

# Rethinking Kant's Fact of Reason

Owen Ware

*Simon Fraser University*

© 2014 Owen Ware

*This work is licensed under a Creative Commons  
Attribution-NonCommercial-NoDerivatives 3.0 License.  
<[www.philosophersimprint.org/014032/](http://www.philosophersimprint.org/014032/)>*

*I dare speak confidently and positively of very few things, except of matters of fact.*

— Boyle (“A Pröemial Essay”, I, 307).

*We have at hand examples of reason judging morally. We can analyze them into their elementary concepts and, in default of mathematics, adopt a procedure similar to that of chemistry — the separation, by repeated experiments on common human understanding, of the empirical from the rational that may be found in them.*

— Kant (*KpV*, AA 5:163).

## Introduction

According to a popular reading, Kant's aim in the final section of the *Groundwork* (1785) was staggeringly ambitious. He was seeking a non-moral premise that would ground our status as free agents, and he wanted to use this premise to show why the moral law is unconditionally valid. But in the second *Critique* (1788), the reading continues, Kant backed away from this strategy. He concluded that the moral law “cannot be proved by any deduction”, although our consciousness of its authority may be called a “Fact of Reason” (*Faktum der Vernunft*) (*KpV*, AA 5:47, 5:31). Incredibly, Kant then appealed to this alleged “fact” to justify our status as free agents, effectively arguing from morality to freedom, rather than from freedom to morality. Unfortunately for Kant, this reversal is widely considered an abysmal failure, amounting to what some have called “foot-stomping” and “moralistic bluster”.<sup>1</sup>

1. The first expression is from Paul Guyer, “Naturalistic and Transcendental Moments”, 462; the second is from Allen Wood, *Kantian Ethics*, 135. Similarly, in Karl Ameriks's view only “some technical peculiarities” prevent us from labeling Kant's position in the second *Critique* “fundamentally intuitionistic” and to this extent “he can be said to have encouraged the return, at least in Germany, to a kind of dogmatic metaphysics” (*Kant's Theory of Mind*, 218–219). Schopenhauer drew this verdict long ago — and in less flattering terms — when he wrote that Kant's doctrine of the Fact of Reason opened a “gateway” for all “philosophasters and phantasists” to bring forth their spurious theories (citing the work of Jacobi, Reinhold, Fichte, and Schelling) (*Grundlage*, III. 674).

In this paper, my aim is to offer a more charitable reading of Kant's strategy of justification in the second *Critique*.<sup>2</sup> I will do so, however, by taking what may seem to be an unlikely detour: working from the traditions of Romano-canon and English common law; to the works of the British experimentalists in the seventeenth century; and finally, to the German translation of Bishop Butler's *Analogy of Religion* in 1756. While my ultimate concern here is to defend a new systematic reading of Kant's *Faktum* (sections 3–4), I believe that tracing the history of "fact" through these phases is necessary for putting his argument in its proper context (sections 1–2). As we shall see, Kant's *Faktum* shares the meaning of a "matter of fact" (*Tatsache*),<sup>3</sup> referring to the reality of our moral consciousness; and like a "*Tatsache*", it is something we can attest to with the aid of Kant's thought experiments. Later on I will address a few possible objections to this reading (sections 5–6), one of which I anticipate coming from Dieter Henrich and Ian Proops, who have argued that Kant's *Faktum* is best understood under a legal analogy.

The reading I wish to defend in this paper has two significant payoffs. One is that it shows why Kant's mysterious allusions to chemistry in the second *Critique* are of central importance (*KpV* AA 5:92; cf. 5:163). When Kant says a philosopher has an advantage "like a

2. The question of whether Kant changed his strategy of justification by the time he wrote the second *Critique* lies beyond the scope of this paper. For advocates of a reversal reading, see Beck, *Commentary*; Ameriks, "Kant's Deduction of Freedom and Morality"; Korsgaard, "Morality as Freedom"; Rawls, "Themes in Kant's Moral Philosophy"; Allison, *Kant's Theory of Freedom*; Łuków, "Kant's Passage to Ordinary Moral Knowledge"; Sussman, "Kant's Grounding of the Moral Law"; and Timmermann, "Reversal or Retreat?". For advocates of a continuity reading, see Henrich, "Faktum der Vernunft", Tenenbaum, "The Idea of Freedom and Moral Cognition in *Groundwork* III", and Wood, "Preface and Introduction (3–16)".
3. I am not the first to read the Fact of Reason as a kind of *Tatsache* (see, e.g., Reinhold, *Beyträge*, Cohen, *Kants Begründung*, and Kleingeld, "Moral Consciousness"). Yet to my knowledge no one has investigated the *Faktum/Tatsache* connection through the history of "fact". As we shall see, while Kant's *Faktum* does not admit of proof by deduction, it admits of illustration by experiment. For indications of where my reading overlaps with or diverges from existing accounts in the secondary literature, see notes 4, 23, 25, and 26 below.

chemist", he means we can set up thought experiments that illustrate the way we separate duty from happiness. This provides a key for explaining why Kant's appeal to moral consciousness in the second *Critique* is not dogmatic, contrary to a prevailing view in the secondary literature. Another payoff to my reading, which I will discuss in the final section, is that it shows why Kant's strategy of justification shifts focus from the theoretical standpoint we adopt as philosophers toward the practical standpoint we adopt as ordinary persons. It is only when we philosophize from a practical, first-personal perspective that we can understand what common reason already knows "in its heart". Once we grasp this, I believe, we shall see why Kant's doctrine of the Fact of Reason is of lasting philosophical value.<sup>4</sup>

### 1. A History of "Fact"

In the Romano-canon tradition, matters of fact pertained to a sphere distinct from matters of law, as expressed by the maxim: "*Da mihi facta dabo tibi ius*" ("You give me the facts, I give you the law"), from Quintilian's *Institutes of the Orator*.<sup>5</sup> The first entry in the *Oxford English Dictionary* also defines matters of fact as "that portion of a subject of judicial inquiry which is concerned with the truth or falsehood of alleged facts", citing its first record in English from 1583 ("He speaketh of a matter of fact", by Nowell and Day). During the Restoration era, "facts" came to

4. From this introductory sketch, my position may appear to be at odds with commentators who read the Fact of Reason as a kind of "act" or "deed", drawing from Kant's remark that pure reason "proves its reality and that of its concepts by what it does [*durch die Tat*]" (*KpV*, AA 5:3). See, for example, Willaschek ("Die Tat der Vernunft"), Engstrom ("Introduction"), and Franks (*All or Nothing*). Nevertheless, I believe we can reconcile these readings if we maintain that moral consciousness only arises through an original act of reason's self-determination. This would still make moral *consciousness* the primary referent of Kant's *Faktum*, but it would preserve the important insight by Willaschek, Engstrom, and Franks that the moral law is one we actively give to ourselves. Moreover, the scientific sense of "fact" I shall uncover from the work of Boyle and others is consistent with the "deed of reason" interpretation, for the whole enterprise of producing and reproducing natural phenomena via experiment has an active character. Thanks to two reviewers of this journal for pressing me to clarify these issues.
5. Cited in Shapiro, *Culture of Fact*, 9.

acquire a more fixed meaning in criminal courts, often referring to the acts and deeds of the accused (coming from the Latin *factum*, “something done”). Facts in this sense required proof. Quite distinct from the meaning they would later acquire, facts were not objects of reasonable belief, but items of evidence to be determined by a jury. Thus, in English common law, “matters of fact” referred to what the accused had done (for example, when he was last seen on the night of the murder), yet their domain was still one of alleged truth.

While it is difficult to say when the concept acquired a privileged epistemic status, early modern historians were key in shifting the meaning of “fact”. For historians of the time, the relevant contrast was not between matters of fact and matters of *law*, but between matters of fact and matters of *opinion*. John Selden, for example, described his *Historie of Tithes* as a collection of “such things of fact”, and others wrote that a faithful historian must report “nothing but fact”.<sup>6</sup> However, the concept did not yet enjoy an elevated status. As Francis Bacon viewed the matter, “a belief of history (as the lawyers speak, matter of fact)” and a “matter of art and opinion” belong to the same category: that of “things weakly authorized”.<sup>7</sup> In this respect historical facts required further evidence to warrant assent from others. The job of the historian, like the lawyer, was to convince his audience of matters of fact; and in both cases personal observation and reliable testimony carried the burden of proof.

During the seventeenth century, the concept of “fact” found a new home in the work of Robert Boyle, Robert Hooke, Joseph Glanvill, and other members of the Royal Society of London. One point scholars agree upon is that the practice of giving testimony in courts of law was consciously imitated by the British experimentalists in their efforts to redefine the boundaries of scientific methodology.<sup>8</sup> Within this new context, appeals to fact were considered appropriate because the kind

of certainty found in logic or mathematics was no longer a plausible goal.<sup>9</sup> In many ways advocates of the experimental method wanted to rethink proof and certainty according to an increasingly modest framework of explanation. Boyle, for example, did not claim to understand the causal mechanism of air through his experiments. Rather, he only claimed to witness its effects through the technology of the air-pump. This shift was essential for members of the Royal Society who wanted to secure a foundation of probable knowledge while avoiding contentious issues about causality.<sup>10</sup>

By the time Locke wrote his *Essay* at the close of the seventeenth century, this new way of thinking was common currency. Yet there is no question that Locke contributed to this shift by raising the concept of “fact” to a philosophical category. In the chapter of the *Essay* devoted to degrees of assent, Locke identified a matter of fact with “some particular Existence” capable of observation and testimony, allowing us to “reason and act thereupon with as little doubt, as if it were perfect demonstration” (*E*, IV.xvi, 6). As he explained: “Thus, if all *English*-men, who have occasion to mention it, should affirm, that it froze in *England* the last Winter, or that there were Swallows seen there in the Summer, I think a Man could almost as little doubt of it, as that Seven and Four are Eleven” (*E*, IV.xvi, 6). As a category of knowledge, matters of fact did not admit of strict proof — the kind we find in

9. See Serjeantson, “Proof and Persuasion”, esp. 159–160.

10. Although Bacon was the first to transfer juridical methods into natural philosophy, it was Boyle who developed a strategy of proof specific to English common law, the strategy of multiplying witness testimony. See Shapin, “Boyle’s Literary Technology”; Shapin and Schaffer, *Leviathan and the Air-Pump: Hobbes, Boyle, and Experimental Life*; Serjeantson, “Testimony and Proof in Early-Modern England”; and Shapiro, “The Concept ‘Fact’”, *Culture of Fact*, and “Testimony”. Very often the technology of the experiment was so rare — as with Boyle’s air-pump — that only a few individuals could ever experience the effects first-hand. As Shapin has argued, Boyle attempted to supplement the absence of first-hand witnesses with literary technologies — his own written reports and illustrations of the case — that would reproduce at a public level the results discovered by only a few individuals. Every reader of Boyle’s reports could in theory retrace the steps of the experiment and judge its success or failure — as if he or she were present (Shapin, “Boyle’s Literary Technology”, 493).

