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Three Rival Versions of Kantian Constructivism

Abstract: In order to make headway on the debate about whether Kant was a constructivist, nonconstructivist, or instead defends a hybrid view that somehow entirely sidesteps these categories, I attempt to clarify the terms of the debate more carefully than is usually done. First, I discuss the overall relationship between realism and constructivism. Second, I identify four main features of Kantian constructivism in general. Third, I examine three rival versions of metanormative Kantian constructivism, what I'll call axiological, constitutivist, and rationalist constructivist. I argue that Kant is best seen as a rationalist constructivist. I conclude by arguing that although it's a constructivist view, this reading avoids the main pitfalls of traditional Kantian constructivism. In doing so, it helps us to achieve a satisfying rapprochement between constructivist and non-constructivist (that is, so-called 'realist') readings of Kant.

1 Introduction

In the past few decades, one of the main debates in Kant scholarship has been over Kantian constructivism. Following John Rawls, many commentators including Stephen Darwall, Stephen Engstrom, Thomas Hill, Christine Korsgaard, Susan Neiman, Onora O'Neill, Andrews Reath, and J.B. Schneewind all defend constructivist readings of Kant. And the 'constructivist' label has been applied to many influential contemporary thinkers, including, besides Rawls, T.M. Scanlon and Jürgen Habermas. Notwithstanding, many philosophers are skeptical about constructivism both as a reading of Kant and as a general approach to ethics and metaethics.

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There already exists a large literature on this topic. Is Kant a constructivist¹ or a non-constructivist², where the latter is variously described as a ‘Platonic’, ‘teleological’, or ‘realist’ reading of Kant? Or, as some recent commentators argue, does Kant defend a hybrid view that resists easy categorization or even sidesteps the entire constructivist/non-constructivist framework?³ We seem to have arrived at a standoff. To make headway, I argue that we need to take a step back and clarify the fundamental terms of the debate more carefully than is usually done. My plan is as follows. In §2, I discuss the distinction between realism and constructivism. In §3, I identify four desiderata that any specifically Kantian version of constructivism should meet. In §§4–8, I examine three versions of metanormative Kantian constructivism, what I’ll call (1) axiological, (2) constitutivist, and (3) rationalist constructivism. I defend (3), arguing that though it’s a constructivist approach, it avoids the main pitfalls of rival versions insofar as it’s both non-subjectivistic and non-voluntaristic. In the end, I show how this approach ultimately helps us to achieve a satisfying rapprochement of sorts between constructivist and non-constructivist interpretations of Kant.

2 Realism versus Constructivism

What’s at stake in the overall debate between realism and constructivism? This issue is complicated by the fact there are many versions of both views. To start with, what all moral realisms share in common are two claims: (1) our beliefs about the existence of moral properties such as ‘rightness/wrongness’, ‘virtuousness/viciousness’, ‘goodness/badness’, etc., related to actions, character traits, and states of affairs are truth-apt, that is, capable of being true or false (cognitivism); and (2) at least some of our beliefs are true [success theory]. Call this ‘minimal moral realism’.⁴

Moral realists part company, however, in how they think about the nature of moral properties. For our purposes, the crucial divide is between ‘robust’, ‘sub-

1 See, for example, Darwall 1995, 2006; Hill 1992, 2000, 2002; Johnson 2007, Korsgaard, 1996a, 1996b, 2003, 2008, 2009; Neiman 1994; O’Neill 1989, 1996, 2003, 2004a, 2004b; Rawls 1989, 1993, 1999, 2000; Reath 2006; and Schneewind 1996, 1998a, 1998b.

2 See, for example, Ameriks 2000, 2003; Guyer 2000; Irwin 2011; Fitzpatrick and Watkins 2002; Hills 2008; Kain 2004, 2006; and Langton 2007.

3 See, for example, Timmermann 2006, Sensen 2013, and Stern 2012a, 2012b.

4 See Sayre-McCord 1996, Enoch 2013, and van Roojen 2015.

stantive’, or ‘*normative*’ realism and what I’ll call ‘*moderate realism*’.⁵ (Geoffrey Sayre-McCord defends a similar distinction between what he calls ‘objectivist’ and ‘intersubjectivist’/‘subjectivist’ moral realisms (Sayre-McCord 1988, 14–22)). Robust realists maintain that moral truths simply exist ‘out there’ waiting to be discovered. They’re wholly ‘stance-independent’ insofar as they “obtain independently of any preferred perspective, in the sense that *the moral standards that fix the moral facts are not made true by virtue of their ratification from within any given actual or hypothetical perspective*” (Fitzpatrick 2008, 164). Moderate realists likewise affirm the existence of moral truths. However, they claim that such truths are in part or wholly mind- and/or stance-dependent. Varieties of moderate realism include subjectivism, contractualism, sentimentalism, full-information theories, and moral sensibility theories. Arguably, constructivism is also best seen as a version of ‘moderate realism’.⁶

Turning to constructivism, there are two main options. Following Sharon Street (2008 and 2010), ‘*restricted constructivism*’ defends constructivism regarding only a subset of normative truths, say, the principles of justice in a democratic society (Rawls) or contractualist principles of morality (Scanlon). By contrast, ‘*unrestricted*’, ‘*thoroughgoing*’, ‘*metanormative*’, ‘*metaethical*’, or ‘*global*’ *constructivism* defends constructivism with respect to *all* normative truths.⁷ This same distinction exists in Kant scholarship. Commentators like Rawls and Hill argue that Kant defends restricted constructivism about morality insofar as it’s the outcome of applying the CI-procedure (Rawls) or what rational agents regarding themselves as members of a kingdom of ends would affirm (Hill). By contrast, others like Korsgaard and O’Neill defend more ambitious unrestricted or metanormative constructivist interpretations of Kant.

All parties agree that Kant is a ‘minimal moral realist’.⁸ The main question here is: Is Kant (1) a ‘robust realist’ or (2) a ‘metanormative constructivist’, where the latter is best seen as a species of ‘moderate realism’? Or does Kant endorse (3) some hybrid approach that somehow transcends or defies such classifications?

