers to as *Wille*" (Allison, 1990, p. 129). However, he also writes that the possibility of error requires "a corresponding capacity to deviate from the dictates of reason" (Allison, 1990, p. 136). Were there such a capacity, the subject would exercise it properly in deviating from those dictates and so would *succeed* in the exercise of her agential capacities only if she first correctly represented an action as falling under the moral law in an exercise of the will and then acted contrary to the law in an exercise of that distinct capacity. More recently, Allison writes both that "*Willkür…*encompasses the power to choose between good and evil" (Allison, 2020, p. 456) and that evil actions are "not considered as due to a capacity of the agent to freely choose evil" since "the choice of evil results [in] a failure to exercise one's capacity to the good, which is Kant's activist version of the conception of evil as a negation" (Allison, 2020, p. 466). Our position contradicts the former but agrees with the latter.

[s]ince here our own reason is the incentive of the laws, we are indeed free, since we govern ourselves. Freedom is thus not at all a faculty for choosing evil, but rather the good, because our reason commands only the good. $(MM 29:903)^{22}$

In these passages, Kant does not deny the possibility of immoral action. He denies that our capacity to choose, free as it is, is a capacity indifferent as between morality and immorality. This is why he says that freedom of choice cannot be *defined* as the liberty of indifference. A definition would express the essence of that freedom, and the essence of freedom is the capacity to choose the good, which is the will. The possibility of deviance does not belong to that definition because it does not belong to the essence of the capacity. ²³ To the extent that we act from the law, we actualize the essence of the capacity. To the extent that we deviate from the law, we stand between that essence and its actualization. Error pertains not to the essence of choice, but to our failure to actualize that essence.²⁴

^{22.} Consider also: "The freedom of the divine will does not consist in its having been able to choose something other than the best; for not even human freedom consists in that, but in being necessarily determined by the idea of the best, which is lacking in the human being and thereby also restricts his freedom" (R6078 (1783-4) 18:443).

²³ Guyer objects that "Kant has nowhere previously stated that a definition must always be couched in terms of a capacity, not an incapacity" (Guyer, 2017, p. 134). Kant here rejects the definition *of a capacity* which includes description of an incapacity. Incapacity does not pertain to the essence of a capacity but to its actualization and does not belong in the capacity's definition. This is so even though the possibility of evil is a "necessary characteristic of the free will" in the sense that the possibility of evil follows from our rational finitude (Guyer, 2017, p. 135). Guyer acknowledges that the possibility of deviation cannot belong to the real definition of freedom (Guyer, 2017, p. 136). He correctly, in our view, connects this observation to Kant's doctrine that "morality first discloses to us the concept of freedom" (*KpV* 5:30). For Guyer, however, this is a merely epistemological matter: Kant, he says, "is assuming that only the *ratio cognoscendi* [of freedom] can be included" in the definition (Guyer, 2017, p. 136). But the passage from the *Jäsche Logic* which Guyer quotes says that a real definition "suffice[s] for cognition of the object according to its inner determinations, since [it] present[s] the possibility of the object from inner marks" (*JL* 9:143). A real definition in this sense serves to express an object's 'inner determinations', which together make up what it is: its essence. In the fact of reason, we know our freedom for what it is: the freedom to be good.

²⁴ This explanation of the possibility of moral error in which we recognize what we ought to do and nonetheless choose not to do it shows that we do not here attribute to Kant a Socratic intellectualism on which wrongful action is possible only when, as Jens Timmermann puts it, "we are deluded about our obligations" (Timmerman, 2022, 103). Timmermann argues that Christine Korsgaard (1996, 161), Reath (2006, 1; 2015, 241), and Engstrom (2009, 49-50) endorse

4.3 It may seem that mere failure to exercise a capacity in accordance with its constitutive principle cannot account for evil. Evil is not a matter of hindrance, incompetence, or inopportunity. Hill and Allison suggest that unless we possess a distinct capacity to choose, the only thing that can explain immoral action is an external impediment because they think that if our will is a capacity to do what is good, its exercises must infallibly follow the good. Our capacities misfire, however, not only on account of external obstacles but because of internal imperfection insofar as we are finite and possess capacities imperfectly determined. Evil, though it is a kind of misfire possible only for a rational being, is such a misfire nonetheless.

To delineate the contours of evil, as Kant understands it, would require a separate essay. We shall, however, supply a brief sketch of the basic structure of evil according to the conception of capacity, determination, and act we have applied throughout. The moral law is the principle of the will: that is to say that the will is a capacity to actualize representations through our consciousness of their conformity with the moral law. Kant says in the *Religion* that particular exercises of the will proceed from a predisposition to either good or evil. In being predisposed to the good, I subordinate self-love to the moral law; in being predisposed to evil, I subordinate the moral law to

intellectualist readings (2022, 91-4). We doubt it, though our own formulations might make it easier to see that we do not. To say that there is no "gap between moral judgment and the agent's choice" (2022: 104) is, for us, to say that the correct exercise of the capacity which is the will is a moral judgment which is identical to the agent's choice. In one among various kinds of incorrect exercise, execution falls away, though the rest of the judgment remains: this is a *per se* incomplete practical judgment, because although the subject predicates, she does not do so efficaciously, and efficacious predication is what the will is a capacity to do. Because this is possible, according to our reading, it is not intellectualist. See (Fix, 2022B) for more on irrationality, in this case akrasia, as an incomplete exercise of practical reason.