6. Cited in Shapiro, *Culture of Fact*, 40.

7. Bacon, *The Advancement of Learning*, 288.

8. See Shapiro, “Testimony”, esp. 250–251.

logic or mathematics — yet they came close to commanding the same degree of assent. “These *Probabilities* rise so near to *Certainty*”, Locke concluded, “that they govern our Thoughts as absolutely, and influence all our Actions as fully, as the most evident Demonstration: and in what concerns us, we make little or no difference between them and certain Knowledge” (*E*, IV.xvi, 6).

This historical overview shows just how much the meaning of “fact” changed over the course of the early modern period. In the Romano-canon tradition, matters of fact were distinguished from matters of law, referring to human actions relevant to judicial inquiry. In English common law the term became more fixed, referring to the alleged acts and deeds of the accused. While the expression spread rapidly to other contexts over the course of the seventeenth century, the British experimentalists were vital in shifting the reference of facts from human deeds to natural phenomena. In their hands, facts were effects (often reproduced through experiment) that warranted the scientist’s full conviction. Over a period of two-hundred years, then, the legal sense of fact gave way to what may be called a “scientific” sense, coming to signify natural phenomena one could attest to with certainty, even without claiming to know their underlying causes.<sup>11</sup> By the time of Locke’s *Essay*, facts were no longer alleged, doubtful, and in need of proof. They were actual, immediately certain, and firmly established.

## 2. “Facts”: From England to Germany

### 2.1. Butler, Spalding, and “Facts of Consciousness”

‘Matters of fact’ (*Tatsachen*) entered the German language rather late in the eighteenth century. The expression was coined by the German theologian Johann Joachim Spalding in his 1756 translation of Butler’s *Analogy of Religion*, first published in 1736. In this work Butler vigorously defended the compatibility of natural and revealed religion, arguing

11. For a related claim, see Johnston, “The Natural History of Fact”. I have also benefited from Austin’s (“Unfair to Facts”) interpretation of the *OED* entry on ‘fact’.

on the basis of fact to establish a conclusive proof of the doctrine of a future state of rewards and punishments (*A*, I.26, 369).<sup>12</sup> Still working within Locke’s framework — where facts rise “so near to *Certainty*” — Butler gave the concept a new twist. If natural religion is based on matters of fact — for example, that we actually possess a moral faculty of judgment — and if such facts are consistent with the doctrines of revealed religion, then we have sufficient reason to believe those doctrines are true.

In the absence of demonstrative proof, we have what Butler called practical proof: “fully sufficient, in reason, to influence the actions of men, who act upon thought and reflection” (*A*, I.20, 156). Of course, the notion of practical proof assumes that we are free in our actions; and Butler was aware of the objection that we are dictated by causes beyond our control, the “objection from Necessity”. Yet in his view the objection has no significance; it only arises from the standpoint of abstract speculation. From the standpoint of real deliberation, Butler argued, we are already conscious of a “rule of action” within ourselves — a rule, moreover, “of a very peculiar kind: for it carries in it authority and a right of direction; authority in such a sense, as that we cannot depart from it without being self-condemned” (*A*, I.26, 150). This is a “matter of fact” that no amount of speculation can call into question.

Despite the affinities in their thinking, there is no evidence that Kant ever read Butler. Nevertheless, there are good reasons to think the English bishop had an indirect influence on the German philosopher. The mediating link was Spalding himself, whose best-seller, *The Vocation of Humankind* (first published in 1748), bears the unmistakable imprint of Butler’s theistic claims. In this work Spalding argued, like Butler, that we can infer God’s plan for us by reflecting on features of human life in the present. The sense of injustice everyone feels, for example, when vice goes unpunished or virtue unrewarded must guide a reflective person to the conclusion that such oversights will be made

12. See also Russell, “Butler’s ‘Future State’ and Hume’s ‘Guide of Life’”.

up for in a future state, leading to the belief: "I am therefore created for another life".<sup>13</sup> Spalding's book also sparked a major controversy among German theologians during the 1770s and 1780s on the question of humankind's "vocation" (*Bestimmung*), and both sides of the controversy appealed to *Tatsachen* for support.<sup>14</sup> On Spalding's side, for example, Moses Mendelssohn argued that if we want to know what designs Providence has in store for us, we should not "work up hypotheses" but only look to what "actually happens", that is, to "matters of fact" (*Tatsachen*) (J, II, 6).

By the 1790s, the concept developed further to include what philosophers working in wake of Kant's philosophy called "facts of consciousness" (*Tatsachen des Bewusstseins*). Karl Reinhold used this phrase, for instance, to designate "a kind of evidence that was neither deductive nor inductive but nevertheless valid, and that could

13. Spalding, *Bestimmung*, 192. For helpful discussions of Spalding's influence on German theology and philosophy in the late eighteenth century, see Zammito, *Kant, Herder, and the Birth of Anthropology*; di Giovanni, *Freedom and Religion*; Brandt, *Die Bestimmung des Menschen bei Kant*; Munzel, *Kant's Conception of Pedagogy*; Tippmann, *Die Bestimmung des Menschen bei Johann Joachim Spalding*; and Printy, "Spalding and the Protestant Enlightenment". See also di Giovanni, "The Year 1786".

14. The same is true for the so-called "fragments controversy" (*Fragmentenstreit*) that erupted after Lessing published parts of Hermann Samuel Reimarus's manuscript under the title "Fragments from an Unnamed Author". In this manuscript Reimarus wanted to use the Gospels' diverging accounts of the Resurrection to challenge doctrines of revealed religion. Among the defenders of Lutheran Orthodoxy, Johann Heinrich Reiss made an important reply with his book *Geschichte Jesu Christi*. At one point, for example, Reiss affirmed: "My principle is: there is no objection to experience and matters of fact [...] It is experience that the magnet attracts iron; and all metaphysical and physical reasons do not dispute it. It is a matter of fact that Christ rose again, because we have the gospel — a sure success of this great incident — which it brings almost before our eyes" (*Es ist Tatsache, da Christus auferstanden, denn wir haben Evangelium, ein so sicherer Erfolg dieses groen Vorfalls, da er ihn uns beinahe vor die Augen bringt*) (*Geschichte Jesu Christi*, 172; my translation). Reiss was not the only author of the time to characterize the Resurrection as a *Tatsache*. See also Lavater, *Geheimes Tagebuch von einem Beobachter seiner selbst*, esp. 151; and Starck, *Geschichte der Christlichen Kirche des Ersten Jahrhunderts*, esp. 864.

perhaps play a role in responding to scepticism".<sup>15</sup> In this respect, too, the original influence of Spalding's translation is easy to detect. At key moments in the *Analogy* Butler linked "facts" to the felt quality of our cognitive activities. As he explained, "that the three angles of a triangle are equal to two right ones, is an abstract truth: but that they appear so to our mind, is only a matter of fact" (A, I.26, 368; my emphasis). Butler also insisted that this is beyond doubt. The way a geometrical proposition appears to the mind "must have been admitted", he wrote, "if any thing was, by those ancient sceptics, who would not have admitted the former [*i. e.*, the 'abstract truth']: but pretended to doubt, Whether there were any such thing as truth, or Whether we could certainly depend upon our faculties of understanding for the knowledge of it in any case" (A, I.26, 368).

## 2.2. "Facts" in Kant's Theoretical Philosophy

We shall see that Kant gives a very similar characterization of the Fact of Reason in the second *Critique*. But first I would like to offer concrete evidence of his familiarity with '*Tatsache*' as a technical term. To start with, there is a *Reflexion* from the late 1770s where Kant distinguishes "matters of opinion" (*Sachen der Meynung*), "matters of belief" (*Glaubenssachen*), and "matters of fact" (*Tatsachen*) (*Refl* 2765).<sup>16</sup> Clearly, this division captures a progression from what is less certain (opinion) to what is more certain (fact), very much in line with the sense of "fact" we have seen the British experimentalists employ. Other texts show that by a *Tatsache* Kant understands what is actual, given, and incontestable. In an essay from the late 1780s, for example, he writes: "how much less can a merely arbitrary surmise be placed against facts!" (*ÜGTP*, AA 8:176), and elsewhere: "The basic principle, that all knowledge begins solely from experience, involves a *quaestio facti*, and is thus not at issue here, since the fact [*Tatsache*] is unreservedly granted" (*Progress*, AA 20:276).

15. Franks, "Transcendental Arguments, Reason, and Skepticism", 124. See also Franks, "Skepticism, Naturalism, and Nihilism", esp. 56, note 11.

16. The specific date of this *Reflexion* is unknown.

There are also places where Kant uses 'Faktum' in the same way.<sup>17</sup> In the B edition of the first *Critique*, published in 1787, Kant twice claims that our possession of synthetic a priori cognition is a fact, using 'Tatsache' in the first passage and 'Faktum' in the second:

Now it is easy to show that in human cognition there actually are such necessary and in the strictest sense universal, thus pure *a priori* judgments. If one wants an example from the sciences, one need only look at all the propositions of mathematics; if one would have one from the commonest use of the understanding, the proposition that every alteration must have a cause will do [...] [So] we can content ourselves with having displayed [*dargelegt*] the pure use of our cognitive faculty as a fact [*den reinen Gebrauch unseres Erkenntnivermögens als Tatsache*]. (B5)

The famous Locke, from neglect of this consideration, and because he encountered pure concepts of the understanding in experience, also derived them from this experience. The **empirical derivation**, however, [to which Hume resorted as well], cannot be reconciled with the reality of the scientific cognition *a priori* that we possess, that namely of **pure mathematics** and general **natural science**, and is therefore refuted by the fact [*Faktum*]. (B127–128)

Setting details aside, Kant's point in these passages is clear. Synthetic a priori cognition is not something we can doubt, since we actually possess it in pure mathematics and general natural science. By itself, this should shake any confidence we might have in the naturalistic programs of Locke or Hume, who would like to reduce pure concepts

17. In another *Reflexion*, this time from the late 1790s, Kant writes that the idea of participating in a cosmopolitan world must be the "wish" (*Wunsch*) of all rational human beings, describing this as a *Faktum* whose reality we can call all persons to witness ("ein Faktum, über dessen Wirklichkeit man alle Menschen zu Zeugen rufen kann") (*Refl* 8077).

to empirical sources. Yet Kant thinks there is a positive claim we can draw from this. If we actually possess synthetic a priori cognition, we can infer that it must have a pure source, because experience does not teach us necessity. After all, no *empirical* faculty could have generated this cognition within us (a point I will consider in more detail below).