5 For a detailed defense of the view that moral realism is compatible with mind-dependence, see Rosati 2018.

6 See Sayre-McCord 1996, Ridge 2012, and Copp 2013.

7 For use of the terms ‘thoroughgoing’, ‘metaethical’, and ‘metanormative’, see Street 2008 and 2012; for ‘global’, see Shemmer 2012; and for ‘unrestricted’, see Miller 2020.

8 Cf. Korsgaard’s discussion in *Sources of Normativity* when she writes: “There is a trivial sense in which everyone who thinks that ethics isn’t hopeless is a realist.” (Korsgaard 1996b, 35).

3 Four Desiderata for Kantian Constructivism

Even if we focus only on metanormative constructivism, there still exist many options. Besides Kantian approaches, there are Humean, Hegelian, Nietzschean, and even theistic versions of metanormative constructivism.⁹ So what makes a constructivist view distinctively *Kantian*? Most Kantian constructivist approaches defend a special reading of Kant's doctrine of autonomy. The overall idea is that Kant is the first thinker to defend a truly autonomous conception of practical reason. In general, Kantian constructivists defend four main theses about (1) metaphysics, (2) epistemology, (3) normativity, and (4) moral motivation. I discuss each in turn below.

First and most fundamentally, Kantian constructivism defends **Antirealism**,¹⁰ or the metaphysical thesis that normative truths in some sense depend upon us. It's clear how empiricist views like Hume's are heteronomous insofar as he claims that "reason is and ought only to be the slave of the passions" (Hume 2000, 206). What is often less realized is that for Kantian constructivism, rational intuitionism is equally heteronomous. As Rawls writes:

[I]n Kant's moral constructivism, it suffices for heteronomy that first principles are founded on relations among objects the nature of which is not affected or determined by our conception of ourselves as reasonable and rational persons [...] *Heteronomy obtains* not only when these first principles are fixed by our special psychological constitution [...] as in Hume, but *also when first principles are fixed by an order of moral values grasped by rational intuition, as with Clarke's fitnesses of things or in Leibniz's hierarchy of perfection.* (Rawls 2000, 236–7, emphasis added).

For rational intuitionism, normative truths are entirely independent of us. They're part of the 'furniture of the universe' that would still be there regardless of whether any rational agents ever existed. By contrast, Kantian constructivism insists that normative truths in some sense arise from our own rational self-legislation.

Second, Kantian constructivism defends **Practical Rationality**, or the epistemological thesis that, to use Kantian terminology, our knowledge of normative truths involves a practical as opposed to theoretical employment of reason. Rational intuitionists think of reason in theoretical terms, where its main function is to cognize the existence of normative truths existing out there, waiting to be

⁹ See Street 2012, Katsafanas 2013, and various essays in Jung 2020.

¹⁰ By 'anti-realism' here, I mean the rejection of substantive realism, not of minimal moral realism as such – cf. footnote 9 above.

discovered by us. By contrast, Kantian constructivists see reason as fundamentally practical. For O'Neill, this means that practical reasoning is not in the business of “*discovering* ethical features in (or beyond) the world” but rather of “*constructing* ethical principles”. Such principles “are not established by metaphysical arguments, or discovered in the world, but [...] constructed on the basis of plausible, no doubt abstract, assumptions” (O'Neill 1996, 39, 45). And for Korsgaard, this means that the aim of practical reason is not to “describe some piece of external reality” but rather to identify procedural “solutions” that will help “solve practical problems” – where doing so results in “construct[ing] an essentially human reality” (Korsgaard 2008, 224). Indeed, Korsgaard goes so far as to argue that rational intuitionists “do not believe in practical reason, properly speaking, [but only] believe there is a branch of theoretical reason that is specifically concerned with morals” (Korsgaard 1996a, 316).

Third and fourth, Kantian constructivists defend **Normative Authority** and **Motivation**. **Normative Authority** claims that normative truths are binding upon us insofar as they arise from us – that is, from our own rational will as opposed to some heteronomous source. And **Motivation** claims that, as a result, they are essentially linked to our moral psychology and intrinsically motivating. This stands in contrast to rational intuitionism which makes normative truths both too alien and too external. For a robust realist like G.E. Moore, the intrinsic value of, say, a beautiful landscape is something that imposes normative demands upon us entirely independently of us – that is, wholly “independent of either my interest in promoting it or yours” [cf. Moore 1971, 84; Korsgaard 1996a, 278]. Additionally, they tend to be externalists about moral motivation. They argue that we can rationally cognize normative truths without any corresponding motivation. By contrast, Kantian constructivists typically defend motivational internalism, arguing that practical reason by itself is sufficient to move us to act insofar as rational (cf. Korsgaard 1996a, Ch. 11).

To summarize, Kantian constructivism defends the following cluster of theses related to the autonomy of practical reason:

- (1) **Antirealism (metaphysics):** Normative truths depend upon us for their existence rather than being part of ‘the furniture of the universe’ that simply exists out there
- (2) **Practical Rationality (epistemology):** Knowledge of normative truths is achieved *via* reason in its practical as opposed to theoretical employment
- (3) **Normative Authority (theory of normativity):** Normative truths are obligatory or binding upon us in virtue of the fact that they somehow derive from us

- (4) **Motivation (moral psychology):** Normative truths are not wholly external to us but instead necessarily linked to our moral psychology and intrinsically motivating

Taken together, I argue that these comprise four basic desiderata that any Kantian constructivist view should meet. In the rest of this paper, I look at three rival Kantian metanormative constructivist views – (1) axiological, (2) constitutivist, and (3) rationalist constructivism – all of which meet the above criteria.

4 Kantian Axiological Constructivism: Early Korsgaard

Christine Korsgaard has done perhaps more than any other commentator to defend metanormative Kantian constructivism. Notably, however, she adopts two very different strategies. In her earlier writings, Korsgaard focuses on how normativity is grounded in our valuing activity, i.e., our ‘humanity’ understood as the rational capacity to set ends. In her later writings, Korsgaard instead highlights how normativity arises from what she sees as the two basic constitutive norms of action, viz., the hypothetical and categorical imperatives. Call these two views *axiological* and *constitutivist constructivism*. In these next three sections, I discuss both views before turning to the view I think Kant in fact endorses, viz., *rationalist constructivism*.

