

WORLD PHILOSOPHY

THE PHILOSOPHY OF KANT

RICARDO GUTIÉRREZ AGUILAR
EDITOR



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This publication is designed to provide accurate and authoritative information with regard to the subject matter covered herein. It is sold with the clear understanding that the Publisher is not engaged in rendering legal or any other professional services. If legal or any other expert assistance is required, the services of a competent person should be sought. FROM A DECLARATION OF PARTICIPANTS JOINTLY ADOPTED BY A COMMITTEE OF THE AMERICAN BAR ASSOCIATION AND A COMMITTEE OF PUBLISHERS.

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Chapter 8

WHAT'S WRONG WITH CONSTRUCTIVIST READINGS OF KANT?

Lucas Thorpe, PhD

Philosophy Department, Boğaziçi University, Istanbul, Turkey

ABSTRACT

Kantian ethics today is dominated by followers of Rawls, many of them his former students. Following Rawls they interpret Kant as a moral constructivist who defines the good in terms of the reasonable. Such readings give priority to the first formulation of the categorical imperative and argue that the other two formulations are (ontologically or definitionally) dependent upon it. In contrast the aim of my paper will be to show that Kant should be interpreted firstly as a *moral idealist* and secondly as, at least in a certain sense, a *particularist* who takes morality to involve the exercise of recognitional capacities rather than following principles or rules. In claiming that Kant is a *moral idealist* we won't mean to imply that he is an anti-realist, indeed we believe that he is a realist. Instead, by 'moral idealism' it is meant the position that maintains that to be moral is to instantiate an ideal. And so understood moral idealism can be seen as offering an alternative to both constructivism and utilitarianism.

Keywords: Kant, Rawls, constructivism, Moral idealism, categorical imperative

In *Political Liberalism*, Rawls distinguishes between what he calls “political constructivism” and “moral constructivism”. He endorses political constructivism which he claims should not be thought of as a comprehensive moral doctrine. He argues however that Kant is committed to moral constructivism arguing that,

Kant’s Doctrine is a comprehensive moral view in which the ideal of autonomy has a regulative role for all of life. This makes it incompatible with the political liberalism of justice as fairness. (Rawls 2005, 99)

And he elaborates on this by claiming that:

Another and deeper meaning of autonomy says that the order of moral and political values must be made, or itself constituted, by the principles and conceptions of practical reason. Let us refer to this as constitutive autonomy. In contrast with rational intuitionism, constitutive autonomy says that the so-called independent order of values does not constitute itself but is constituted by the activity, actual or ideal, of practical (human) reason itself. I believe this, or something like it, is Kant’s view. His constructivism is deeper and goes to the very existence and constitution of the order of values. (Rawls 2005, 99)

Kantian ethics today is dominated followers of Rawls, many of them his former students. Following Rawls they interpret Kant as a moral constructivist who defines the good in terms of the reasonable. Such readings give priority to the first formulation of the categorical imperative and argue that the other two formulations are (ontologically or definitionally) dependent upon it. In contrast I believe that Kant should be interpreted firstly as a *moral idealist* and secondly as, it least in a certain sense a *particularist* who takes morality to involve the exercise of recognitional capacities rather than following principles or rules. Before

examining the constructivist position, let me say a few words about these two claims.

Firstly, in claiming that Kant is a *moral idealist* I do not mean to imply that he is an anti-realist, indeed I believe that he is a realist. Instead, by 'moral idealism' I mean the position that maintains that to be moral is to instantiate an ideal. So understood moral idealism can be seen as offering an alternative to both constructivism and utilitarianism. A moral idealist is not a constructivist because she believes that the good is prior to the right or the reasonable, for to be virtuous is to strive to instantiate a moral ideal ('the good'). A moral idealist is also not a utilitarian as she believes the good is an ideal to be instantiated rather than a goal or an end to be realized. Kant's moral ideal is the idea of being an autonomous member of an ideal community. This is an idea that Kant calls the idea of a member of 'an intelligible world' in his metaphysical works and idea of a member a 'realm of ends' in his ethical writings. For Kant our idea of a world is more than the idea of a collection of individuals, for a world must also have some sort of unity and what provides a world with its unity are laws. In order for this unity to be 'real' as opposed to 'ideal', the individuals that make up the world have to be source of these laws. That is, to be members of a world individuals have to be autonomous, in the sense of being the source of the laws that provide the community with its unity.¹ In other words, the idea of being a member of an intelligible world or realm of ends *is* the idea of being an autonomous individual, and this 'is' should be read as the is of identity. This is why Kant gives two versions of third formulation of the categorical imperative in *Groundwork* II: the formula of the realm of ends and the formula of autonomy. The reason for this is Kant thinks that to be a member of a realm of ends just *is* to be autonomous.²

¹ For a detailed defense of this interpretation see Thorpe 2010a, 2010b and 2013.