Even so, Kant's positive claim invites us to ask: What proof do we have that we possess synthetic a priori cognition? In the B edition of the first *Critique*, Kant answers this in a rather striking way. Instead of *demonstrating* the reality of synthetic a priori cognition using a method of deduction, we find him *illustrating* it using a method of experiment. Speaking now to the reader, he writes:

Gradually remove from your experiential concept of a body everything that is empirical in it—the color, the hardness or softness, the weight, even the impenetrability—there still remains the **space** that was occupied by the body (which has now entirely disappeared), and you cannot leave that out. Likewise, if you remove from your empirical concept of every object, whether corporeal or incorporeal, all those properties of which experience teaches you, you could still not take from it that by means of which you think of it as a **substance** [...] Thus, convinced by the necessity with which this concept presses itself on you, you must concede that it has its seat in your faculty of cognition *a priori*. (B6)<sup>18</sup>

18. Initially we might think Kant is advancing a psychological claim in this passage, saying that we cannot conceive the absence of space, for example, due to our peculiar cognitive makeup. Yet on closer inspection it is clear he has a different sense of "necessity" in mind, one that is properly *epistemic*. I am borrowing this terminology from Henry Allison (*Kant's Transcendental Idealism*, esp. 104–105). In the first *Critique* Kant further says that the necessity of space grounds the "apodictic certainty" of geometrical principles. For if we drew our representation of space from experience (*i.e.*, "from general outer experience"), geometrical principles would have the same contingency we find in perception. We could not say, for example, that a straight line is necessarily the shortest distance between two points, only that experience always teaches us that (A24/B39).

By having us employ a procedure of abstraction, Kant wants us to see that certain cognitions are necessary for experience. We cannot conceive the absence of space, for example, so the representation of space must be necessary for the way we apprehend outer appearances. Granting that such *epistemic* necessity is not something that could arise from an empirical faculty, we must concede that it came from a pure faculty. In this way, the aim of Kant's thought experiment is to elicit our actual consciousness of epistemic necessity, so that when we ask, "How is this consciousness possible?" we are led directly to its source, whether in a pure faculty of intuition (as with 'space') or in a pure faculty of understanding (as with 'substance'). In the next section we shall see that Kant uses a very similar thought experiment in the second *Critique*, one that serves to illustrate our actual consciousness of the moral law. The point of the experiment, I will argue, is to show that we must possess a pure or "higher" faculty of desire — a faculty where reason (and not inclination) determines the will.<sup>19</sup>

### 3. The Fact of Reason in the Second Critique

Let me draw two general observations from the texts gathered so far. First, it is clear from both his published and unpublished writings that Kant uses 'Faktum' and 'Tatsache' in the newer, scientific sense (*i. e.*, of something actually the case, and so demanding no proof), in contrast to the older, legal sense (*i. e.*, of something allegedly done, and so capable of proof). Kant foreshadows this in his 1783 *Prolegomena to Any Future Metaphysics* when he claims to be starting with something "already known to be dependable", namely, the propositions of mathematics and natural science, some of which are "apodictically certain" through reason alone (*Prol*, AA 4:275). As he says: "We have some at least *uncontested* synthetic cognition *a priori*, and we do not need to ask whether it is possible (for it is actual)" (*Prol*, AA 4:275).

19. As Kant puts it, only "insofar as reason of itself (not in the service of the inclinations) determines the will, is reason a true *higher* faculty of desire" (*KpV*, AA 5:24–25).

Second, in view of the historical observations sketched earlier, it is noteworthy that Kant identifies a mode of cognition as a "fact". With members of the Royal Society, as we have seen, matters of fact shifted in reference from human deeds to natural phenomena. In Germany, nearly a century later, the concept was shifting yet again, coming to signify mental states accessible to any reflective human being. Interestingly, the passages I have cited above still show Kant's debt to the experimentalist tradition: he is only willing to identify mental states as 'Tatsache' if they are actual, immediately certain, and prior to speculation.<sup>20</sup> So while the German phrase was increasingly associated with facts of consciousness — accessible first-personally — 'Tatsache' retained the elevated status Boyle and others had originally conferred on the term.<sup>21</sup>

20. Of course, Kant does not make his debt to this tradition a secret. In the first *Critique* he claims that it was "the ingenious Francis Bacon" who was partly responsible for putting natural philosophy onto the path of science (Bxix). In Kant's view, the examples of mathematics and natural science "were remarkable enough that we might reflect on the essential element in the change in the ways of thinking that has been so advantageous to them, and, at least as an experiment, imitate it insofar as their analogy with metaphysics, as rational cognition, might permit" (Bxv–xvi). Further references to the experimental method run throughout the first *Critique* (see also Bxviii; Bxxxviii; A356; A804/B832; A821/B849; A826/B854; A838/B866). Perhaps the most striking occurs in a footnote at Bxxi. After characterizing how we should emulate the revolution of the sciences in metaphysics, Kant says: "This method, imitated from the method of those who study nature, thus consists in this: to seek the elements of pure reason in that **which admits of being confirmed or refuted through an experiment**". For further discussion, see Vanzo, "Kant on Experiment".

21. Here it is worth mentioning that Schopenhauer criticized Kant's immediate successors (Reinhold specifically) for characterizing the moral law as an "immediately certain Faktum" (*unmittelbar gewisses Faktum*) and an "original Tatsache of moral consciousness" (*ursprüngliche Tatsache des moralischen Bewusstseins*). Schopenhauer believed this contradicted Kant's explicit warning from the *Groundwork* that we cannot derive the moral law "from some *particular property of human nature*" (*GMS*, AA 4:425). If we render the moral law a fact of consciousness, Schopenhauer wrote, "then it would be grounded *anthropologically* through *experience*, albeit inner experience, and thus *empirically*; which goes directly against Kant's view and is repeatedly rejected by him" (*Grundlage*, III. 665; my translation). However, I believe Schopenhauer was mistaken to read the concept of a fact in a narrow sense, *i. e.*, as a psychological fact of

Having this framework in view, I think we can bring a novel perspective to Kant's strategy of justification in the second *Critique*. First, there is a noteworthy continuity between his doctrine of the Fact of Reason and the argument-structure we have seen in the B edition of the first *Critique* and the *Prolegomena*. Kant draws attention to this continuity when he asks, "But how is consciousness of that moral law possible?" (*KpV*, AA 5:30). In reply, he writes:

We can become aware of pure practical laws just as we are aware of pure theoretical principles, by paying attention to the necessity [*Notwendigkeit*] with which reason prescribes them to us and to the setting aside of all empirical conditions to which reason directs us. The concept of a pure will springs from the first, as consciousness of a pure understanding springs from the latter [*Der Begriff eines reinen Willens entspringt aus den ersteren, wie das Bewusstsein eines reinen Verstandes aus dem letzteren*]. (*KpV*, AA 5:30; modified)<sup>22</sup>

experience. If we understand the Fact of Reason in terms of our consciousness of moral necessity (which would be common to *all* rational beings), then Schopenhauer's objection loses its force. See note 23 below.

22. A qualification is in order. In the theoretical sphere, space and time are pure intuitions "that contain *a priori* the conditions of the possibility of objects as appearances", and for this reason there is no need to establish their objective validity (A89/B121). By contrast, categories like substance are pure concepts that do not require corresponding sensory data, and that is why Kant is responsible for demonstrating their objective application (*i. e.*, by way of a transcendental deduction). Given this asymmetry, the doctrine of the Fact of Reason is closer to Kant's metaphysical expositions of space and time than it is to his transcendental deduction of the categories. Moral laws do not require corresponding empirical motives to bind the will of a rational being, and for this reason they are "immediately lawgiving". Showing that they spring from a higher faculty of desire obviates the need to establish their objective authority. Kant draws attention to this parallelism in a *Reflexion* from the 1780s: "The critique of practical reason has as its basis the differentiation of empirically conditioned practical reason from the pure and yet practical reason and asks whether there is such a thing as the latter. The critique cannot have insight into this possibility *a priori* because it concerns the relation of a real ground to a consequence, thus something must be given which can arise from it alone; and from reality possibility can be inferred. The moral laws are of this sort,

In the example discussed earlier (from B6), Kant argued that space is not something we can abstract from a body, making space necessary for our representation of a body. Moreover, because this kind of epistemic necessity is not something we can learn from experience (and so does not spring from an empirical faculty), we are justified to infer it must spring from a pure faculty of intuition. In the passage cited above, Kant wants to extend this line of reasoning to the practical sphere. He wants to show that we discover the concept of a higher faculty of desire in the same way: by paying attention to the necessity of moral laws, the way they exclude sensible incentives from entering into our maxims.<sup>23</sup> (Although Kant does not speak in this way, we may say moral laws express *deliberative* necessity.)

Unfortunately, what Kant says after he introduces the Fact of Reason at *KpV*, AA 5:31 is quite obscure. "Our consciousness of the moral law may be called a Fact of Reason", he writes, "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

and this must be proven in the same way we proved the representations of space and time as *a priori* representations, only with the difference that the latter concern intuitions but the former mere concepts of reason" (*Reflexion* 7201). For helpful discussion, see Allison (*Kant's Theory of Freedom*, 234–235).