In her early writings, Korsgaard asks: Where does normativity come from? Specifically, what’s the source of value? For Korsgaard, the answer is our ‘humanity’, i.e., our rational capacity to set ends. In “Kant’s Formula of Humanity”, Korsgaard argues that Kant’s Formula of Humanity (FH) defends the view that humanity, as the only “unconditionally good thing”, is the “source of justification for things that are only conditionally good” (Korsgaard 1996a, 119). Korsgaard famously defends a regress reading of Kant’s FH. The overall idea is that we must regress from the *explanandum* – i.e., the ‘conditioned’ in terms of some object of choice we take to be good – to its ultimate *explanans* – i.e., the “unconditioned condition of the goodness of anything” (Korsgaard 1996a, 123). For Korsgaard, Kant ‘regresses’ or moves backwards from condition to condition until he arrives at the unconditional ground of goodness. Kant proceeds from (1) the object of choice, whose goodness is conditional upon our having certain inclinations towards it, to (2) our inclinations, which cannot be the ultimate ground of goodness since inclinations themselves “as sources of needs... [are] lacking in absolute worth”; to (3) each person’s happiness, which cannot be

the ultimate ground of goodness since goodness is a “rational concept” and so must be a “consistent, harmonious object of rational desire”, but pursuit of each person’s happiness necessarily leads to conflict (Korsgaard 1996a, 120–4). This leads us to realize that (4) humanity itself – i.e., our rational capacity to set ends – is the unconditioned condition or ground of goodness. As Korsgaard puts it, “what makes the object of your rational choice good is that it is the object of a rational choice” (Korsgaard 1996a, 122). Seen this way, Korsgaard thinks that rational choice has a ‘value-conferring status’ insofar as “rational choice itself *makes* its object good.” (Korsgaard 1996a, 120–3).

In *Sources of Normativity* [SN], Korsgaard expands upon this picture. She argues that we face what she calls the “Normative Question”: viz., the question of what justifies our human practices, especially morality (Korsgaard 1996b, 9–10). In contrast to robust realism, Korsgaard thinks that the answer lies in what she calls our ‘practical identities’, i.e., our conceptions of ourselves as, say, friends, lovers, members of a family or an ethnic group, and the many other descriptions “under which you value yourself and find your life to be worth living and your actions to be worth undertaking” (Korsgaard 1996b, 123). She claims that such practical identities give rise to obligation since our “obligations spring from what that identity forbids” (Korsgaard 1996b, 101). But what ultimately grounds the normative force of these particular practical identities? Korsgaard argues:

Kant saw that we take things to be important because they are important to us – and he concluded that we must therefore take ourselves to be important. In this way, the value of humanity itself is implicit in every human choice. If complete normative skepticism is to be avoided – if there is such a thing as a reason for action – *then humanity, as the source of all reasons and values, must be valued for its own sake.* (Korsgaard 1996b, 122, emphasis added).

In this way, Korsgaard arrives at a similar – though broader – conclusion to her earlier view. Our humanity, i.e., our rational capacity to set ends, is the unconditioned ground or source not only of all values, but even of all obligations and reasons for action. Based on this, Korsgaard argues that “[y]ou must value your own humanity if you are to value anything at all” (Korsgaard 1996b, 123). She claims that doing so ultimately entails accepting the demands of morality itself.

Korsgaard’s approach clearly satisfies the four desiderata for Kantian constructivism. First, it defends **Antirealism** or the metaphysical thesis that normative truths somehow depend on us. Indeed, in explaining how her views have changed since “Kant’s Formula of Humanity”, Korsgaard declares:

Does Kant think, or should a Kantian think, that human beings simply have unconditional or intrinsic value, or is there a sense in which we must confer value even upon ourselves? *In*

["Kant's Formula of Humanity"] I lean towards the former view [...] in later [work] I can see myself migrating towards the latter, the view I now hold (Korsgaard 1996a, 207, emphasis added).

Thus, even the unconditional value of our humanity itself is not some brute intrinsically valuable state of affairs. Rather, our humanity, which gives rise to values in general, must confer value even upon itself. Second, it defends **Practical Rationality**. As Korsgaard argues in SN, when we step back and ask, "What must I do?", we're not engaged in a 3rd-person theoretical endeavor, that is, "a request for knowledge" (Korsgaard 1996b, 47). Instead, we're engaged a 1st-person practical project of seeking answers that withstand our own 'reflective scrutiny' (Korsgaard 1996b, 93). Third, this approach defends **Normative Authority**. Normative truths are binding upon us because they come from us – that is, from the value we place upon ourselves related to our practical identities, especially our own humanity. As Korsgaard writes:

[...] the normative force of those reasons springs from the value we place on ourselves as human beings who need such identities. In this way all value depends on the value of humanity. (Korsgaard 1996b, 121, emphasis added).

Fourth, it defends **Motivation**. Such normative obligations necessarily move us insofar as we 'identify' with these practical identities. As Korsgaard explains in SN:

When we adopt (or come to wholeheartedly inhabit) a conception of practical identity, we also adopt a way of life and a set of projects, and the new desires which this brings in its wake [...] The motives and desires that spring from our contingent practical identities are [...] in part the result of our own activity, and as such, we may identify with them in a deep way [...]. (Korsgaard 1996b, 239–240, emphasis added).

Let's turn now to Korsgaard's more recent defense of Kantian constitutivist constructivism.

5 Kantian Constitutivist Constructivism: Later Korsgaard

In her later writings, especially *Self-Constitution* [SC], Korsgaard shifts from an 'axiological' focus – i.e., the claim that for there to be any values, obligations, or reasons at all, we must value our own humanity which confers value on everything else – to a 'constitutivist' focus – i.e., an examination of the constitutive

norms for rational agency as such. Broadly speaking, Korsgaard seeks to explain the nature of constitutive norms and to defend two fundamental constitutive norms of action, viz., the hypothetical and categorical imperatives.