² This is the point Kant is trying to make when he argues that "[E]very rational being, as an end in itself, must be able to regard himself as also giving universal laws with respect to any law whatsoever to which he may be subject [...][I]t also follows that this dignity (prerogative) he has over all merely natural beings brings with it that he must always take his maxims from the point of view of himself, and likewise every other rational being, as lawgiving beings (who for this reason are also called persons). Now in this way a world of rational beings (*mundus intelligibilis*) as a kingdom of ends is possible, through the giving of their own laws by all persons as members. Now such a Kingdom of ends would actually come

You cannot be a member of a realm of ends without being autonomous and you cannot be autonomous without being a member of a realm of ends. On this interpretation, Kant's idea of autonomy has its roots in what Rousseau calls "moral freedom" in the *Social Contract*. Rousseau claims that such freedom is only possible if one is a citizen in republic where one is both sovereign and subject to the laws one has made. Kant's moral ideal, then, is the idea of being an autonomous member of a realm of ends, and a virtuous individual is one who strives to instantiate this ideal. To put this in Rousseauian terms, we should strive to be the sort of person who could be a citizen in an ideal republic, which involves recognizing the equal status of other human beings and attempting to interact with them on the basis of equal respect.

I am, then, proposing a radical re-conception of the Kantian notion of autonomy, away from the prevailing individualistic understanding prevalent in contemporary Anglophone philosophy.³ It is generally taken for granted that the notion of autonomy is historically rooted in an extreme form of individualism, with the notion of autonomy being identified with some form of self-determination.⁴ This is often the basis for communitarian critiques of liberalism, and both sides of the debate have tended to agree on this individualistic asocial understanding of autonomy. In contrast for Kant, the notion of autonomy is essentially social because to be autonomous is to legislate not primarily to oneself but for the community. The 'auto' in autonomy should not be understood primarily as 'to oneself' but 'from oneself'. The capacity to be autonomous is the capacity to give laws that are binding both on oneself and on others, the capacity to be a citizen in an ideal Rousseauian republic. Autonomy, so understood, involves recognizing others as equal co-legislators in the moral community. Kant's ethical ideal is the idea of being a member of a moral

into existence through maxims whose rule the categorical imperative prescribes to all rational beings *if they were universally followed*." (GMS, AA 04: 438).

³ For a more detailed account of the relationship between Kant's account of autonomy and community see Thorpe 2011. Also see Shell 1996, Shell 2013 and Shell 2018.

⁴ Even Kant scholars such as O'Neill, who want to provide a less individualistic reading of Kant's notion of autonomy, still tend to identify the notion with self-determination. Thus O'Neill writes, "free will (if it occurs) must be (capable of being) positively as well as negatively free; it must be a capacity of *self-determination* or *autonomy*" (O'Neill 1989,53).

community with autonomy being the condition for community membership, and thus Kant's think that we value autonomy because we value community membership.⁵ In advocating such a conception of autonomy, I agree with Pauline Kleingeld who argues that, for Kant,

the moral agent is to regard himself as giving universal law – that is, as giving law *to all*. In the literature on Kant's ethics, autonomy is often understood as “giving law *to oneself*,” but this is a somewhat misleading way of putting it. A political legislator does not give laws only or primarily *to himself* but to the entire people; Kant's analogical description of the moral agent is not as someone whose primary concern is giving law *to himself* but as someone whose primary concern is giving law to the entire moral community. (Kleingeld 2018, 171)

This idea of being an autonomous individual who is both sovereign and subject to the law is Kant's moral ideal. And Kant thinks that morality demands that we strive to instantiate this ideal. And this ideal is not, as the constructivists argue, constructed by practical reason.

Secondly, despite Kant's emphasis on universality, principles and law, at heart Kant is in a sense a *particularist* both with regard to both the scope and the content of morality. Good moral judgment cannot be a result of following any sort of procedure or applying abstract criteria. Rule governed behavior does not entail explicitly following rules. Kant's moral ideal is the idea of being an (autonomous) member of a community. In order to instantiate this ideal we must possess and realize two distinct capacities: the capacity to recognize bits of the phenomenal world around us as morally relevant others (the capacity to recognize the humanity of others), and the capacity to give law that is binding both on ourselves and those we recognize to be morally relevant others (the capacity to give

⁵ Although the individualistic reading of autonomy is predominant, there have been recent attacks on this position. For example, Rossi talks of, “the close correlation I will claim Kant's understanding of autonomy has with both the social character of human moral agency and the social character of reason itself. Until recently, this is a correlation that has generally been overlooked, in a large measure, it seems because the term “autonomy” has taken on a highly individualistic cast in the context of political, economic, and popular culture” (Rossi 2005, 30-31).

universal law).⁶ To instantiate the idea of being an autonomous member of a realm of ends would be to fully actualize these two capacities.⁷ In claiming that Kant is a particularist, I am claiming that neither of these capacities can be actualized by following rules or applying principles or criteria. That is, for Kant, there are no rules or principles or criteria which can tell us either (a) who or what counts as a morally relevant other or member of the moral community, or (b) how exactly we should treat those we recognize as morally relevant others.