23. I agree with Guyer ("Problems with Freedom") that the Fact of Reason refers not to our consciousness of moral "necessitation" (*Nötigung*) — the constraint of the law upon our sensibly affected nature — but to our consciousness of its "necessity" (*Notwendigkeit*) — the authority of the law as a law of pure practical reason. This is an important point of clarification, for it shows (*contra* Schopenhauer) that Kant is abiding by the requirement he lays down in the *Groundwork*: namely, that the authority of the moral law does not depend on any capacity unique to human nature (*GMS*, AA 4:447–448). As Guyer notes, our consciousness of moral necessity is "something that would be self-evident for any rational being, not just a human being", and on these grounds we are warranted to infer that the moral law "must have a pure source within us" ("Problems with Freedom", 192). On this point of interpretation, I disagree with Rauscher ("Kant's Moral Anti-Realism"), who equates the Fact of Reason with moral *necessitation*, and with Grenberg (*Common Moral Experience*) and Schönecker ("Kant's Moral Intuitionism"), who limit our access to the moral law to the feeling of *respect*. For further discussion, see my "Accessing the Moral Law Through Feeling".

that is not based on any intuition, either pure or empirical" (*KpV*, AA 5:31). This remark has led many commentators to conclude that Kant is slipping into a kind of dogmatism in the second *Critique* — resorting to “foot-stomping” and “moralistic bluster” — and it certainly sounds as if he is asserting our moral consciousness as a brute fact. After all, what else could it mean to say our moral consciousness “forces itself upon us”, if not that we have direct, intuitive insight to the truth of the moral law? Despite these worries, what Kant says before this passage is more helpful, in my view, and points the way to a more charitable reading of the text.<sup>24</sup>

Kant asks us to compare moral laws to the rules we find in pure geometry (*KpV*, AA 5:31). The latter, he says, “contain nothing further than the presupposition that one *could* do something if it were required that one should do it”. By contrast, moral laws say that “one ought absolutely to proceed in a certain way” (*KpV*, AA 5:31). (This is the deliberative necessity I just spoke of.) As we read further, it is clear that Kant also wants to highlight the status of our moral consciousness itself. We are, he explains, actually conscious that moral laws provide us with immediate determining grounds of choice, and for that reason we do not need to ask whether our moral consciousness is possible. Not surprisingly, then, right after Kant says it is “not impossible” to think of practical laws that direct the will immediately, he employs the language of fact: “Consciousness of this fundamental

24. Commentators have also been troubled by Kant's remark that the moral law “cannot be proved by any deduction” although it is “firmly established of itself” (*KpV*, AA 5:46; cf. *MS*, AA 6:225 where Kant says moral laws are “incapable of being proved and yet apodictic”). In Hegel's memorable phrase, the moral law seems to be the “final undigested lump left within the stomach, the revelation given to reason” (quoted in Allison, *Freedom*, 281). However, it is important to keep in mind what Kant means by a “deduction”. As he explains in the subsequent paragraph, concepts of pure understanding or categories admit of a deduction (*i. e.*, a justification of their objective and universal validity), because they refer to objects of possible experience. We can in turn show that they are cognizable only by virtue of these very categories. No such deduction of the moral law is forthcoming, since no exact observation of it can be found in experience (*KpV*, AA 5:46–47). Kant makes a similar claim at the end of *Groundwork* III (see *GMS*, AA 4:463).

law may be called a *Faktum* of reason” (*KpV*, AA 5:31). So within the logic of this paragraph, we can see that Kant's ‘*Faktum*’ carries the meaning of ‘*Tatsache*’ in the scientific sense, *i. e.*, of something real or actually the case. The ‘*Faktum*’ refers to our actual consciousness of the moral law's deliberative necessity.<sup>25</sup>

Now, however, we must ask the same question as before: What proof do we have that our consciousness of the moral law is actual? As we saw in the theoretical sphere, Kant does not think we need to argue for the reality of synthetic a priori cognition; we need only illustrate it with examples from mathematics and natural science. Interestingly, Kant wants us to use this same strategy in the practical sphere. We need only illustrate the reality of moral consciousness, and we can do this, he thinks, by turning to examples of common moral judgment. Thus, after introducing the Fact of Reason at *KpV*, AA 5:30, Kant writes: “The *Faktum* mentioned above is undeniable”, adding: “One need only analyze the judgments that people [*Menschen*] 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

25. On this point my reading is close to Kleingeld's — who also reads ‘*Faktum*’ as a kind of ‘*Tatsache*’ — although there are differences worth mentioning. In Kleingeld's view, “the entire argument [of the Fact of Reason] can be cast in (presumably ‘non-moral’) terms of a theory of action and be regarded as the articulation of the self-understanding of agents who take themselves to be reasoning about which maxims to adopt and why” (“Moral Consciousness”, 70). She first supports this reading with Kant's remark that we need only analyze “the judgments people pass on the lawfulness of their actions” to confirm the Fact of Reason (*KpV*, AA 5:32). As I see things, however, it is debatable whether Kant meant “lawfulness” here in non-moral terms. Kleingeld then maintains that the Fact of Reason refers to our consciousness of “the fundamental law of pure practical reason”, a law that is “subsequently called the moral law” (“Moral Consciousness”, 66; my emphasis). However, in section 6 — before Kant introduces the “fundamental law” — he writes: “It is therefore the moral law [...] that *first* offers itself to us and [...] leads directly to the concept of freedom” (*KpV*, AA 5:29). Given these discrepancies, I share Ameriks's doubts (“Practical Justification”) regarding the prospect of reconstructing a “non-moral route” in the second *Critique*. See note 26 below.

action up to the pure will, that is, to itself inasmuch as it regards itself as a priori practical" (*KpV*, AA 5:32).

Later in the second *Critique* Kant explains why the judgments of "common reason" have a justificatory role to play in this context (*KpV*, AA 5:91). He observes that in the theoretical sphere it was "easily and evidently proved" that we possess a pure faculty of cognition, since we have "examples from the sciences" ready at hand. Such sciences "put their principles to the test in so many ways by methodic use", so we need not fear what Kant calls "a secret mixture of empirical grounds" underlying them (*KpV*, AA 5:91). Turning now to the practical sphere, he writes:

But that pure reason, without the admixture of any empirical determining ground, is practical of itself alone: this one had to be able to show from the *most common practical use of reason*, by confirming the supreme practical principle as one that every natural human reason cognizes — a law completely a priori and independent of any sensible data — as the supreme law of its will. It was necessary first to establish and justify the purity of its origin even *in the judgment of this common reason* before science would take it in hand in order to make use of it, so to speak, as a *Faktum* that precedes all subtle reasoning about its possibility and all the consequences that may be drawn from it. (*KpV*, AA 5:91)<sup>26</sup>

26. Citing this passage, Rawls also highlights the importance of common moral judgment for interpreting Kant's doctrine of the Fact of Reason. On this point I am indebted to his approach. However, I am not committed to Rawls's further claim that by the time of the second *Critique* Kant had developed "a constructivist conception of practical reason" (*Lectures on the History of Moral Philosophy*, 268). As Kain points out ("Realism and Anti-Realism", "Practical Cognition, Intuition, and the Fact of Reason"), there are difficulties facing constructivist readings of Kant's ethics. Setting these difficulties aside, I am also not sure how Rawls thinks the Fact of Reason justifies (or "authenticates", as he prefers to say) the moral law. As I understand the structure of Chapter I, Kant begins with a conceptual argument for why there can only be one fundamental law of pure practical reason, the "moral law" (*KpV*, AA 5:30). Then, after this conceptual argument, Kant claims that our consciousness of this law

If we now read this passage in light of *KpV*, AA 5:30, a clear picture of what motivates Kant's doctrine of the Fact of Reason takes shape. A law that commands "completely a priori and independent of any sensible data" is logically coherent. Yet that does not give us the conclusion Kant is seeking: that it must spring from a pure (as opposed to an empirical) faculty of desire. We are first required to show that we are actually conscious of this law as a ground of choice before we can infer the condition of its possibility. And that is why the judgments of common reason are essential for Kant's strategy of justification. Just as examples from mathematics and science confirm the reality of synthetic a priori cognition, judgments from ordinary people confirm the reality of moral consciousness. *Both provide us with grounds to infer the existence of a pure faculty within us, whether of cognition or of desire.*

#### 4. Kant's Thought Experiments

##### 4.1. An Advantage Like a Chemist

At this point it may be tempting to read Kant's claim from *KpV*, AA 5:32 — that "one need only analyze the judgments people pass on the lawfulness of their maxims" — as an appeal to empirical evidence.<sup>27</sup> It is of course true that (most) human beings engage in moral behavior,

is something actual — a "fact" — which in turn warrants the assumption that our faculty of desire is also pure (and not merely affected by sensible incentives) (*KpV*, AA 5:31). As a reviewer for this journal helped me to see, one may still wonder: How should we view the relationship between (a) the authority of the moral law and (b) the existence of a pure faculty within us? My reply, briefly put, is that Kant is not offering an argumentative route to the moral law's authority; rather, he is starting with our consciousness of this authority as a "*Tatsache*". The point I have wanted to stress in this paper, however, is that while the moral law admits of no deduction, Kant nevertheless deploys experiments in the second *Critique* that serve to *produce* our consciousness of moral necessity.

27. Moyer ("Unstable Autonomy", 333) and Grenberg (*Common Moral Experience*, 151) have — correctly, I believe — found Proops guilty of this reading. In Proops's view, "what would reveal the non-empirical origin of the idea of duty would be its constancy across persons whose quality and level of moral education differed widely" ("Kant's Legal Metaphor", 226).

if only by judging their actions “good” or “bad”. But I believe it would be a mistake to read Kant’s strategy in this way. Kant does not want us to observe the standpoint of common reason from a theoretical, third-personal perspective. Rather, he wants us to take up this standpoint ourselves, so that we can illustrate our consciousness of the moral law from a practical, first-personal perspective.