First, Korsgaard argues that, when acting, rational agents are necessarily committed to various constitutive norms. By a ‘constitutive norm’,¹¹ she means a norm that provides an ‘internal standard of success’ for x relative to some kind K to which x belongs, where ‘kind’ here ranges over not only physical objects, artifacts, and organisms, but most importantly, activities. Korsgaard calls this last type of norm a “constitutive principle” (Korsgaard 2009, 28). Take Korsgaard’s example of building a house. In doing so, we’re engaged in the activity of making a habitable shelter. Notice, however, that this same description applies to what it is to build a *good* house, viz., to make a house in such a way that it fulfills its function *qua* house, i.e., to be a habitable shelter. In this way, constitutive norms not only determine what makes x the specific kind of thing it is. It also establishes norms of success for what makes an x a *good* x . There are many different external standards we might apply to houses. They can be good or bad at being, e.g., a neighborhood eyesore, a status symbol, a makeshift hospital during wartime, etc. But *qua* house, it’s only a good house when it fulfills the basic constitutive norm for houses as such, viz., being a habitable shelter.

This leads to the question: Are there constitutive norms for *actions*? Korsgaard claims that what makes any particular action good *qua* action is (1) *efficacy*, i.e., that when we act, we’re determining ourselves to be the *cause* of some end, and (2) *autonomy*, i.e., that when we act, we’re determining *ourselves* to be the cause of our actions (Korsgaard 2009, 81). To satisfy the first constitutive norm, Korsgaard argues that we must conform to the hypothetical imperative: viz., that “whoever wills the end also wills (necessarily in conformity with reason) the sole means to it that are within their control” (*G*, AA 4:417). We can’t be efficacious if we fail to take the necessary means for realizing our ends. More controversially, Korsgaard claims that in order to satisfy the second constitutive norm of autonomy, we must conform to the categorical imperative. Korsgaard’s views are complex and nuanced. For present purposes, I’ll just focus on her main argument for this view, viz., the ‘the argument from particularistic willing’. As she explains, particularistic willing is “a matter of willing a maxim for exactly this occasion without taking it to have any other implications

¹¹ Note that Korsgaard herself typically uses the term ‘constitutive standard’ or, as noted below, ‘constitutive principle’. I follow recent metaethical discussions by calling these ‘constitutive norms’.

of any kind for any other occasion” (Korsgaard 2009, 75). But willing in this way, Korsgaard argues:

[...] makes it impossible to distinguish yourself, your principle of choice, from the various incentives on which you act. Kant thinks that every action involves some incentive or other [...] A truly particularistic will must embrace the incentive in its full particularity: it, in no way that is further describable, is the law of such a will [...] But this means that particularistic willing eradicates the distinction between a person and the incentive on which he acts. And then there is nothing left here that is the *person*, the agent, that is his self-determined will as distinct from the play of incentives within him. If you have a particularistic will, you are not one person, but a series, a *mere heap*, of unrelated impulses. (Korsgaard 2009, 75–6).

Korsgaard is explicating what it even means to ‘act for a reason’ here. Whenever we act, we must ‘will universally’ in the sense that if we take something to be a reason for action in this case, we must take it to be a reason for action for us – or any other similarly situated agent – in all relevantly similar circumstances. As Henry Sidgwick describes this idea:

[W]hatever action any of us judges to be right for himself, he implicitly judges to be right for all similar persons in similar circumstances. (Sidgwick 1981, 379).

If we fail to do so, we fall short of acting for a reason at all. Taken to an extreme, we just identify with whatever incentives we happen to be acting upon. Korsgaard argues that this breaks down the boundary between us and our incentives such that we become a ‘mere heap’ of impulses. Thus, Korsgaard concludes that conforming to the categorical imperative – understood as willing universally in the manner described above – is a genuine constitutive norm of action. If we violate this norm, we fail to be agents. It’s no longer us that’s that is acting, but rather whatever particular incentive moves us at the time.

It’s again clear how this approach satisfies the four desiderata identified above. First, it defends **Antirealism**. Normative truths depend on us insofar as they are the constitutive principles of our own rational agency itself. Second, it defends **Practical Rationality**. In SC, Korsgaard identifies two models of practical reasoning. On the familiar “weighing model,” we weigh various pros and cons and add them up to determine the overall balance of reasons. By contrast, Korsgaard defends what she calls the “testing model.” On this view, we instead formulate a maxim and then procedurally test to see “whether you can will it to be a universal law, in order to see whether it really is a reason” (Korsgaard 2009, 51). This ‘practical test’ coincides with the second constitutive norm of action Korsgaard identifies, viz., the categorical imperative. Third, it defends **Normative Authority**. Why these two constitutive norms have normative authority for us is

because they represent the internal standards of our own rational agency, instead of being externally imposed upon us. And fourth, it defends **Motivation**. As Korsgaard argues:

You do have a reason to care about the values internal to a thing, or perhaps even *have* to care about those values, when the thing is in a certain way yours. (Korsgaard 2003, 79).

We're necessarily motivated to conform to these constitutive norms since they're the internal standards of what belongs most essentially to us, viz., our own agency.

6 Overview of Korsgaard's Metanormative Constructivism

There already exists a large literature criticizing Korsgaard's reading of Kant and her own philosophical views.¹² Rather than rehearsing familiar objections, I just want to examine here two main features of Korsgaard's approach: viz., its subjectivism and voluntarism. In the next section, I'll show how these features sharply contrast with the view I argue Kant himself holds.

First, Korsgaard's Kantian constructivism is *subjectivistic*. It's true that she thinks that, universally speaking, we all value things and we all act. But Korsgaard's view is still subjectivistic in the important sense that the existence of normativity itself in some sense depends on the activity of each individual valuer or agent. With regard to axiological constructivism, Korsgaard thinks that the existence of values depends upon each individual engaging in "the human activity of valuing – or, as I called it elsewhere, conferring values" (Korsgaard 2003, 68). And with regard to constitutivist constructivism, Korsgaard thinks that these constitutive norms only exist because "we are each faced with the task of constructing a peculiar, individual kind of identity" (Korsgaard 2009, 19–20). Normativity is ultimately based on each agent fulfilling their particular task of constituting themselves as individual persons.

Second, Korsgaard's Kantian constructivism is *voluntaristic*. It's true that for Korsgaard, we're in some sense forced to be valuers or agents. In SN, she recognizes that we non-voluntaristically just find ourselves with certain practical identities based on our contingent circumstances (Korsgaard 1996b, 120–121, 129).

¹² See, for example, Fitzpatrick 2005, 2013; Fitzpatrick & Watkins, 2002; Guyer 2013; Hussain & Shah 2006, 2013; O'Shea 2013; Ridge 2012; Street 2012; Timmermann 2006; and Wallace 2012.