We must possess a capacity to recognize which bit of the phenomenal world around us are deserving of moral respect, and there is no reason to think that this recognitional capacity involves applying a criterion or following some procedure. Similarly, although to be moral involves giving universal law, we can have no theoretical criterion to judge what counts as giving such laws. In opposition to the constructivist reading, I argue that there cannot be any decision procedure to determine what we should do in any particular situation. Although Kant thinks that being moral involves being principled, he does not think that this entails consciously following principles but instead involves listening to our conscience, with the hope that if we really attend to the voice of conscience, law will come flooding out. This is not to claim that, for Kant, explicit moral rules or principles have no role. This would be a ridiculous thing to claim about Kant! Instead it is to make a claim about the role of such principles. For Kant believes that listening to one's conscience is hard, as we often deceive ourselves, and so moral principles, such as the many Kant provides us with in his ethical works, are not rules for correct behavior, but are tools that we can use to help us listen to our conscience and avoid moral self deception.⁸ Giving law, on this account, then, is not a science but an art.⁹

⁶ For a detailed discussion of our capacity to recognize the humanity, see Thorpe 2018.

⁷ Now, of course, biological human beings cannot fully actualize these two capacities, the most we can do is to strive to do so. This is what Kant means in claiming that human beings can only be virtuous and not holy.

⁸ For a further discussion of this claim see Thorpe 2006.

⁹ Of course, most constructivists will acknowledge if pushed that the application of rules requires some sort of judgment. This is particularly true of Barbara Herman (1996). I am suggesting that being moral is more of an art than even those like Herman may be willing to grant. The thought is that being principled does not require being explicitly aware of the principle upon

At the heart of my disagreement with the constructivist reading of Kant is a disagreement about the origin and justification of our idea of a good society, or what Kant calls a realm of ends. Rawls claims that the idea of a realm of ends is constructed, and in claiming this he is making, or perhaps conflating, two separate but interconnected claims. Firstly that the *content* of this idea is somehow constructed and secondly that such an idea can only be *justified* by some sort of constructive procedure. According to the first claim, our idea of a good society is the idea of a reasonable society and so our understanding of what it is to be a good society depends upon a prior understanding of reasonable justifiability. The second claim has to do with what it is that makes a good society, or realm of ends, good. According to this claim, what it means to believe that a certain type of society is good is that either that it could be reasonably agreed to or reasonably justified. One could be committed to the second type of claim without being committed to the first, although Rawls himself seems to be committed to both and sometimes seems to conflate them. For example we could believe that we have the theoretical idea of a certain type of society which makes no reference to reasonableness or justifiability, but that what leads us to judge (or justifies the judgment) that such a society is good or desirable is that only such a society could meet the requirements of reasonable justification. On my reading Kant is not a constructivist in either of these senses. He is not a constructivist in the first sense because he believes that our idea of a realm on ends is a theoretical idea, namely the idea of a world (or what Kant sometimes calls “the intelligible world”), and this idea not understood in terms of reasonable justifiability.¹⁰ He is

which one is acting. Given Kant’s respect for the moral capacities of the uneducated common people of his time, this should not be a surprise. But many constructivists write in such one might think one needs a Phd in philosophy from Harvard in order to be moral, and such intellectualism is something Kant would clearly reject. So my claim about Kant’s particularism is tied to his rejection of the claim common among many in the Prussian enlightenment that philosophers and the educated in general have some sort of superior moral status. For Kant being a good person is much easier, at least in epistemic terms, than the constructivists seem to think.

¹⁰ Textual support for the claim that Kant identifies the notion of a realm of ends with that of an intelligible world is not hard to find. For example, in the *Dialectic of the Critique of Practical Reason*, Kant introduces three ideas of practical reason: “the ideas of God, of an intelligible world (the kingdom of God), and of immortality” (KpV, AA 05: 137). It seems clear that the second of these ideas is to be identified with the idea of a realm of ends, for he

not a constructivist is the second sense because he believes that the very practice of reasonable justifiability presupposes that we value being a member of a community, and so reasonable justifiability cannot be used to explain the value of being a member of such a community. We do not and cannot justify ourselves to a thermostat. The practice of reasonable justification presupposes that we independently recognize other bits of the world around us as having value and being potential members of a moral community with us.¹¹ The value we place on being able to reasonably justify ourselves to others presupposes our recognition of their moral status, and recognizing the moral status of others involves regarding them as equal co-citizens in a realm of ends. This is because for *me* to respect *you*, in the Kantian sense, I must think of us as constituting a *we*, and a *we* in which neither one of us dominates the other.