Kant calls attention to this perspective later in the second *Critique* (*KpV*, AA 5:92). In a gesture at once odd and intriguing, he claims that a philosopher has an advantage “like a chemist” in that he can set up experiments with every ordinary person. As he puts it, the philosopher can “distinguish the moral (pure) determining ground from the empirical, namely, by adding the moral law (as a determining ground) to the empirically affected will (*e.g.*, that of someone who would gladly lie because he can gain something by it)” (*KpV*, AA 5:92).<sup>28</sup> To make the metaphor vivid, Kant compares the philosopher’s experiment to a process of adding alkali to hydrochloric acid:

When an analyst adds alkali to a solution of calcareous earth in hydrochloric acid, the acid at once releases the lime and unites with the alkali, and the lime is precipitated. In just the same way, if a man who is otherwise honest (or who just this once puts himself only in thought

28. Returning now to the obscure passage from *KpV*, AA 5:31, we can see that, far from resorting to a dogmatic position, Kant is merely stating that our consciousness of the moral law is not accessible outside a normatively “thick” practical perspective. For obvious reasons, it is not accessible from a speculative point of view, because speculative reason only teaches us the law of causal mechanism, the antithesis of freedom. For less obvious reasons, Kant’s point is that our consciousness of the moral law is not accessible from a “thin” practical perspective. For when we examine the capacities anyone must possess to function as a rational agent (*e.g.*, a capacity to step back and reflect on one’s desires), there is nothing internal to these capacities that would bind one to a law other than one’s own happiness. That is why — as Kant says elsewhere — the “most rational being of the world” might be oblivious to the moral law and so “might still need some incentives, coming to him from the objects of the inclinations, in order to determine his power of choice” (*RGV*, AA 6:27n). In light of these considerations, I find it difficult to associate Kant’s mature ethics with recent constitutivist arguments for moral normativity.

in the place of an honest man) is confronted with the moral law in which he cognizes the worthlessness of a liar, his practical reason (in its judgment of what he ought to do) at once abandons the advantage, unites with what maintains in him respect for his own person (truthfulness), and the advantage, after it has been separated and washed from every particle of reason (which is altogether on the side of duty), is weighed by everyone, so that it can enter into combination with reason in other cases. (*KpV*, AA 5:92–93)<sup>29</sup>

While they are difficult to see at first, thought experiments of this sort run throughout the second *Critique*.<sup>30</sup> One that deserves special attention occurs at *KpV*, AA 5:30, only paragraphs before Kant first speaks of the Fact of Reason. In this section of the text Kant has argued that we only become aware of our freedom through the moral law, and to prove this he introduces a character who reports to have a lustful inclination he cannot control (*KpV*, AA 5:30). In what follows Kant arranges for us a narrative with two scenes. In the first scene, the lustful man is asked what he would do if, upon satisfying his inclination, he were immediately strung up on a gallows:

29. See also Rohden, “An Experiment with Practical Reason”, esp. 103; Keller, “Two Conceptions of Compatibilism”, esp. 124, and Timmermann, “Reversal or Retreat?”, esp. 88, note 29.

30. For example, at *KpV*, AA 5:25, Kant writes: “Suppose that an acquaintance whom you otherwise liked tried to justify to you his having given false testimony by first pleading what he asserts to be the sacred duty of his own happiness [...] Or suppose that someone recommends to you as steward a man to whom you could blindly trust all your affairs and, in order to inspire you with confidence, extols him as a prudent human being with masterly understanding of his own advantage”. In the first case, Kant says, “you would either laugh in his face or shrink back from him with disgust” (*KpV*, AA 5:26). In the second case, “you would believe either that the recommender was making a fool of you or that he had lost his mind” (*KpV*, AA 5:26). Thus, Kant concludes: “So distinctly and sharply drawn are the boundaries of morality and self-love that even the most common eye cannot fail to distinguish whether something belongs to the one or the other” (*KpV*, AA 5:26). For similar examples, see *KpV*, AA 5:37, and 5:88–89.

Suppose someone asserts of his lustful inclination that, when the desired object and the opportunity are present, it is quite irresistible to him; ask him whether, if a gallows were erected in front of the house where he finds this opportunity and he would be hanged on it immediately after gratifying his lust, he would not then control his inclination. One need not conjecture very long what he would reply. (*KpV*, AA 5:30)<sup>31</sup>

In the second scene the man is asked what he would do if, threatened by the same execution, a prince demanded him to bear false witness against an innocent person:

But ask him whether, if his prince demanded, on pain of the same immediate execution, that he give false testimony against an honorable man whom the prince would like to destroy under a plausible pretext, he would consider it possible to overcome his love of life, however great it may be. He would perhaps not venture to assert whether he would do it or not, but he must admit without hesitation that it would be possible for him. (*KpV*, AA 5:30)

In the second scene we are considering what the man would do if he took up a moral point of view. We are — to speak in terms of the chemistry metaphor — adding a pure determining ground (“the alkali”) to the man’s empirically affected will (“a solution of calcareous earth in hydrochloric acid”) in order to see what must result. Prior to this determining ground it is likely the man would lie, since he would have something very important to gain from it: his own life. But now, if he

31. We must still assume the lustful man is sensitive to considerations of prudence. It is not difficult for us to imagine characters who, in the grips of passion, are “in no mood to listen to reason” — as de Sade describes the villains who tell Justine that “even if there had been a gallows on the spot, [she] shall still be their prey” (*Misfortunes of Virtue*, 27). In Kant’s example, we need not conjecture very long what the lustful man will say, assuming that he is (unlike de Sade’s villains) listening to reason.

reflects on his duty, we see that he must reach an entirely different verdict: namely, that he would be worthless as a liar, and that refusing the prince is the only choice that would maintain his self-respect. He would thus abandon whatever advantage he sees in the lie (as the acid “at once releases the lime”) and acknowledge the authority of the moral law (as the acid “unites with the alkali”).<sup>32</sup>

In working through the second scene, we stand to witness the man’s inner transformation, whereby he comes to deliberate without giving priority to his own happiness, and so without letting empirical motives enter into his maxims. In judging what he ought to do, the man is conscious of a law “completely a priori and independent of any sensible data”, and he is conscious of it, moreover, as an immediate ground of choice. In my understanding, the aim of Kant’s thought experiment is to elicit this fact from the reader, so that he or she may see how people separate duty from self-interest as if the two were unmixable chemical compounds. In this respect, when we work through the steps of the experiment, we take up a deliberative perspective available to all rational beings.<sup>33</sup> And that is why Kant thinks we have grounds to treat moral consciousness “as a fact that precedes all subtle reasoning about its possibility” (*KpV*, AA 5:91), deciding that it must spring from a pure faculty within us. Beyond this, we do not need a

32. The experiment would still work even if the man decided he would give in to the prince’s demand, for he would not thereby claim his maxim should become a universal law. As Kant makes clear in the *Groundwork*, in any transgression of duty “we find that we do not really will that our maxim should become a universal law, since that is impossible for us, but that the opposite of our maxim should instead remain a universal law [e.g., refusing the prince], only we take the liberty of making an *exception* to it for ourselves (or just for this once) to the advantage of our inclination” (*GMS*, AA 4:424).

33. For this reason my account avoids an objection Moyar has brought against first-personal readings of the second *Critique*. In Moyar’s view, these readings establish the reality of freedom only “for the reader who successfully takes up and is moved by the examples considered in the text.” Yet as he points out: “Kant surely meant for the deduction to establish the reality of freedom from the practical point of view, not just from my practical point of view” (“Unstable Autonomy”, 334). On my interpretation, Kant’s thought experiments serve to illustrate a fact for *all* rational agents, not just for human agents — and certainly not just for readers of the second *Critique*. See note 23 above.

long, complex strategy of proof. The *Tatsache* of moral consciousness shows that reason can be practical of itself, and “all subtle reasoning against the possibility of its being practical is futile” (*KpV*, AA 5:3).

#### 4.2. Spectator and Experiment

Before moving forward, there is an apparent inconsistency I should address. Why does Kant treat the reader as a spectator in the experiment from *KpV*, AA 5:30? Does this mean he is not trying to elicit our consciousness of the moral law from a practical, first-personal perspective? We could see this perspective in the first *Critique* when Kant asked us to remove from a body “everything that is empirical in it — the color, the hardness or softness, the weight, even the impenetrability”, as a way of illustrating the necessity of space, which experience cannot teach us. My contention is that Kant is using this same strategy in the second *Critique*; the only difference is that he wants us to apply it to another person's point of view. When we imagine a man faced with threats of execution, for example, we cannot detect any empirical motive that would secretly press upon him to refuse the prince. So the moment he judges that truthfulness is the only act that “maintains in him respect for his own person”, we must conclude that he is deferring authority to a principle other than his own happiness. In this way the experiment has a participatory element, despite the fact that it does not bring us (the readers) into the narrative scene.

This participatory element is central to Part II of the second *Critique*, titled ‘Doctrine of the Method of Pure Practical Reason’. Here Kant argues that the moral law must have a more powerful effect on us the more it is isolated from incentives that would link it (if only covertly) to self-interest. To establish this controversial thesis, he asks us to imagine telling the following story to a youth around ten years of age. The story centers on an honest man “whom someone wants to induce to join the calumniators of an innocent but otherwise powerless person (say, Anne Boleyn, accused by Henry VIII of England)” (*KpV*, AA 5:156). This man, Kant explains,

is offered gain, that is, great gifts or high rank; he rejects them. This will produce mere approval and applause in the listener's soul, because it is gain. Now threats of loss begin. Among these calumniators are his best friends, who now refuse him their friendship; close relatives, who threaten to disinherit him (he is not wealthy); powerful people, who can pursue and hurt him in all places and circumstances; a prince who threatens him with loss of freedom and even of life itself. But, so that the measure of suffering may be full and he may also feel the pain that only a morally good heart can feel very deeply, represent his family [...] as *implored him to yield* and himself, though upright, yet with a heart not hard or insensible either to compassion or to his own distress; represent him at a moment when he wishes that he had never lived to see the day that exposed him to such unutterable pain and yet remains firm in his resolution to be truthful, without waver- ing or even doubting. (*KpV*, AA 5:156)

At this point, Kant concludes,

my young listener will be raised step by step from mere approval to admiration, from that to amazement, and finally to the greatest veneration and a lively wish that he himself could be such a man (though certainly not in such circumstances); and yet virtue is here worth so much only because it costs so much, not because it brings any profit. (*KpV*, AA 5:156; cf. *GMS*, AA 4:411n)