And in SC, Korsgaard likewise argues that we find ourselves ‘forced’ to be agents. As she writes: “The necessity of choosing and acting is [...] is our *plight*: the simple inexorable fact of the human condition” (Korsgaard 2009, 2). Nonetheless, it’s still ultimately up to us how we respond to such brute givens. For axiological constructivism, while it’s true that we didn’t choose various practical identities, it’s still the case that:

whenever I act in accordance with these roles and identities, *whenever I allow them to govern my will, I endorse them, I embrace them, I affirm once again that I am them. In choosing in accordance with these forms of identity, I make them my own* (Korsgaard 2009, 43, emphasis added).

Similarly, for constitutivist constructivism, the normative force of constitutive norms of action ultimately depends on our voluntary choices. As she writes, contrasting the way that we humans relate to constitutive norms as opposed to animals:

But the animal does not choose the principles of his own causality – he does not choose the content of his instincts. *We human beings on the other hand do choose the principles of our own causality – we choose our own maxims, the content of our principles [...]* It is because we, unlike the other animals, must choose the laws of our own causality that we are subject to imperatives [...]. In another, deeper, sense, to be autonomous or self-determined is *to choose the principles that are definitive of your own will* (Korsgaard 2009, 19, emphasis added).

In order for our practical identities and/or constitutive norms of action to have normative force for us, we must in some sense voluntaristically choose to make them our own.

7 Kantian Rationalist Constructivism

Lastly, we turn to Kantian rationalist constructivism which defends a non-subjectivistic and non-voluntaristic metanormative approach. To appreciate how this account differs from Korsgaard’s views, it’s helpful to consider Street’s insightful analysis of the central metaphor of ‘constructivism’. Street identifies five basic elements of ‘construction’ (Street 2008, 210):

- (1) the restricted set of normative judgments to which the account is meant to apply, i. e., the *target set of normative judgments*
- (2) the procedure of reflective scrutiny involved, i. e., the *procedure of construction*

- (3) the set of normative judgments from the standpoint of which the procedure of reflection is undertaken, i.e., *the grounding set of normative judgments*
- (4) the subject matter of the target set of normative judgments, that is, the *results of construction*
- (5) the subject matter of the grounding set of normative judgments, i.e., *the materials of construction*

Here are the five elements as found in Rawls, where I've added numbers for each corresponding element:

The correctness of (1/4) judgments concerning social or political justice in a liberal democratic society is constituted by their being in accordance with principles (2) that withstand the reflective scrutiny of the original position procedure (embedded within which are (3/5) fundamental normative judgments implicit in the public political culture of a liberal democratic society). (Street 2008, 211).

For our purposes, what's most striking about Street's analysis is that she seems to leave out a key sixth element: viz., (6) *the builders themselves*, that is, whoever (or whatever) does the 'construction' in the first place. This leads to my main disagreement with Korsgaard's approach. For axiological constructivism, who plays the role of the 'builder' is we ourselves (6a) *as individual valuers*. For constitutivist constructivism, we do so (6b) *as individual agents*. By contrast, for rationalist constructivism, it's simply (6c) *reason itself* that plays the role of the builder. Or put less metaphorically, it is we *qua rational beings as such* insofar as the exercise of our faculty of pure practical reason – impersonally understood in universalistic and non-voluntaristic rather than individualistic and voluntaristic terms – imposes certain substantive normative demands that hold entirely independently of how any individual valuer or actor might think, feel, or act towards them.

Quite interestingly, Kant uses a quasi-constructivist metaphor when describing the activity of reason with respect to 'oughts' in the 1 Critique. As he writes:

Now this "ought" expresses a possible action, the ground of which is nothing other than a mere concept [...] *reason does not give in to those grounds which are empirically given, and it does not follow the order of things as they are presented in intuition, but with complete spontaneity it makes its own order according to ideas*, to which it fits the empirical conditions and according to which it even declares actions to be necessary yet **have not occurred** and perhaps will not occur [...]. (CPR, A547–8/B575–6, italics added).

Kant argues here that when declaring which actions are 'necessary' – i.e., what we 'ought' to do – reason acts wholly independently of 'the order of things'.

Rather, reason constructs or ‘makes its own order’ with regard to the moral domain in general.

We see this both with respect to the moral law and to values. In the *Groundwork*, Kant claims that “the law [...] is valid for us as human beings, *since it arose from our will as intelligence* [aus unserer Willen als Intelligenz] and so from our proper self” (G, AA 4:461). He expands on this picture in the 2 Critique when discussing the so-called ‘fact of reason’, writing: “[f]or, pure reason, *practical of itself*, is here immediately lawgiving”. As he clarifies later on:

Pure reason is practical of itself alone and gives (to the human being) a universal law which we call the moral law (CPrR, AA 5:31, first emphasis added).

The basic idea here is that pure practical reason itself ‘gives’ or imposes the moral law upon each agent’s particular will. These passages anticipate Kant’s later distinction between *Wille* and *Willkür* in the *Religion* and *Metaphysics of Morals*. He claims that “[l]aws proceed from the will [von dem Wille], maxims from choice [Willkür]” (MM, AA 6:226). That is, *Wille*, or the will in its legislative function, issues laws that govern or dictate what maxims *Willkür*, or the will in its executive function, should adopt.¹³ Notably, Kant simply identifies *Wille* with ‘practical reason itself’ (MM, AA 6:213).

Likewise, reason plays a fundamental role in determining value. As Kant famously declares in the *Groundwork*: “Nothing can have a value other than that determined for it by the law” (G, AA 4:436). Since value is determined by the moral law, and since it is pure practical reason which gives us the moral law, then it follows transitively that all determinations of value ultimately derive from pure practical reason itself. This is the main lesson of Kant’s so-called “paradox of method” in the 2 Critique where he claims that:

[...] that the concept of good and evil must not be determined before the moral law (for which, as it would seem this concept would have to be made the basis) *but only [...] after it and by means of it*. (CPrR, AA 5:62–3, emphasis added)

The ‘good’ is not some object which exists in a robust realist sense independently of us, determining how we should act. Rather, Kant argues that “it is on the contrary the moral law that first determines and makes possible the concept of good, insofar as it deserves this name absolutely” (CPrR, AA 5:64). And the moral law, as we’ve seen above, is ‘given’ by, ‘proceeds from’, or ‘arises from’ pure practical reason itself.