My discussion of Constructivism is divided into three sections. In the first section (a) I give a brief overview of the constructivist position. In the second section (b) I explain the constructivist reading of the *Groundwork*. In the third section (c) I examine the strongest textual evidence that is usually used to justify the constructivist reading of Kant and show that it is amenable to a non-constructivist interpretation.

parenthetically identifies the idea of an intelligible world with “the kingdom of God” [“*dem Reiche Gottes*”], a phrase that he normally treats as equivalent to “a realm of ends” [“*ein Reiche der Zwecke*”]. Similarly, in *Groundwork* II he talks of “a world of rational beings (*mundus intelligibilis*) as a realm of ends” (GMS, AA 04: 438). And, in his lectures on ethics, given in 1785 around the time he was writing the *Groundwork*, he is able to argue that, “The autonomy of our will greatly elevates our worth. The *members of a realm of ends*, whose ruler is God, *are the true intellectual world*. Augustine and Leibniz called it the Kingdom of grace. In the realm of ends, God is supreme ruler; in the realm of nature, the ultimate cause...” (V-Mo/Mron II, AA 29: 629) –my emphasis). And, as Kant explains, in the first *Critique*, “I call the world as it would be if it were in conformity with all moral laws [...] a *moral world*. This is conceived thus far merely as an intelligible world, since abstraction is made therein from all conditions (ends) and even from all hindrances to morality in it (weakness of impurity of human nature)” (KrV A808 B836).

¹¹ My thinking here has been influenced by Robert Brandom’s *Between Saying and Doing* (2008). In Brandom’s terminology one could say that the vocabulary involved in the idea of ‘an autonomous member of a realm of ends’ is a *pragmatic metavocabulary* for the vocabulary of reasonable justification. As Brandom explains, a vocabulary V’ is a pragmatic metavocabulary for vocabulary V if “allows one to *say* what one must *do* [I would change this ‘do’ to ‘be able to do’] in order to count as *saying* the things expressed by vocabulary V” (Brandom 2008, 10).

1. WHAT IS MORAL CONSTRUCTIVISM?

Rawls argues that Kant should be read as a moral constructivist. According to this interpretation, moral concepts, including the idea of a realm of ends, are not theoretical ideas, but practical ideas that are constructed by practical reason. “Practical reason” Rawls argues, “constructs for the will its own object out of itself”. (Rawls 2000, 230) The object practical reason constructs out of itself is the reasonably desirable, or, in other word, the object of reasonable desire.

A central commitment of the constructivist position is the belief that the “the right is prior to the good”.¹² This slogan has become the rallying cry of Rawls’ followers. To understand what this slogan means we can contrast the constructivist position with that of the utilitarian, who believes, in contrast to the Rawlsian, that the “good is prior to the right”. The utilitarian starts with a conception of the good (the greatest happiness) and defines the right (and the reasonable) in terms of this, because a utilitarian believes that an action is right if and only if it promotes the good. Thus Rawls explains that,

Utilitarianism starts with a conception of the good given prior to, and independent of, the right (the moral law), and it then works out from that independent conception its conceptions of the right and of moral worth, in that order.” (Rawls 1989, 92)

A moral constructivist, in contrast, starts with a conception of the right or the reasonable and defines the good in terms of this: a state of affairs is good if it was (or perhaps could have been) chosen in the right way.¹³

¹² As Robert Stern has pointed out to me, a non-constructivist deontologist might also be committed to such a position, and so this slogan, in itself, is not enough to fully characterize the constructivist position.

¹³ Thus Rawls argues in *A Theory of Justice* that “[T]he self is prior to the ends which are affirmed by it; even a dominant end must be chosen from among numerous possibilities. There is no way to get beyond deliberative rationality. We should therefore reverse the relation between the right and the good proposed by teleological doctrines and view the right as prior.” (Rawls 1971, 560) Korsgaard makes a similar point arguing that, “it is the reasoning that goes into the choice itself – the procedure of full justification – that

Rawls' claim about the priority of the right over the good can be understood as a claim about practical reason. The utilitarian will define reasonableness in terms of the good, whereas the constructivist will define the good in terms of the reasonable. Imagine a group of individuals who wish to share a cake. The utilitarian will argue that the procedure we use to determine how to divide up the cake is reasonable iff it is intended or likely to produce the best decision, that is, a decision that maximizes total happiness. The constructivist, in contrast, will argue that a decision is good if the procedure used to make the decision was a reasonable one. On this approach, what it is to be reasonable must be defined independently of, and prior to, any conception of the good or the desirable.

Ultimately the main problem with moral constructivism, both as an interpretation of Kant and as a philosophical position, is that it fails to appreciate the fact the value we place on reasonableness presupposes that we value being a member of society and really interacting with others. It presupposes that we recognize that other human beings have value and so cannot be used to explain the source of all value. This is the point Kant is trying to make in the *Groundwork* II. Kant is offering a transcendental argument about what we value. It is, Kant thinks, a part of our pre-philosophical common sense morality that we value universalizability. But once we reflect philosophically up on this fact we realize that the reason we think that universalisability is important is because we recognize the value of other human beings (the second formulation) which involves recognizing the value of being in community with them (the third formulation). The second and third formulations, then, are conditions for the possibility of the first formulation and not somehow constructed from it as constructivists claim.

determines the rationality of the choice and so certifies the goodness of the object" (Korsgaard 1996, 261).