From what Kant portrays here, it is clear that we can engage with a story like this on both cognitive and affective levels. As the story progresses, the young listener is led to cultivate his judgment, eventually distinguishing in the honest man's resolution nothing but pure duty, separated from any motive that would implore him, like his family, to

yield to the evil calumniators. At the same time, the boy is led to cultivate his sensibility, first by admiring the honest man's courage, and finally by expressing the deepest respect for his actions.<sup>34</sup> As these cognitive and affective responses reach their peak, the dialectic between spectator and experiment turns inward. For in the final stage we have the boy expressing "a lively wish that *he himself* could be such a man" (my emphasis), moved by the awareness of his own capacity to act from pure motives. All of this suggests that Kant's method for eliciting our actual consciousness of the moral law is not only of philosophical value, *i. e.*, for showing that pure reason is practical. When it enters the mind of a pupil by way of examples, the philosopher's experiment is also a method of moral education.<sup>35</sup>

## 5. Objections and Replies

So far I have argued that our consciousness of the moral law is a *fact* because it is something actual, and it is a fact of *reason* because — upon reflection — we see that it must spring from a higher faculty of desire. On the reading I have offered, Kant is not treating our moral consciousness dogmatically, *i. e.*, as a brute given. Rather, he is treating it as something actual, a matter of fact, and what is more, he is setting up thought experiments that generate this fact within the reader. These points become clear as soon as we read Kant's doctrine through the notion of a *Tatsache* that had acquired a meaning so flexible in Germany — thanks to Spalding — that it was adopted primarily by theologians during the 1770s and 1780s. There are, however, a few objections that one could raise against my interpretation in this paper. As I anticipate them, one could argue (*a*) that my interpretation is inconsistent with Kant's usage of 'matters of fact' from the *Critique of the Power of Judgment* (1790); and (*b*) that it lies in tension with a claim, defended

34. See also *KpV*, AA 5:158–159 for the example of Phalaris's bull.

35. See also *MS*, AA 6:483. Most commentators overlook the connections between Kant's doctrine of the Fact of Reason and his theory of moral education from Part II of the second *Critique*. For exceptions to this trend, see Budick (*Kant and Milton*, esp. Ch. 5), Guyer ("Examples of Moral Possibility", esp. 134, 137), and Grenberg (*Common Moral Experience*, esp. Ch. 9).

by Henrich and Proops, that Kant's *Faktum* is best understood under a legal analogy. A final objection is (*c*) that my interpretation fails to vindicate Kant's doctrine against a skeptic who denies our consciousness of the moral law is a genuine fact. Let me address each in turn.

### 5.1. First Objection: "Matters of Fact" in the Third Critique

First, the one and only place where Kant speaks of a *Tatsache* of reason — in §91 of the third *Critique* — he does not refer to our consciousness of moral necessity. He defines matters of fact as objects of concepts the "reality of which can be proved", adding parenthetically: "whether through pure reason or through experience, and whether in the first case through theoretical or practical data of reason" (*KU*, AA 5:648). What is surprising, given our previous discussion, is that Kant goes on to list "freedom" as the only idea we can list among the facts:

But what is quite remarkable, there is even one idea of reason (which is in itself incapable of any presentation in intuition, thus incapable of theoretical proof of its possibility) among matters of fact, and that is the idea of freedom. The reality [of this idea] as a particular kind of causality — the concept of which would be excessive from a theoretical point of view — can be established through practical laws of pure reason, and, in accordance with these, in actual deeds, and thus in experience. — It is the only one among all the ideas of pure reason whose object is a matter of fact. (*KU*, AA 5:648; modified)

If we take this passage to represent Kant's official position, it appears we only have textual grounds to speak of a "fact of freedom", not a "fact of moral consciousness", as I have proposed. There is, however, a larger interpretive difficulty at stake here, for even within the second *Critique* we find Kant offering conflicting characterizations of the Fact of Reason. While it is usually clear that Kant's *Faktum* refers to our consciousness of the moral law, at one point he speaks of it in terms

of our consciousness of freedom, writing: "this fact is inseparably connected with, and indeed identical with, consciousness of freedom of the will" (*KpV*, AA 5:42).

While a full treatment of this topic lies beyond the scope of this analysis, I believe a solution is fairly easy to sketch. All we have to do is coordinate two of Kant's well-known claims in the second *Critique*: the reciprocity thesis and the disclosure thesis.<sup>36</sup> According to the former, freedom and morality are *analytically linked*, because when we examine one concept we are led directly to the other, and *vice versa* (*KpV*, AA 5:29). According to the latter, it is only through our consciousness of the moral law — as a law that commands without empirical motives — that we acquire a positive idea of our freedom. As Kant puts it, "had not the moral law *already* been distinctly thought in our reason, we should never consider ourselves justified in *assuming* such a thing as freedom (even though it is not self-contradictory)" (*KpV*, AA 5:5n), and elsewhere: "this law is the only law that makes us conscious of the independence of our power of choice from determination by all other incentives (of our freedom)" (*RGV*, AA 6:26n).

With these distinctions in place, we can return to §91 with a new perspective. On a second look it is clear that Kant has the disclosure thesis in mind when he says freedom "can be established through practical laws of pure reason" (*KU*, AA 5:648). We can then qualify Kant's statement from the third *Critique* in the following way: Strictly speaking, morality and freedom are one and the same from the viewpoint of the reciprocity thesis, but different from the viewpoint of the disclosure thesis. That is to say, the *Faktum/Tatsache* of moral consciousness has epistemic priority over the *Faktum/Tatsache* of freedom, because it is only through the moral law's necessity (as a law that commands "completely a priori") that we *first* become aware of the independence of our power of choice. Qualified in this way, it is

36. 'Reciprocity thesis' is Allison's phrase (*Kant's Theory of Freedom*); 'disclosure thesis' is my own.

consistent with Kant's overall position to locate moral consciousness among the facts, as I have done.<sup>37</sup>

### 5.2. Second Objection: Henrich and Proops on the Legal Analogy

In a highly influential essay, Dieter Henrich has argued that the "entire first *Critique*, and the way in which Kant presents its theory as a whole, was thoroughly affected by the decision to adopt juridical procedures as a methodological paradigm" ("Kant's Deduction", 38). More recently, Ian Proops has extended Henrich's claim to argue that the legal analogy, more so than anything else, penetrates the air of mystery surrounding Kant's *Faktum*. On the basis of published and unpublished texts, Proops builds what appears to be a strong case for reading Kant's *Faktum* in terms of the *quid facti/quid juris* distinction criminal lawyers used during the eighteenth century. What emerges from this distinction, he argues, is the meaning of a *factum* as something that remains "relevant to, but falls short of, a final ruling" ("Kant's Legal Metaphor", 215). To support his reading, Proops cites various places in the second *Critique* where Kant appeals to the judgments of common human reason, adding: "[O]ne doubts that these 'proofs' of the purity of origin of the moral law can be conclusive, but it is plain that Kant believes they ought to have some probative force — in the way, perhaps, that legal evidence has *defeasible, non-demonstrative* force" ("Kant's Legal Metaphor", 227; my emphasis).<sup>38</sup>

Now it is no doubt true that Kant was deeply influenced by the juridical procedures of his day, and I think it is useful to emphasize

37. In a footnote Kant also explains that he is going beyond the usual meaning of a *Tatsache*. As he writes: "Here I extend the concept of a matter of fact, as seems to me right, beyond the usual meaning of this word. For when the issue is the relation of things to our cognitive capacities it is not necessary, indeed not even feasible, to restrict this expression merely to actual experience" (*KU*, AA 5:468n; modified).

38. Proops continues: "[W]hat really matters, for present purposes, is the very fact that Kant envisages such proofs at all. That he does so supports a view of the Fact of Reason as the *factum* of the Deduction of Freedom; for as we have seen, a *factum* is a fact that needs to be proved in the course of a deduction" ("Kant's Legal Metaphor", 227; my emphasis).

this as Henrich and Proops have. But at the level of details, Proops's attempt to read such procedures into the second *Critique* runs up against major difficulties. For instance, if we interpret Kant's *Faktum* solely in terms of an analogy to eighteenth-century criminal law, we are forced to demote the status of moral consciousness to something allegedly the case, so as to make Kant's *Faktum* fit the idea of legal evidence bearing "defeasible, non-demonstrative force". To do so, however, is completely at odds with the text and spirit of the second *Critique*, where Kant repeatedly affirms that the moral law is "apodictically certain" and "firmly established of itself" (*KpV*, AA 5:47). By contrast, the notion of a scientific fact that emerged with the British experimentalists puts this epistemic ultimacy in its proper light. For writers like Boyle, matters of fact were elevated from the category of things *allegedly done*, and so capable of proof, to that of things *actually the case*, and so demanding no proof. On the whole, this makes the scientific analogy I have uncovered a better tool than the legal analogy for interpreting Kant's *Faktum*.

The scientific analogy also illuminates Kant's strategy of justification within his critical philosophy at large.<sup>39</sup> When Kant claims that our consciousness of the moral law requires no proof, we need only recall that a year earlier he had used this language in his theoretical philosophy, stating that "we can content ourselves with having displayed [*dargelegt*] the pure use of our cognitive faculty as a fact [*den reinen Gebrauch unseres Erkenntnivermögens als Tatsache*]" (B5). As I have shown, there is a continuity in the argument-structure of these texts. By attending to the epistemic necessity in the concept of space, for example, we can see that it must spring from a pure (rather than an empirically conditioned) faculty of intuition. Likewise, by attending to the deliberative necessity in the moral law, we can see that it must spring from a pure (rather than an empirically conditioned) faculty of desire. Finally, in the same way that examples from mathematics

39. For instance, much of what I am saying about Kant's strategy of justification in the second *Critique* resonates with Ameriks's reading of the transcendental deduction in the first *Critique*. See his "Kant's Transcendental Deduction as a Regressive Argument". Limits of space prevent me from exploring these similarities further.

and natural science illustrate the reality of synthetic a priori cognition, judgments from common human reason illustrate the reality of moral consciousness — elevating both to facts that neither admit nor require further proof.