¹³ This discussion follows Allison 1990, Ch. 7.

Various commentators interpret Kantian constructivism along similar lines.¹⁴ Take, for example, Karl Schafer's recent discussion. Although he focuses more on contemporary metaethical debates rather than Kant's own views, Schafer also argues that Kant should be seen as a 'rationalist constructivist'. By this view, he means that:

What someone has reason to believe and do is grounded in facts about their normative point of view – where this point of view is taken to be metaethically authoritative insofar as it has been made to conform to the *requirements of reason or rationality*. (Schafer 2015, 695).

Put in terms of our present discussion, we can say that Kant is (1) a *constructivist* insofar as he grounds normativity in a particular point of view and he is (2) a *rationalist* insofar as this specific point of view is that of pure practical reason itself.

Even though they don't explicitly adopt this label and the specific details vary widely, other commentators also seem to affirm some version of rationalist constructivism. Stephen Darwall argues: "The central claim [of constructivism] is that it is the rationality of the agent or deliberative procedure that determines normative reasons [...]" (Darwall 2006, 293). Stephen Engstrom claims: "According to constructivism, practical philosophy itself is a practical use of reason," where the overall aim is not "to gain knowledge of reality" but rather "to secure for practice its rational basis" (Engstrom 2013, 139). And Andrews Reath maintains: "Constructivism holds that basic moral principles are grounded in and the result of an idealized process of reasoning that satisfies the relevant standards of practical reason" (Reath 2006, 200). Common to all these approaches is the idea that Kantian constructivism ultimately grounds normativity in practical reason itself.

This raises the worry: Isn't this approach just an obvious truism, given what Kant writes in the *Groundwork* and 2 Critique? Let me offer two replies. First, as we've seen, Kantian rationalist constructivism substantially differs from Korsgaard's view. Korsgaard also grounds normativity in rationality – more specifically, in our rational valuing or willing – where this is understood in subjectivist and voluntaristic terms. By contrast, Kantian rationalist constructivism grounds normativity in a more fundamental operation of practical reason, viz., its initial and foundational 'giving' to us of the moral law – and consequently, its determi-

¹⁴ This reading is also similar to Timmermann 2006 and Sensen 2013. However, neither Timmermann nor Sensen interpret Kant as a constructivist. Indeed, Sensen thinks that the overall realism/constructivism framework does not properly apply to Kant.

nation of all value – in the first place. Second, this approach draws attention to an important ambiguity in Rawls’ attack on rational intuitionism. I think Rawls is right that Kant would criticize rational intuitionism for conceiving of reason too theoretically, as well as for defending a ‘rational order of nature’ fixed by intrinsic ‘moral values’ that hold entirely independently of us. But if the present view is correct, then the normative domain *does* indeed amount to a kind of ‘rational order’. However, this ‘rational order’ is not wholly independent of us but instead grounded in, as we’ve already seen, the operations of our faculty of pure practical reason “making its own order [...] according to ideas” (CPR, A547–8/B575–6). Lastly, notice that by ‘ideas’ here, Kant is explicitly referring to what he calls the pure ‘concepts of reason’. Unlike even the pure concepts of the understanding or ‘the categories’, Kant explains that ‘ideas’ go entirely “beyond the possibility of experience” (CPR, A320/B377) – particularly, and most relevant for us, insofar as they inform us about “what I **ought to do**” and not simply “what **is done**” (CPR, A319/B375, emphasis in original).

To conclude, it’s clear that rationalist constructivism also meets the four basic desiderata for Kantian constructivism. First and second, it defends **Antirealism** and **Practical Rationality**. As we’ve discussed, Kant argues that reason does not “follow the order of things as they are presented in intuition” but rather “*with complete spontaneity makes its own order according to ideas*” (CPR, A547–8/B575–6, emphasis added). This passage highlights both that normative truths (i) do not exist out there independently of us but instead depend on us in some sense – insofar as they’re ‘given’ by what Kant eventually terms *Wille*, or our will in its legislative function, which he simply identifies with ‘practical reason itself’ (MM, AA 6:213) – and (ii) that they involve a practical as opposed to merely theoretical employment of reason. Third, it defends **Moral Motivation**. In the *Groundwork*, Kant maintains that “pure reason [...] can be of itself practical” insofar as it’s capable of moving us to act. He famously admits, however, that this fact is “quite beyond the capacity of any human intellect to explain” (G, AA 4:461).

Fourth and lastly, this approach defends **Normative Authority**. As Kant writes in the 2 Critique:

We can become aware of practical laws just as we are aware of pure theoretical principles, *by attending to the necessity with which reason prescribes them to us and to the setting aside of all empirical conditions to which reason directs us* (CPrR, AA 5:30, emphasis added).

He further elaborates that “reason presents it [i. e., the moral law] as a determining ground not to be outweighed by any sensible conditions” (CPrR, AA 5:30).

To appreciate this final point, recall Joseph Raz's well-known characterization of 'normativity' when he writes: "The normativity of all that is normative consists in the way it is, or provides, or is otherwise related to reasons." (Raz 1999, 354). Given this account, it makes perfect sense to accept the Kantian rationalist constructivism claim that the ultimate source of normativity – i.e., of reasons in general – is simply pure practical reason itself. For Kant, practical reason 'prescribes' the moral law to us with 'necessity' and thus 'directs' us to set aside all empirical conditions and instead make the moral law the supreme 'determining ground' of our actions (*CPrR*, AA 5:30).

8 Conclusion

Where does all this leave us with respect to the overall debate between Kantian constructivism and Kantian moral realism? To borrow again from Street (2010), she argues that the best way to make sense of the dispute between constructivists and realists is in terms of Plato's famous Euthyphro Contrast: (1) Is *x* good because we value it, or (2) do we value *x* because it is good? Street maintains that constructivists endorse (1), whereas robust realists endorse (2).