2. THE CONSTRUCTIVIST READING OF THE *GROUNDWORK*

At the heart of the constructivist reading of the *Groundwork* is an account of the relationship between the first and third formulation of the categorical imperative. The constructivists interpret the first formulation as providing an account of the right and the third formulation as providing an account of the good, and thus argue that the notion of a realm of ends must somehow be constructed from the notion of universality and so the content of the idea of a realm of ends is dependent upon the first formulation.

A moral constructivist believes that the morally desirable must be defined in terms of the reasonably willable. This is what Rawls means when he claims that “practical reason constructs for the will its own object out of itself”; and the object constructed is the good or reasonably desirable. A constructivist ethics, then, must start by providing an account of the “reasonably willable” and this is precisely what Rawls believes Kant is trying to do when he introduces the first formulation of the categorical imperative in the *Groundwork*, for Rawls argues that the first formulation of the categorical imperative should be understood as introducing a procedure to test the reasonableness of maxims. Rawls calls this “procedure” the CI-Procedure.¹⁴ According to Rawls, then, the first formulation of the categorical imperative is an attempt to give an account of what it is to be reasonable that makes no reference to the good or the morally desirable. To be reasonable is to implicitly follow a certain procedure, the CI-Procedure, and the good or morally desirable is to be defined in terms of this procedure. The first formulation of the categorical imperative, then, specifies a procedure to test the reasonableness of our maxims.

The second two formulations specify the objects that such a reasonable person will value. A reasonable person will value the humanity of herself and others, and will value the idea of being a member of a realm of ends.

¹⁴ The law of nature formula, “which we call the CI-procedure” (Rawls 2000, 181).

The notions of “humanity” and “a realm of ends” are concepts of the good, and given his reading of Kant as a moral constructivist Rawls believes that Kant is committed to the position that these two ideas must be defined in terms of the procedure he believes is introduced in the first formulation. In other word, he believes that the second and third formulations of the categorical imperative are dependent for their content upon the first formulation. This is what Rawls means when he argues in his lectures that:

The second and third formulations are not alternative ways of specifying the same content, nor can they add to its content. Rather, they depend upon the CI-procedure and its content –the maxims it accepts– as already laid out. (Rawls 2000, 183)

I am particularly concerned with Rawls’ claim that the third formulation of the categorical imperative is dependent upon the first. Rawls is committed to this position, because he believes that the idea of a realm of ends is the idea of a reasonable society and so cannot be understood independently of an understanding of what counts as reasonable, an understanding that he believes is provided by the C-I procedure introduced by the first formulation of the categorical imperative.¹⁵

According to the moral constructivist interpretation, then, the idea of a realm of ends cannot be defined independently of the CI-procedure. The notion of a moral world is, by definition, the idea of a world that satisfies the requirements of the CI-procedure, and this formal procedure is logically and definitionally prior to the idea of a realm of ends. Accordingly, Kant's primary aim in the *Groundwork* is to clarify what is involved in this procedure and only once we have clarified the procedure

¹⁵ Rawls explicitly makes this claim in a number of places. For example in “Themes in Kant’s Moral Philosophy”, he argues that “[the realm of ends] is simply the social world that would come about (at least under favorable conditions) if everyone were to follow the totality of precepts that result from the correct application of the CI-procedure” (Rawls 1989, 301) Similarly, he argues in his *Lectures on the History of Moral Philosophy* that, “The realm of ends is an (ideal) object –a social world– the moral constitution and regulation of which is specified by the totality of precepts that meet the test of the CI-procedure (when these precepts are adjusted and coordinated by the requirement of complete determination)” (Rawls 2000, 225).

can we give an account of what is morally desirable, because the morally desirable, the object of a good will, is defined as the reasonably desirable. Thus Rawls argues that, “the realm of ends is also an ideal of reason, and as such it is of a particular. This particular is the moral commonwealth consisting of all reasonable persons” (Rawls 2000, 212).¹⁶ A realm of ends, then, can be defined as a community of *reasonable* persons. And so our understanding of what is involved in the idea of being a member of a realm of ends presupposes that it is possible to give an account of what it is to be reasonable independently of and prior to any account of the nature of a moral community, and I believe that this is to put the cart before the horse, for a reasonable person is someone who interacts with others on the basis of mutual respect, regarding others as equal members of a moral community. Thus our understanding of what it is to be reasonable presupposes that we have an understanding of what it is to be a member of a moral community, for without such an understanding we could have no conception of reasonable interaction with others.