## 6. A Final Objection: Skepticism About Moral Consciousness

As I noted at the beginning of this paper, many commentators in Kant's day and our own have found the second *Critique* disappointing because the book's argument begins where they think it should end: with our consciousness of the moral law. If this alleged "fact" provides the only basis for inferring that pure reason is practical, it appears the scope of Kant's position is severely limited. It will not persuade a skeptic, for example, who is already convinced that reason is conditioned by empirical motives all the way down. Here it seems all the skeptic has to do in order to refute the argument of the second *Critique* is deny what Kant treats as a fact, *i. e.*, our consciousness of an absolute practical law. A skeptic could reply that, when reflecting upon the contents of his consciousness, he is only aware of hypothetical or prudential imperatives — nothing that would commit him to affirm a higher faculty of desire. How should we reply to this line of criticism?

First of all, Kant is ready to admit that our consciousness of the moral law is "strange" (*befremdlich*), for there is nothing like it in our entire field of practical cognition. When we attend to the necessity of the moral law, we are led to see that it wholly excludes empirical motives from entering into our maxims. No other principle — hypothetical or prudential — has this unconditional character. For Kant, however, skepticism about the *reality* of moral consciousness can only arise from a certain standpoint: the standpoint of abstract speculation. Indeed, Kant makes this clear in the second *Critique* when he says that only *philosophers* can make the question of pure morality "doubtful" (*zweifelhaft*) (*KpV*, AA 5:155). In another work he tells us why: Only those "who are accustomed merely to explanations by natural sciences will not get into their heads the categorical imperative from which these laws proceed dictatorially, even though they feel themselves

compelled irresistibly by it" (*MS*, AA 6:378). In this way skepticism about moral consciousness can only arise for those who seek to defend the "omnipotence of theoretical reason" (*MS*, AA 6:378). Although our cognition of the moral law is "distinct" and "irrepressible", such philosophers will nevertheless try to "shut their ears" to it for the sake of protecting their speculative interests (*KpV*, AA 5:35).

Kant distills this point in his 1793 essay "On the Common Saying: That May Be Correct in Theory, but it is of No Use in Practice". Here we find him responding to Christian Garve's confession — from his 1792 *Essays* — that he readily grasps the separation between duty and happiness in his *head*, but loses it entirely in the strivings of his *heart*. In reply Kant writes with a note of humor that he feels no hesitation in contradicting Garve and "championing his heart against his head" (*TP*, AA 8:285). As a man of integrity, Kant adds, Garve has "actually found this separation in his heart every time (in his determination of will), only it would not be reconciled in his head" (*TP*, AA 8:285). In other words, Garve is unable to reconcile the "possibility of categorical imperatives (such as those of duty are)" with what Kant calls the principles of psychological explanation, "all of which have the mechanism of natural necessity as their basis" (*TP*, AA 8:285). It is only from the standpoint of theory, then, that Garve can find obscure what he knows clearly and distinctly from the standpoint of practice.

This is the critical part of the reply I imagine Kant would have us give to the skeptic. We must show that the skeptic's demand to verify the Fact of Reason with further proof is unfounded. It rests on the mistaken conviction that all facts, including facts of consciousness, must conform to theoretical standards of explanation ("all of which have the mechanism of natural necessity as their basis"). From what Kant says, however, there is also a constructive reply we can bring forth, and this may be the deeper lesson of his doctrine of the Fact of Reason. If we are to cease defending the omnipotence of theoretical reason, we must learn to philosophize in a different way, and I take it this is what Kant would have us do by adopting a method "similar to that of *chemistry*" (*KpV*, AA 5:163). The way people immediately

separate duty from happiness, and acknowledge the former's authority, is evident by experiment, even if not known by deduction. However strange our moral consciousness may be from the standpoint of speculation, it is a fact we can grasp from a practical point of view. For Kant, then, it is only when we guide ourselves by this fact, and do so *as philosophers*, that we can finally reconcile in our heads what we already know in our hearts.<sup>40</sup>

### Abbreviations

In the case of the *Critique of Pure Reason*, I follow the standard practice of referring to the 1781 (A) and 1787 (B) editions. For all other texts, citations appear in the order of abbreviation, volume number, and page number from the *Akademie Ausgabe* (AA), *Kants Gesammelte Schriften*, edited by Königlich Preussische akademie der Wissenschaften (29 vols. Berlin: de Gruyter, 1902—). All translations come from *The Cambridge Edition of the Works of Immanuel Kant*, edited by Paul Guyer and Allen W. Wood (Cambridge: Cambridge University Press, 1992—). Where I depart from them, I add 'modified' after the in-text citation.

*GMS* *Grundlegung zur Metaphysik der Sitten* (AA 4), *Groundwork for the Metaphysics of Morals*, trans. Mary Gregor.

*KpV* *Kritik der praktischen Vernunft* (AA 5), *Critique of Practical Reason*, trans. Mary Gregor.

*KU* *Kritik der Urteilskraft* (AA 5), *Critique of the Power of Judgment*, trans. Paul Guyer and Eric Matthews.

40. The ideas that led to this paper were a result of conversations I had with Paul Franks while I was a graduate student at the University of Toronto. This publication is in many ways indebted to his inspiring approach to the history of philosophy. More recently, a number of individuals have offered me helpful feedback on earlier drafts. Many thanks to Karl Ameriks, Anthony Bruno, Robert Clewis, Ben Crowe, Robert Hanna, Dai Heide, Michelle Kosch, Lara Ostaric, Evan Tiffany, Leah Ware, Benjamin Yost, Ariel Zylberman, and two anonymous reviewers for this journal. I also owe a special debt of gratitude to Kristin Gjesdal for reading multiple drafts of this paper, and for expressing enthusiasm in my project from the beginning.

MS *Die Metaphysik der Sitten* (AA 6), *Metaphysics of Morals*, trans. Mary Gregor.

Progress *Welches sind die wirklichen Fortschritte, die die Metaphysik seit Leibnizens und Wolff's Zeiten in Deutschland gemacht hat?* (AA 20), *What Real Progress has Metaphysics made in Germany since the Time of Leibniz and Wolff?* trans. Peter Heath.

ProI *Prolegomena zu einer jeden künftigen Metaphysik* (AA 4), *Prolegomena to Any Future Metaphysics That Will Be Able to Come Forward as Science*, trans. Gary Hatfield.

Refl *Reflexionen* [cited by number], *Notes and Fragments*, trans. Curtis Bowman, Paul Guyer, and Frederick Rauscher.

RGV *Die Religion innerhalb der Grenzen der bloßen Vernunft* (AA 6), *Religion Within the Boundaries of Mere Reason*, trans. George di Giovanni.

TP "Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis" (AA 8), "On the Common Saying: That May Be Correct in Theory, but it is of No Use in Practice", trans. Mary Gregor.

ÜGTP "Über den Gebrauch teleologischer Principien in der Philosophie" (AA 8), "On the Use of Teleological Principles in Philosophy", trans. Günter Zöllner.

## References

- Allison, Henry. *Kant's Theory of Freedom*. Cambridge: Cambridge University Press, 1990.
- *Kant's Transcendental Idealism: An Interpretation and Defense* (Revised and Enlarged Edition). New Haven: Yale University Press, 2004. [*Kant's Transcendental Idealism*]
- Ameriks, Karl. "Kant's Deduction of Freedom and Morality", *Journal of the History of Philosophy* 19 (1981): 53–79.

- *Kant's Theory of Mind*. Oxford: Oxford University Press, 2000. [*Kant's Theory of Mind*]
- "Kant's Transcendental Deduction as a Regressive Argument". In *Interpreting Kant's Critiques*. Oxford: Oxford University Press, 2003.
- "Is Practical Justification in Kant Ultimately Dogmatic?" In *Kant's Elliptical Path*. Oxford: Oxford University, 2012. ["Practical Justification"]
- Austin, John L. "Unfair to Facts". In *Philosophical Papers*, edited by James O. Urmson and Geoffrey Warnock. Oxford: Clarendon Press, 1961.
- Bacon, Francis. *The Advancement of Learning*. In *The Philosophical Works of Francis Bacon*, edited by James Spedding, Robert L. Ellis, and Douglas D. Heath. London, 14 vols, 1857–74.
- Beck, Lewis White. *A Commentary on Kant's Critique of Practical Reason*. Chicago: University of Chicago Press, 1960. [*Commentary*]
- Boyle, Robert. "A Proëmial Essay, wherein, with some Considerations touching Experimental Essays in General [...]." In *The Works of the Honourable Robert Boyle. In Six Volumes. To Which Is Prefixed the Life of the Author*, edited by Thomas Birch. London: J. and F. Rivington, 1772. Cited by volume and page number. ["A Proëmial Essay"]
- Brandt, Reinhardt. *Die Bestimmung des Menschen bei Kant*. Hamburg: F. Meiner, 2007.
- Budick, Sanford. *Kant and Milton*. Cambridge MA: Harvard University Press, 2010
- Butler, Joseph. *The Analogy of Religion, Natural and Revealed*, in *The Works of Joseph Butler*, edited by William E. Gladstone. Oxford: Clarendon Press, 1896. Cited by volume, section, and page number. [A]
- Cohen, Hermann. *Kants Begründung der Ethik*. Berlin: Dümmler, 1877. [*Kants Begründung*]
- Dear, Peter. "Jesuit Mathematical Science and the Reconstitution of Experience in the Early Seventeenth Century", *Studies In History and Philosophy of Science* 18 (1987): 133–175.
- de Sade, Marquis. *The Misfortunes of Virtue and Other Early Tales*, trans. David Coward. Oxford: Oxford University Press, 1999. [*Misfortunes of Virtue*]