On Street's view, there only exist two options. At one end of the spectrum lies constructivism, which claims that normativity depends – in a subjectivist and voluntarist sense – entirely upon us. At the other end lies robust realism, which insists that normative truths exist wholly independent of us as brute intrinsically normative states of affairs – as simply part of 'the furniture of the universe' which would have always been there even if no rational agents ever existed. What the standard Euthyphro Contrast overlooks, however, is a third option represented by Kantian rationalist constructivism. This latter approach is 'subjectivist' – that is, a 'moderate realist' view – insofar as it affirms, in keeping with Kant, that normativity in some sense depends on us. That is, it's not a brute metaphysical primitive but instead ultimately grounded in our faculty of pure practical reason. But it's also 'objectivist' in an important sense. This is *not* because, *à la* robust realism, normativity is wholly stance-independent. Instead, normativity is stance-dependent – but the relevant 'stance' in question is that of the basic exercise of our faculty of pure practical reason, impersonally understood in universalistic and non-voluntaristic terms.

Put in terms of Kant scholarship, Kantian rationalist constructivism steers an interesting moderate middle path between two extremes. It avoids the excess of subjectivistic and voluntaristic Korsgaardian accounts of metanormative Kantian constructivism. These fail to capture Kant's description of the wholly impersonal manner in which pure practical reason as such simply lays down the moral law

for us. But it also avoids the excess of a robust realist reading of Kant that would make normative truths somehow entirely stance-independent, where this presumably includes being independent even of the stance of our faculty of pure practical reason – a highly unKantian suggestion! Situated between these two extremes lies Kantian rationalist constructivism. On the one hand, it is (a) non-subjectivistic and non-voluntaristic, thus rejecting the Korsgaardian view that normativity somehow depends upon each particular agent’s valuing or willing. On the other hand, (b) it affirms, *contra* robust realism, that normative truths only hold “by virtue of their ratification from with a [given] perspective” – viz., the perspective of practical reason itself (Fitzpatrick 2008, 164). In this way, Kantian rationalist constructivism arguably serves as a satisfying middle ground for those who wish to avoid both excessively subjectivistic and voluntaristic as well as excessively mind- and stance-independent readings of Kant.

This discussion doesn’t settle the debate. However, it hopefully sheds more light upon the different options available. Further, it attempts to show how rationalist constructivism constitutes what we might call, to adopt familiar Kantian jargon, a ‘neglected alternative’ – at least with respect to the standard Euthyphro Contrast – that potentially offers us an attractive middle path between extreme constructivist and extreme realist interpretations of Kant.

References

All translations are quoted from *The Cambridge Edition of the Works of Immanuel Kant* (1996) and the quotation rules followed are those established by the *Akademie Ausgabe*. Kant, Immanuel (1900ff): *Gesammelte Schriften*. Hrsg.: Bd. 1–22 Preussische Akademie der Wissenschaften, Bd. 23 Deutsche Akademie der Wissenschaften zu Berlin, ab Bd. 24 Akademie der Wissenschaften zu Göttingen. Berlin.

- Allison, Henry (1990): *Kant’s Theory of Freedom*, Cambridge.
- Ameriks, Karl (2003): On Two Non-Realist Interpretations of Kant’s Ethics, in: *Interpreting Kant’s Critiques*, Oxford, pp. 263–282.
- Ameriks, Karl (2000): *Kant and the Fate of Autonomy*, Cambridge.
- Copp, David (2013): Is Constructivism an Alternative to Moral Realism?, in: C. Bagnoli (ed.): *Constructivism in Ethics*, Cambridge, pp. 108–132.
- Darwall, Stephen (1995): *The British Moralists and the Internal ‘Ought’, 1640–1740*, Cambridge.
- Darwall, Stephen (2006): The Foundations of Morality: Virtue, Law, and Obligation, in: D. Rutherford (ed.): *The Cambridge Companion to Early Modern Philosophy*, Cambridge, pp. 221–249.
- Engstrom, Stephen (2013): Constructivism and Practical Knowledge, in: C. Bagnoli (ed.): *Constructivism in Ethics*, Cambridge, pp. 153–182.

- Enoch, David (2013): *Taking Morality Seriously*, Oxford.
- Fitzpatrick, William (2005): *The Practical Turn in Ethical Theory: Korsgaard's Constructivism, Realism, and the Nature of Normativity*, in: *Ethics* 115, pp. 60–91.
- Fitzpatrick, William (2008): *Robust Ethical Realism, Non-Naturalism, and Normativity*, in: R. Shafer-Landau (ed.): *Oxford Studies in Metaethics Vol 3*, Oxford, pp. 159–206.
- Fitzpatrick, William (2013): *How not to be an ethical constructivist: a critique of Korsgaard's neo-Kantian constitutivism*, in: C. Bagnoli (ed.): *Constructivism in Ethics*, Cambridge, pp. 41–62.
- Fitzpatrick, William & Watkins, Eric (2002): *O'Neill and Korsgaard on the Construction of Normativity*, in: *The Journal of Value Inquiry* 36, pp. 349–367.
- Guyer, Paul (2000): *Kant on Freedom, Law, and Happiness*, Cambridge.
- Guyer, Paul (2013): *Constructivism and Self-Constitution*, in: M. Timmons, S. Baiasu (eds.): *Kant on Practical Justification*, Oxford, pp. 176–200.
- Hill, Thomas (1992): *Dignity and Practical Reason in Kant's Moral Theory*, Ithaca.
- Hill, Thomas (2000): *Respect, Pluralism, and Justice: Kantian Perspectives*, Oxford.
- Hill, Thomas (2002): *Human Welfare and Moral Worth: Kantian Perspectives*, Oxford.
- Hills, Allison (2008): *Kant's Value Realism*, in: *Ratio* 21, pp. 182–200.
- Hume, David (2000): *A Treatise of Human Nature*, Oxford.
- Hussain, Nadeem & Shah, Nishi (2006): *Misunderstanding Metaethics: Korsgaard's Rejection of Realism*, in: R. Shafer-Landau (ed.): *Oxford Studies in Metaethics Volume 1*, Oxford, pp. 265–294.
- Hussain, Nadeem & Shah, Nishi (2013): *Metaethics and Its Discontents: A Case Study of Korsgaard*, in: C. Bagnoli (ed.): *Constructivism in Ethics*, Cambridge, pp. 82–107.
- Irwin, Terence (2011): *The Development of Ethics Vol. III: From Rawls to Kant*, Cambridge.
- Johnson, Robert (2007): *Value and Autonomy in Kantian Ethics*, in: R. Shafer-Landau (ed.): *Oxford Studies in Metaethics Volume 2*, Oxford, pp. 133–148.
- Jung, Kevin (ed.) (2020): *Religious Ethics and Constructivism: A Metaethical Inquiry*, New York.
- Kain, Patrick (2004): *Self-Legislation in Kant's Moral Philosophy*, in: *Archiv für Geschichte der Philosophie* 86, pp. 257–306.
- Kain, Patrick (2006): *Realism and Anti-Realism in Kant's Second Critique*, in: *Philosophy Compass* 1, pp. 449–465.
- Katsafanas, Paul (2013): *Agency and the Foundations of Ethics: Nietzschean Constitutivism*, Oxford.
- Korsgaard, Christine (1996a): *Creating the Kingdom of Ends*, Cambridge.
- Korsgaard, Christine (1996b): *Sources of Normativity*, Cambridge.
- Korsgaard, Christine (2003): *The Dependence of Value on Humanity*, in: R. Jay Wallace (ed.): *The Practice of Value*, Oxford, pp. 63–85.
- Korsgaard, Christine (2008): *The Constitution of Agency*, Oxford.
- Korsgaard, Christine (2009): *Self-Constitution: Agency, Identity, and Integrity*, Oxford.
- Langton, Rae (2007): *Objective and Unconditional Value*, in: *Philosophical Review* 116, pp. 157–185.
- Miller, Christian (2020): *What Should Theists Say about Constructivist Positions in Metaethics?*, in: Kevin Jung (ed.): *Religious Ethics and Constructivism*, Routledge, pp. 82–103.
- Neiman, Susan (1994): *The Unity of Reason: Rereading Kant*, Oxford.