We need some way, then, of understanding what is involved in the idea of a moral community that does not involve any appeal to the notion of reasonableness. Now, the idea of a community is more than the idea of a collection of individuals, for a community must have some sort of unity. And Kant thinks that the only way that a community can have real unity is if the individuals constituting the community are the source of the laws that provide the community with its unity. In other words, to be a member of a real community one must be autonomous. And, what is important here is that this account of what it is to be autonomous makes no reference to reasonableness. Being autonomous is not defined in terms of being reasonable. Instead, a reasonable person is defined as someone who is striving to be autonomous in this sense, as someone who cares about

¹⁶ Korsgaard also makes it clear that she thinks the notion of a realm of ends is constructed. Thus she argues that, “the correct conception of a concept will be a guide to its correct application, and when a concept is applied correctly, what we get is truth. But what makes the conception correct will be that it solves the problem, not that it describes some piece of external reality. Rather, as the term ‘constructivism’ suggests, our use of the concept when guided by the correct conception constructs an essentially human reality—the just society, the kingdom of ends—that solves the problem from which the concept springs. The truths that result describe that constructed reality” (Korsgaard 2003, 117).

interacting with other on the basis of mutual respect (and law), rather than on the basis of violence. The moral constructivist, in giving priority to the right over the good, assumes that the only coherent notion of the good is as an end to be realized. For Kant, however, the idea of being a member of a realm of ends should not be understood as an end to be realized but as an ideal to be instantiated.¹⁷ Rather than giving a constructivist account of the good in Section II of the Groundwork, Kant is actually giving a transcendental argument. The structure of his argument is that our everyday morality tells us that we should only act on principles that can be universalized, but a condition of the possibility of valuing universalisability is the fact that we recognize the value of other human beings and the value of being an autonomous member of a community or realm of ends.

3. THE TEXTUAL EVIDENCE FOR THE CONSTRUCTIVIST READING OF KANT

At first sight, however, it might appear that there is knock-down evidence for the constructivist reading of Kant's ethics, for in the *Critique of Practical Reason* Kant explains that, "[t]his is the place to explain the paradox of method in a *Critique of Practical Reason*, namely, 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 (as was done here) after it and by means of it" (KpV, AA05: 63). Here Kant quite clearly seems to claim that we must begin by examining the (purely formal) moral law, and only afterwards define the concept of

¹⁷ A number of critics of Rawls position have criticized him for conceiving of the good in purely consequentialist terms. Thus Charles Taylor argues that, "Where 'good' means the primary goal of a consequentialist theory, where the right is decided simply by its instrumental significance for this end, then we ought indeed to insist that the right can be primary to the good. But where we use 'good' in the sense of this discussion, where it means whatever is marked out as higher by a qualitative distinction, the good is always primary to the right [...] the good is what, in its articulation, gives the point of the rules which define the right." (Taylor 1990, 89).

the good by means of it.¹⁸ This passage is one of the central passages that Rawls and his followers draw on to support their constructivist reading of Kant. However, if we read on, it becomes clear that these passages do not have the import they seem to have at first sight, for Kant himself is quick to qualify these claims, making it clear that the priority he wishes to give to the first formulation of the categorical imperative is purely methodological. Thus he begins the following paragraph by explaining that the previous “remark [...] concerns only the *method* of ultimate moral investigation” (KpV, AA 05: 64 –my emphasis). These claims, then, about the relationship between the concept of the good and the moral law are merely *methodological*. Methodologically, we must start by examining the purely formal notion of duty, and this will point us to the concept of the good, which is the object of duty. This qualification makes it clear that these passages are not meant to imply that the concept of the good is logically or ontologically dependent upon the categorical imperative.

Further support for this interpretation is provided in the *Preface* to the *Critique of Practical Reason*. Here Kant writes that “among all the ideas of speculative reason freedom is also the only one the possibility of which we know *a priori*, though without having insight into it, because it is the condition of the moral law, which we do know” (KpV, AA 05: 4). Kant, then, makes it clear that he believes that the theoretical idea of freedom is a condition of the moral law (or the categorical imperative). One way of reading this passage would be to understand freedom in this context to mean something like spontaneity, which Kant understands to be the idea of a cause that is not itself an effect. On this reading, we have a non-moral, negative conception of freedom as involving a denial of determinism. And the claim made in this passage would then be that it is a condition of the moral law that determinism is not true, and we are capable of spontaneous action. Now, Kant does often seem to be committed to the position that

¹⁸ Kant concludes the paragraph by making the same point in even stronger terms, arguing that, “instead of the concept of the good as an object determining and making possible the moral law, it is on the contrary the moral law that first determines and makes possible the concept of the good.” (KpV, AA 05: 64). Once again, Kant here seems to explicitly deny that the idea of the good can be the basis of ethics. Instead the concept of the good is a secondary notion, parasitic upon the purely formal idea of the moral law, or categorical imperative.

morality requires spontaneity and the denial of determinism.¹⁹ And his this commitment seems to be a result of this commitment to the ought implies can principle.²⁰ However, I don't think that this is the point he wants to make in this passage. Instead, on my interpretation when he talks of freedom here what he means is the idea of autonomy, and so his claim is that the idea of autonomy is a condition of the moral law. The reason for this is that the categorical imperative orders us to be autonomous, and so the concept of autonomy is a condition for the possibility of the imperative. The categorical imperative says: "be an autonomous member of a realm of ends". And so in order to recognize this imperative we must possess the idea of being an autonomous member of a realm of ends and recognize the value of instantiating this idea. And we must possess the capacity to give law and to become a law-giving member of a realm of ends. I take it, then, that it is this moral capacity that Kant believes to be a condition of the possibility of the moral law, rather than merely the capacity to have acted otherwise than we did.