- di Giovanni, George. *Freedom and Religion in Kant and His Immediate Successors: The Vocation of Humankind, 1774–1800*. Cambridge: Cambridge University Press, 2005. [Freedom and Religion]
- “The Year 1786 and *Die Bestimmung des Menschen*, or *Popularphilosophie in Crisis*”, *Studies in German Idealism* 13 (2011) 217–234. [“The Year 1786”]
- Engstrom, Stephen. “Introduction”. In *Critique of Practical Reason*, trans. Werner Pluhar. Indianapolis: Hackett, 2002.
- “Fact, n”. *OED Online*. Oxford University Press.
- Franks, Paul W. “Transcendental Arguments, Reason, and Skepticism: Contemporary Debates and the Origins of Post-Kantian Idealism”. In *Transcendental Arguments: Problems and Prospects*, edited by Robert Stern. Oxford: Oxford University Press, 2000. [“Transcendental Arguments, Reason, and Skepticism”]
- *All or Nothing: Systematicity, Transcendental Arguments, and Skepticism in German Idealism*. Cambridge MA: Harvard University Press, 2005. [All or Nothing]
- “Ancient Skepticism, Modern Naturalism, and Nihilism in Hegel’s Early Jena Writings”. In *The Cambridge Companion to Hegel and Nineteenth-Century Philosophy*, edited by Frederick Beiser. Cambridge: Cambridge University Press, 2008. [“Skepticism, Naturalism, and Nihilism”]
- Garve, Christian. *Versuche über verschiedene Gegenstände aus der Moral, der Litteratur und dem Gessellschaftlichen Leben* (vol. 1). Breslau, 1792. [Essays]
- Grenberg, Jeanine. *Kant’s Defense of Common Moral Experience: A Phenomenological Account*. Cambridge: Cambridge University Press, 2013. [Common Moral Experience]
- Guyer, Paul. “Naturalistic and Transcendental Moments in Kant’s Moral Philosophy”, *Inquiry* 50 (2007): 444–464. [“Naturalistic and Transcendental Moments”]
- “Problems with Freedom: Kant’s Argument in *Groundwork* III and its Subsequent Emendations”. In *Kant’s Groundwork of the Metaphysics of Morals: A Critical Guide*, edited by J. Timmermann. Cambridge: Cambridge University Press, 2009. [“Problems with Freedom”]
- “Examples of Moral Possibility”. In *Kant and Education*, edited by Klas Roth and Chris W. Surprenant. New York: Routledge, 2012.
- Henrich, Dieter. “Der Begriff der sittlichen Einsicht und Kants Lehre vom Faktum der Vernunft”. In *Die Gegenwart der Griechen im neueren Denken. Festschrift für Hans-Georg Gadamer zum 60. Geburtstag*, edited by D. Henrich, W. Schulz, and K.-H. Volkmann-Schluck. Tübingen: Mohr Siebeck, 1960. [“Faktum der Vernunft”]
- “Kant’s Notion of a Deduction and the Methodological Background of the First Critique”. In *Kant’s Transcendental Deductions: The Three Critiques and the Opus Postumum*, edited by Eckart Förster. Stanford: Stanford University Press, 1989. [“Kant’s Deduction”]
- Johnston, David. “The Natural History of Fact”, *Australasian Journal of Philosophy* 82 (2004): 275–291.
- Kain, Patrick. “Realism and Anti-Realism in Kant’s Second Critique”, *Philosophy Compass* 5 (2006): 449–465. [“Realism and Anti-Realism”]
- “Practical Cognition, Intuition, and the Fact of Reason”. In *Kant’s Moral Metaphysics: God, Freedom, and Immortality*, edited by Benjamin Lipscomb and James Krueger. Berlin: Walter de Gruyter, 2010.
- Keller, Pierre. “Two Conceptions of Compatibilism in the Critical Elucidation”. In *Kant’s Critique of Practical Reason: A Critical Guide*, edited by Jens Timmermann and Andrews Reath, Cambridge: Cambridge University Press, 2010. [“Two Conceptions of Compatibilism”]
- Kleingeld, Pauline. “Moral Consciousness and the ‘Fact of Reason.’” In *Kant’s Critique of Practical Reason: A Critical Guide*, edited by Jens Timmermann and Andrews Reath, Cambridge: Cambridge University Press, 2010. [“Moral Consciousness”]
- Korsgaard, Christine. “Morality as Freedom”. In *Kant’s Practical Philosophy Reconsidered*, edited by Yirmiyahu Yovel. Dordrecht: Kluwer Academic, 1989.

- Lavater, Johann Kaspar. *Geheimes Tagebuch von einem Beobachter seiner selbst*. Leipzig, 2 vols, 1772–1773.
- Locke, John. *An Essay Concerning Human Understanding*, edited by P.H. Nidditch. Oxford: Clarendon Press, 1975. Cited by book, chapter, and section number. [E]
- Łuków, Paweł. "The Fact of Reason: Kant's Passage to Ordinary Moral Knowledge". *Kant-Studien* 84 (1993): 204–221. ["Kant's Passage to Ordinary Moral Knowledge"]
- Mendelssohn, Moses. *Jerusalem oder über religiöse Macht und Judentum*. Berlin: Friedrich Maurer, 1783. Cited by section and page number. [J]
- Moyar, Dean. "Unstable Autonomy: Conscience and Judgment in Kant's Moral Philosophy". *Journal of Moral Philosophy* 5 (2008): 327–360. ["Unstable Autonomy"]
- Munzel, Felicitas. *Kant's Conception of Pedagogy: Toward Education for Freedom*. Evanston: Northwestern University Press, 2012. [*Kant's Conception of Pedagogy*]
- Printy, Michael. "The Determination of Man: Johann Joachim Spalding and the Protestant Enlightenment", *Journal of the History of Ideas* 74 (2013): 189–212. ["Spalding and the Protestant Enlightenment"]
- Proops, Ian. "Kant's Legal Metaphor and the Nature of a Deduction", *Journal of the History of Philosophy* 41 (2003): 209–229. ["Kant's Legal Metaphor"]
- Rauscher, Frederick. "Kant's Moral Anti-Realism", *Journal of the History of Philosophy* 40 (2002): 477–499.
- Rawls, John. "Themes in Kant's Moral Philosophy". In *Kant's Transcendental Deductions: The Three Critiques and the Opus Postumum*, edited by Eckart Förster. Stanford: Stanford University Press, 1989. — *Lectures on the History of Moral Philosophy*. Cambridge MA: Harvard University Press, 2000.
- Reinhold, Karl. *Beyträge zur leichtern Uebersicht des Zustandes der Philosophie bey dem Anfange des 19. Jahrhunderts*. Hamburg: Friedrich Pertres, 1801–1803. [*Beyträge*]
- Ress, Johann Heinrich. *Die Auferstehungsgeschichte Jesu Christi gegen einige im vierten Beytrage zur Geschichte und Litteratur aus den Schätzen der Herzoglichen Bibliothek zu Wolfenbüttel gemachte neuere Einwendungen vertheidiget*. Braunschweig: Verlag der Fürstl, 1777. [*Geschichte Jesu Christi*]
- Rohden, Valerio. "An Experiment with Practical Reason". In *Kant in Brazil*, edited by Frederick Rauscher and Daniel O. Perez. Rochester: University of Rochester Press, 2012.
- Russell, Paul. "Butler's 'Future State' and Hume's 'Guide to Life'", *Journal of the History of Philosophy* 42 (2004): 425–448.
- Schopenhauer, Arthur. *Über die Grundlage der Moral*, in *Sämtliche Werke*, edited by Wolfgang von Löhneysen. Frankfurt/Main: Cotta, 1960. Cited by volume and page number. [*Grundlage*]
- Serjeantson, Richard. "Testimony and Proof in Early-Modern England", *Studies In History and Philosophy of Science* 30 (1999): 195–236.
- "Proof and Persuasion". In *The Cambridge History of Science Vol. 3: Early Modern Science*, edited by Katharine Park and Lorraine Daston. Cambridge: Cambridge University Press, 2006.
- Shapin, Steven. "Pump and Circumstance: Robert Boyle's Literary Technology", *Social Studies of Science* 14 (1984): 481–520. ["Boyle's Literary Technology"]
- Shapin, Steven, and Schaffer, Simon. *Leviathan and the Air-Pump: Hobbes, Boyle, and Experimental Life*. Princeton: Princeton University Press, 1985.
- Shapiro, Barbara. "The Concept 'Fact': Legal Origins and Cultural Diffusion", *Albion: A Quarterly Journal Concerned with British Studies* 26 (1994): 227–252. ["The Concept 'Fact'"]
- *A Culture of Fact: England, 1550–1720*. Ithaca: Cornell University Press, 2000. [*Culture of Fact*]
- "Testimony in Seventeenth-Century English Natural Philosophy: Legal Origins and Early Development", *Studies In History and Philosophy of Science* 33 (2002): 243–263. ["Testimony"]
- Schönecker, Dieter. "Kant's Moral Intuitionism: The Fact of Reason and Moral Predispositions", *Kant Studies Online* (2013): 1–38.

- Spalding, Johann Joachim. *Die Bestimmung des Menschen* [First published in 1748], edited W.E. Müller. Waltrop: Hartmut Spenner, 1997. [*Bestimmung*]
- Starck, Johann August. *Geschichte der Christlichen Kirche des Ersten Jahrhunderts*. Berlin and Leipzig, 3 vols, 1779.
- Sussman, David. "From Deduction to Deed: Kant's Grounding of the Moral Law", *Kantian Review* 13 (2008): 52–81. ["Kant's Grounding of the Moral Law"]
- Tenenbaum, Sergio. "The Idea of Freedom and Moral Cognition in Groundwork III", *Philosophy and Phenomenological Research* 84 (2012): 555–589.
- Timmermann, Jens. "Reversal or Retreat? Kant's Deductions of Freedom and Morality". In *Kant's Critique of Practical Reason: A Critical Guide*, edited by Jens Timmermann and Andrews Reath, Cambridge: Cambridge University Press, 2010. ["Reversal or Retreat?"]
- Tippmann, Caroline. *Die Bestimmung des Menschen bei Johann Joachim Spalding*. Leipzig: Evangelische Verlagsanstalt, 2011.
- Vanzo, Alberto. "Kant on Experiment". In *Rationis Defensor: Essays in Honour of Colin Cheyne*, edited by James Maclaurin. Dordrecht: Springer, 2012.
- Ware, Owen. "Accessing the Moral Law Through Feeling". *Kantian Review*, forthcoming.
- Willaschek, Marcus. "Die Tat der Vernunft: Zur Bedeutung der Kantischen These vom 'Factum der Vernunft'". In *Akten des Siebenten Internationalen Kant-Kongresses*, edited by G. Funke. Bonn: Bouvier, 1991. ["Die Tat der Vernunft"]
- Wood, Allen W. *Kantian Ethics*. Cambridge: Cambridge University Press, 2008.
- "Preface and Introduction (3–16)". In *Immanuel Kant: Kritik der praktischen Vernunft*, edited by O. Höffe. Berlin: Akademie Verlag, 2011.
- Zammito, John H. *Kant, Herder, and the Birth of Anthropology*. Chicago: University of Chicago Press, 2002.