- O'Neill, Onora (1989): *Constructions of Reason: Explorations of Kant's Practical Philosophy*, Cambridge.
- O'Neill, Onora (1996): *Towards Justice and Virtue: A Constructive Account of Practical Reasoning*, Cambridge.
- O'Neill, Onora (2003): Constructivism in Rawls and Kant, in: S. Freeman (ed.): *The Cambridge Companion to Rawls*, Cambridge, pp. 347–367.
- O'Neill, Onora (2004a): Constructivism vs. Contractualism, in: P. Stratton-Lake (ed.): *On What We Owe to Each Other*, Oxford, pp. 19–31.
- O'Neill, Onora (2004b): Autonomy, Plurality, and Public Reason, in: N. Bender, L. Krasnoff (eds.): *New Essays on the History of Autonomy*, Cambridge, pp. 181–194.
- O'Shea, Tom (2013): A Law of One's Own: Self-Legislation and Radical Kantian Constructivism, in: *European Journal of Philosophy* 23, pp. 1153–1173.
- Rawls, John (1989): Themes in Kant's Moral Philosophy, in: E. Förster (ed.): *Kant's Transcendental Deductions: The Three Critiques and the Opus Postumum*, Stanford, pp. 81–113.
- Rawls, John (1993): *Political Liberalism*, New York.
- Rawls, John (1999): *Collected Papers*, Cambridge.
- Rawls, John (2000): *Lectures on the History of Moral Philosophy*, Cambridge.
- Raz, Joseph (1999): Explaining Normativity: On Rationality and the Justification of Reason, in: *Ratio* 12, pp. 354–379.
- Reath, Andrews (2006): *Agency and Autonomy in Kant's Moral Theory*, Oxford.
- Ridge, Michael (2012): Kantian Constructivism: Something Old, Something New, in: J. Lenman, Y. Schemmer (eds.): *Constructivism in Practical Philosophy*, Oxford, pp. 138–158.
- Rosati, Connie (2018): Mind-Dependence and Moral Realism, in: T. McPherson, D. Plunkett (eds.): *Routledge Handbook of Metaethics*, Routledge, pp. 355–371.
- Schafer, Karl (2015): Realism and Constructivism in Kantian Metaethics (1): Realism and Constructivism in a Kantian Context, in: *Philosophy Compass* 10, pp. 690–701.
- Schafer, Karl (2015): Realism and Constructivism in Kantian Metaethics (2): The Kantian Conception of Rationality and Rationalist Constructivism, in: *Philosophy Compass* 10, pp. 702–713.
- Sayre-McCord, Geoffrey (1988): Introduction, in: G. Sayre-McCord (ed.): *Essays in Moral Realism*, Cornell, pp. 1–23.
- Schneewind, J.B. (1996): Kant and Stoic Ethics, in: S. Engstrom, J. Whiting (eds.): *Aristotle, Kant and the Stoics: Rethinking Duty and Happiness*, Cambridge, pp. 285–301.
- Schneewind, J.B. (1998a): *The Invention of Autonomy*, Cambridge.
- Schneewind, J.B. (1998a): Natural Law, Skepticism, and Methods of Ethics, in: P. Guyer (ed.): *Kant's Groundwork of the Metaphysics of Morals: Critical Essays*, Lanham, pp. 3–28.
- Sensen, Oliver (2013): Kant's Constructivism, in: C. Bagnoli (ed.): *Constructivism in Ethics*, Cambridge, pp. 63–81.
- Shemmer, Yonatan (2012): Constructing Coherence, in: Y. Schemmer (ed.): *Constructivism in Practical Philosophy*, Oxford, pp. 159–179.
- Sidgwick, Henry (1981): *The Methods of Ethics*, Hackett.
- Stern, Robert (2012a): *Understanding Moral Obligation: Kant, Hegel, Kierkegaard*, Cambridge.
- Stern, Robert (2012b): Constructivism and the Argument from Autonomy, in: J. Lenman, Y. Schemmer (eds.): *Constructivism in Practical Philosophy*, Oxford, pp. 119–137.

- Timmermann, Jens (2006): Value without Regress: Kant's Formula of Humanity Revisited, in: *European Journal of Philosophy* 14, pp. 69–93.
- Van Roojen, Mark (2015): *Metaethics*, New York.
- Wallace, R. Jay (2012): Constructivism about Normativity: Some Pitfalls, in: J. Lenman, Y. Schemmer (eds.): *Constructivism in Practical Philosophy*, Oxford, pp. 18–39.