In a famous footnote to this passage, Kant explains the relationship between the concept of freedom and the moral law in more detail. He explains that "Freedom is indeed the *ratio essendi* of the moral law; the moral law is the *ratio cognoscendi* of freedom" (KpV, AA 05: 4). Once again what I take Kant to mean by 'freedom' in this passage is the idea of autonomy, that is, the idea of being a lawgiving member of an ideal community (and not just freedom in the negative sense). And what I take him to mean by 'the moral law' is our sense or feeling of duty. And so what he means in claiming that freedom is the *ratio essendi* of the moral law is that it is the theoretical idea of being autonomous that makes this feeling of duty possible, for our feeling of duty is an urge to instantiate this

¹⁹ Although we may wonder whether he is completely committed for this, for Kant seems to think that a perfectly moral being is subject to the moral law, but is not tempted to act immorally. So the claim about the relationship between the moral law and the denial of determinism seems to only hold for imperfectly rational beings like ourselves, but not to be necessarily true for all moral beings.

²⁰ With the thought being that the 'ought implies can' principle entails the 'should have implies could have' principle. The fact that I *should have* told the truth yesterday, even though I did not, means that I *could have* told the truth. So it is possible that things could have been different than they were.

idea, and so it is the prior representation of the idea that makes the feeling of duty possible.

To understand what he means by claiming that the moral law is the *ratio cognoscendi* of freedom, we must understand Kant's strategy in the *Groundwork*. Kant begins the groundwork by examining what he calls "the common human understanding". And this everyday understanding of morality involves the notion that being moral involves duty.²¹ However this starting point is merely methodological not ontological. He starts by examining our feeling or sense of duty but his interest is in the object of duty and his conclusion is that what duty demands is that we strive to be a certain type of being, namely a good will and his aim is to 'explicate' what is involved in this concept of a good will. His conclusion will be that this concept of a good will is the concept of an autonomous member of a realm of ends. It is important to recognize here that, for Kant, the idea of *having good will* is quite distinct from the idea of *acting from duty*. Indeed Kant thinks that a perfectly moral agent (what Kant sometimes calls a 'holy will') would have a good will, but would not act from duty. For such a being would act morally without any temptation to do otherwise. Morality is only a matter of duty for imperfectly rational beings like us. Having a good will is what we have a duty to become; it is the object of duty; it is what an individual tempted by morality is striving to become. This should help us understand Kant's explanation of his strategy in at the beginning of the *Groundwork*. Here Kant explains that,

We have, then, to explicate (*entwickeln*) the concept of a will that is to be esteemed in itself and that is good apart from any other purpose, as it already dwells in natural sound understanding and needs not so much to be taught as only to be clarified – this concept that always takes first place in estimating the total worth of our actions and constitutes the

²¹ Kant makes it clear that acting from duty is not a necessary condition for having a good will, for a perfectly good individual, a being with what Kant calls a 'holy will', would not act from duty, and for such a being morality would not be a matter of imperatives. We don't know whether such a holy will is really possible, but there is no contradiction in the idea of such a being. And so Kant thinks that it cannot be true by definition that morality essentially involves acting from duty. Instead, his claim is that for *imperfectly rational beings* like us, morality is a matter of acting from duty.

condition of all the rest. In order to do so, we shall set before ourselves the concept of duty, which contains that of a good will though under certain subjective limitations and hindrances, which, however, far from concealing it and making it unrecognizable, rather bring it out by contrast and make it shine forth all the more brightly. (GMS, AA 04: 397)

The consciousness of duty or obligation, then, is a consciousness that has a certain idea as its object. Thus, if we want to clarify what is involved in this idea we must start by examining our consciousness of duty, for it is an (obscure) consciousness of the idea.²² The common human understanding is able to articulate that doing one's duty involves the idea of universalisability. Kant's argument involves making explicit what is implicitly involved in the value we place on universalisability. His claim, finally articulated in the third formulation of the categorical imperative, is that our moral commitment to universalisability implicitly involves a commitment to the idea of being an autonomous member of a realm of ends and Kant's strategy in *Groundwork* II is to make this implicit commitment explicit.

In claiming that Kant is a moral constructivist, then, Rawls is, in effect, claiming that Kant believes that the CI-procedure is both the *ratio cognoscendi* and the *ratio essendi* of the idea of being a member of a realm of ends. Rawls confuses what is a methodological issue with an ontological or logical issue. Kant begins the *Groundwork* examining the procedures a virtuous will (implicitly) acts upon. He begins by examining what Rawls calls practical rationality, and he reaches the conclusion that a person who is practically rational is striving to be a member of a kingdom of ends. This, however, is merely Kant's method of investigation, and he does not