We think that Timmermann cannot explain why, as he puts it, *Willkür* is "subject to the command of pure practical reason", and why the maxim an agent chooses is that "prescribed by *Wille* only if this"—choice—"is done well" (2022: 108). This is because he denies that the function of *Willkür* is, in Reath's words, "to settle on actions that carry out the judgments and realize the ends of *Wille*" (2022: 108; Reath 2013: 43). If that isn't its function, then there's no sense in which it is exercised 'well' when it does it as opposed to when it does not. This may be part of what Timmermann means in saying that on his understanding of the *Wille-Willkür* distinction, there is "an element of arbitrariness and inexplicability" which is "philosophically unsatisfactory" but that "we may still have to attribute to Kant if key passages support it and alternative readings are equally unsatisfactory" (2022: 108 n. 45). We agree with the assessment of this position as unsatisfactory, but we have shown that alternative readings are not equally unsatisfactory and have cited key passages in support of our interpretation.

self-love (RG 6:36). Because these predispositions must be imputable, he says, we must think of each as a deed, though neither occurs in space or time:

Nothing is ... morally (i.e. imputably) evil but that which is our own deed. And yet by the concept of a propensity is understood a subjective determining ground of the power of choice *that precedes every deed*, and hence is itself not yet a *deed*. There would then be a contradiction in the concept of a simple propensity to evil, if this expression could not somehow be taken in two different meanings, both nonetheless reconcilable with the concept of freedom. (*RG* 6:31)

Thus, in the case of each agent, such a predisposition stands, as it were, between her will and its particular exercises. It is not this or that action, but how she is disposed to determine herself to act in general, her basic practical orientation, what Mary Gregor calls the 'fundamental attitude of will' (Gregor, 1963, p. 155).

The predispositon to the good has the character of, in the traditional Aristotelian terminology, second potentiality (where the will is first potentiality) or first actuality (where deeds are second actualities). This is because the good is the will's object. If, in a particular case, a will is fundamentally oriented towards the good, its essence is actualized, not in this or that act but in general. The predisposition to evil is, then, a self-conscious corruption of the will's first actuality. The predisposition to evil is, in this sense, not explanatorily equiprimordial with the predisposition to the good: "the original predisposition (which none other than the human being himself could have corrupted, if this corruption is to be imputed to him) is a predisposition to the good" (*RG* 6:43). Evil is the particular will's lived rejection of its own principle. Even in choosing evil, the agent

actually knows the good. If she is predisposed to the good, she knows the good in accepting it as the object of her desire. If she is predisposed to evil, she knows the good in rejecting it. Neither the possibility of a particular deed in contravention of the law, nor even of a general practical orientation against the law, is a matter of a capacity other than the will.²⁵

We may put this in terms of the notion of maxim, since "[I]aws proceed from the will, maxims from choice" (*MS* 6:226). Laws proceed from the will: they are subsumed under the will's principle, the moral law. Maxims are 'subjective' principles which pertain to the will as actual in this or that person (KpV 5:19). They may be more general—'My diet shall be healthy'—or more specific—I shall, for the sake of my health, eat fruit every day'—or even particular: I shall, for the sake of my health, eat this strawberry now'. Because a maxim pertains to a will as actual in this or that person, Kant says that it pertains to choice. For choice is always a matter of the will's actuality in this or that person, either the will's determination or its exercise. This holds also with respect to its fundamental orientation in a person: *i.e.*, to good or to evil: "the ground of evil [can] lie ... only in a rule that the power of choice itself produces for the exercise of its freeom, i.e., in a maxim" (RG 6:21). The orientation towards good or evil is the maximally general maxim of choice: it is, respectively, the will's first actuality or that actuality's corruption.²⁶

5. Conclusion.

²⁵ There is an analogy to be made with Kant's theoretical philosophy. Just as, in evil, I (attempt to) apply the principle of self-love beyond its proper bounds—*i.e.*, those set by the moral law—in transcendental illusion, I (attempt to) apply the principles of the intellect beyond their proper bounds (A295/B351-2). There is no temptation to say that transcendental illusion is the act of a capacity other than the intellect which is indifferent to the latter's principle. Nor, then, is there need to say that evil is the act of a capacity indifferent to the principle of the will. (Both kinds of transgression require sensibility, but neither consists in that capacity's act.)

²⁶ As Michelle Kosch notes, Kant in the *Religion* insists that the evil person chooses evil, as I do not choose, in walking, to slip and fall. She, however, like Reinhold, argues that this stands in unresolvable tension with the position of the *Metaphysics of Morals* that there can be no capacity for evil choice (Kosch, 2006, pp. 44-6, 65). We hope, in this sketch, to have gestured towards the resolution. Evil is not a reality alongside the good: it is the rejection of the good, and nothing more. But it is an exercise of choice, for to slip and fall is not to reject the perfections of walking.

Although Kant invokes various notions in his account of the efficacy of reason, these notions do not pick out distinct capacities. They pick out different aspects of the capacity to be by means of one's representations the cause of the actuality of their objects. Reason itself, without mediation of another capacity, is thus, in its practical employment, efficacious. It "is by means of ideas itself an efficient cause in the field of experience" (KpV 5:38). Practical reason is the rational faculty of desire.

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