²² Our subjective consciousness of the categorical imperative, then, is the way the (theoretical) idea of a good will (or idea of a member of kingdom of ends) subjectively presents itself to our conscience. The categorical imperative, then, is based upon a subjective and obscure consciousness of the pure idea of a good will. Kant's aim in examining this consciousness of obligation, then, is to 'clarify' what is involved in the pure idea of a good will. Our common moral judgments are always based upon an obscure representation of duty. Most people couldn't explain what is involved in the idea of duty, but they know how to act upon it. In *Groundwork* I & II Kant investigates our subjective consciousness of duty. The formulations of the categorical imperative are attempts to provide the reader with a clearer understanding of what is involved in the concept of duty.

draw the conclusion that this fact about the appropriate order of investigation implies that the idea of (a member of) a kingdom of ends is logically dependent upon an understanding of practical rationality (the CI Procedure), as Rawls believes. Instead, in claiming that freedom is the *ratio essendi* of the moral law, Kant means that practical rationality is to be defined in terms of autonomy. A practically rational human being is defined as a human being who strives to be an autonomous individual, and to avoid vicious circularity we must be able to give an account and definition of what it is to be an autonomous individual without appealing to the notion of practical rationality or reasonableness.

REFERENCES

- Brandt, Robert. 2008. *Between Saying and Doing*. Oxford–New York: Oxford University Press.
- Herman, Barbara. 1996. “The Practice of Moral Judgment.” In *The Practice of Moral Judgment*, 73-93. Harvard –MA: Harvard University Press.
- Kleingeld, Pauline. 2018. “Moral Autonomy as Political Analogy Self-Legislation in Kant’s *Groundwork* and the *Feyerabend Lectures on Natural Law* (1784).” In *The Emergence of Autonomy in Kant’s Moral Philosophy*, edited by Stefano Bacin and Oliver Sensen, 158-175. Cambridge: Cambridge University Press.
- Korsgaard, Christine M. 2003. “Realism and Constructivism in Twentieth-Century Moral Philosophy.” In *Philosophy in America at the Turn of the Century* (APA Centennial Supplement to *Journal of Philosophical Research*): 99-122.
- Korsgaard, Christine M. 1996. *Creating the Kingdom of Ends*. Cambridge: Cambridge University Press.
- O’Neill, Onora. 1989. *Constructions of Reason: Explorations of Kant’s Practical Philosophy*. Cambridge: Cambridge University Press.
- Rawls, John. 2005. *Political Liberalism: Expanded Edition*. New York: Columbia University Press.

- Rawls, John. 2000. *Lectures on the History of Moral Philosophy*. Harvard –MA: Harvard University Press.
- Rawls, John. 1989. “Themes in Kant's Moral Philosophy.” In *Kant's Transcendental Deductions*, edited by Eckart Förster, 81-113. Stanford –CA: Stanford University Press.
- Rawls, John. 1971. *A Theory of Justice*. Cambridge: The Belknap Press of Cambridge University Press.
- Rossi, Philip J. 2005. *The Social Authority of Reason*. Albany: SUNY University Press.
- Shell, Susan M. 2018. “Anticipations of Autonomy.” In *The Emergence of Autonomy in Kant's Moral Philosophy*, edited by Stefano Bacin and Oliver Sensen, 29-47. Cambridge: Cambridge University Press.
- Shell, Susan M. 2013. “Kant and the ‘Paradox’ of Autonomy.” In *Kant on Autonomy: Essays in Honor of Onora O’Neill*, edited by Oliver Sensen, 107-128. Cambridge: Cambridge University Press.
- Shell, Susan M. 1996. *The Embodiment of Reason: Kant on Spirit, Generation and Community*. Chicago: University of Chicago Press.
- Taylor, Charles. 1990. *Sources of the Self*. Cambridge: Cambridge University Press.
- Thorpe, Lucas. 2018. “Kant, Guyer, and Tomasello on the Capacity to Recognize the Humanity of Others.” In *Spontaneity and Freedom in Kant*, edited by Kate Moran, 107-136. Cambridge: Cambridge University Press.
- Thorpe, Lucas. 2013. “One Community or Many? Community and Interaction in Kant: From Logic to Politics via Metaphysics and Ethics.” In *Politics and Metaphysics in Kant*, edited by Howard Williams, Sorin Baiasu and Sami Pihlström, 97-114. Cardiff: University of Wales Press.
- Thorpe, Lucas. 2011. “Kant on the Relationship between Autonomy and Community.” In *Kant and the Concept of Community (A North American Kant Society Special Volume)*, edited by Lucas Thorpe and Charlton Payne, 63-87. Rochester: University of Rochester Press.

- Thorpe, Lucas. 2010a. "Is Kant's Realm of Ends a Unum per Se? Aquinas, Suárez, Leibniz and Kant on Composition." *British Journal of the History of Philosophy* 18 (3): 461–485.
- Thorpe, Lucas. 2010b. "The Realm of Ends as a Community of Spirits: Kant and Swedenborg on the Kingdom of Heaven and the Cleansing of the Doors of Perception." *The Heythrop Journal* XLVIII: 1–24.
- Thorpe, Lucas. 2006. "What is the Point of Studying Ethics According to Kant?" *Journal of Value Inquiry* 40: 461-465.